



# Office of the Special Narcotics Prosecutor for the City of New York

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## Press Advisory

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## THE LAW OF UNINTENDED CONSEQUENCES

The Special Narcotics Prosecutor for the City of New York today released a report on the Drug Law Reform Acts of 2004 and 2005 called: The Law of Unintended Consequences. The report concludes that, in Special Narcotics cases, drug kingpins and major narcotics traffickers have benefited the most from the changes in the law. Prisoners with violent records, including homicide convictions, have also been released as a result of the law.

The report analyzes the results of the reform on cases handled by Special Narcotics in the year and a half that has passed since the first Reform Act was enacted. The new laws allowed prisoners convicted of top narcotics charges to ask for lower sentences; increased the weight of narcotics required for conviction on possession charges; and prospectively reduced prison terms for all drug felons except those with violent prior felony convictions.

The report runs more than 100 pages and includes a synopsis of each resentencing case shows that, as a result of the changes in the law, convicted felons with violent criminal histories and kingpins convicted of top narcotics charges have had prison sentences reduced. As a result of the reforms, 84 prisoners have asked for sentence reduction, 65 received it and 39 prisoners have been released on Special Narcotics cases.

The report details the impact the legislative changes have had on the office's prosecutions including:

- One third (**34%**) of A-1 prisoners who had sentence reductions were top tier or violent drug offenders. Some kingpins saw sentence reduction of up to 11 years.
- In half (**46%**) of the cases where sentences were reduced, prisoners had committed a felony offense other than the narcotics case for which they were serving time.
- In **45%** of cases where sentences were reduced, prisoners were convicted of selling cocaine equivalent to at least 650 crack vials, or heroin equal to at least 1,750 glassine envelopes.

- Of the 84 prisoners who applied for resentencing on A-I cases handled by Special Narcotics, one prisoner fit the description of “first-time, non-violent, low-level” drug possessor.
- The Reform Act gave judges wide discretion and little specific direction, resulting in great disparities. Similarly situated defendants were sentenced differently under the DLRA depending on which judge reviewed the case.
- Ninety-five percent (95%) of the A-II drug offenders prosecuted by OSNP were originally charged with a higher level A-I felony and already received a substantial sentence reduction through plea bargaining.
- Special Narcotics has seen a decrease in first offenders applying to treatment programs since the Drug Law Reform Acts were implemented and some already in programs are opting to serve shorter state prison terms instead of completing rehabilitation.