



A BRIEF HISTORY OF NEW YORK'S SENTENCING LAWS

Every day, over 30,000 New Yorkers languish in state prisons.
75% are Black or brown. This is how we got here.



1971 A NEW ERA OF TARGETED CRIMINALIZATION

Nixon declares the War on Drugs, escalating the mass incarceration crisis. His chief domestic advisor, John Ehrlichman, would famously later explain that this approach targeted Black communities and the anti-war left.

By "criminalizing both heavily, we could disrupt those communities," he confessed,

"We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news."

1973-78 ROCKEFELLER DRUG LAWS

In 1973, New York passes the "Rockefeller Drug Laws", nicknamed for the governor who pushes them through.

These unprecedentedly harsh laws relentlessly funnel Black, Brown and poor New Yorkers into cages.

Lengthy mandatory minimums strip judges of their discretion when determining sentencing and serve as prosecutorial leverage in coercing plea deals.

Two-strike laws further lengthen the sentence of an individual with a prior conviction, and three-strike laws condemn people to life in prison.

Other states follow suit.

New York's commitment to mass incarceration helps fuel America's shameful standing as the largest cager of human life in the world.

1980s-90s POLITICIANS + MEDIA INCITE CRIME PANIC

Politicians in the 80s and 90s, notably Presidents Ronald Reagan and George Bush, champion so-called "tough on crime" and "law and order" policies.

They reproduce racist and classist stereotypes related to violence and drug use, and champion extreme policing and prison responses.

Mass media and entertainment increasingly depict Black, Brown and poor people as violent criminals. White and middle class people are represented as victims, and white police officers as saviors.

Journalists use terms like "superpredator" to create fear of Black boys and to amplify salacious and racist narratives. Politicians adopt the term gleefully, including Democrats, who compete with Republicans to be seen as equally "tough on crime".

1994 FEDS INCENTIVIZE GROWTH OF STATE PRISONS

Despite a decrease in the national crime rate and a rise in mass incarceration, President Bill Clinton signs a dramatic new crime bill.

The federal government offers large grants to states to build or expand prisons and jails in exchange for increasing the amount of time that people spend incarcerated. 28 states, including New York, comply.

1995-00s EXTREME SENTENCING LAWS

In response to Clinton's 1994 crime bill, New York reinstates the death penalty and creates the sentence of "life imprisonment without parole" in 1995. Initially, the sentence was optional and could be imposed only in the case of murder in the first degree; legislation passed in 2004 made the sentence mandatory in certain categories of cases. Though the New York death penalty was declared unconstitutional by the Court of Appeals, the sentence remains.

New York adopts extreme sentencing laws in 1995. The ability of incarcerated people to earn time off their sentences is drastically reduced. Over the next two years, New York receives more than \$50 million for jail and prison construction from the federal government.

This legislation expands in 1998, resulting in longer sentences, increased mandatory minimums, increased life sentences without the possibility of parole, and other heightened carceral penalties, all billed triumphantly as the "toughest crime laws in a generation."

Laws are passed to require that sentences for some crimes be served consecutively rather than concurrently. At the same time, rehabilitative programs such as vocational training, college education, and GED diploma programs are severely reduced, or eliminated completely. Following the 1994 elimination of federal Pell grants for incarcerated college students, New York eliminates state financial aid, wiping out college access in prisons across the state.

2004-09 PARTIAL REPEAL OF ROCKEFELLER DRUG LAWS

The New York legislature passes a partial repeal of the Rockefeller Drug laws, including eliminating mandatory minimums in lower-level drug cases and reducing mandatory minimum penalties in other drug cases. The legislation, however, leaves other mandatory minimum sentences and the two- and three-strikes laws in place.

2019 SENTENCING RELIEF FOR SURVIVORS OF DOMESTIC VIOLENCE

After a decade-long campaign, New York State enacts the Domestic Violence Survivors Justice Act (DVSJA) to allow judges to sentence below mandatory minimums in cases where a crime was committed by a survivor in direct relationship to their abuse.

2021 COMMUNITIES NOT CAGES

Families, formerly incarcerated people, and advocates launch the Communities Not Cages campaign to decarcerate prisons and overhaul New York's racist and draconian sentencing laws.