

Drug-Free School Zone Laws Questioned

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NEW YORK -- In reaction to the crack epidemic of the 1980s, laws creating drug-free zones around schools spread nationwide. Now, hard questions are being raised _ by legislators, activists, even law enforcement officials _ about the fairness and effectiveness of those laws.

In New Jersey, Connecticut and Washington state, bills have been proposed to sharply reduce the size of the zones. A former assistant attorney general in Massachusetts reviewed hundreds of drug-free-zone cases, and found that less than 1 percent involved drug sales to youths.

Citing such developments, the Washington-based Justice Policy Institute is issuing a report Thursday that contends such laws, which generally carry extra-stiff mandatory penalties, have done little to safeguard young people and are enforced disproportionately on blacks and Hispanics.

"For two decades, policy-makers have mistakenly assumed that these statutes shield children from drug activity," said report co-author Judith Greene, a New York-based researcher. "We found no evidence that drug-free zone laws protect children, but ample evidence that the laws hurt communities of color and contribute to mounting correctional costs."

New Jersey's sentencing review commission reached similar conclusions in December, when the panel _ made up of state officials and criminal justice experts _ found that students were involved in only 2 percent of the cases it examined. It said drug-free zones around schools, parks and housing projects cover virtually all of some cities, and 96 percent of offenders jailed for zone violations were black or Hispanic.

Instead of declining, drug arrests in the zones have risen steadily since the law took effect in 1987, the commission found.

A bill based on the panel's recommendation has been introduced that would reduce the zones to 200 feet from the present size of 1,000 feet around schools and 500 feet around parks and public housing. Drug dealers in the smaller zones would face five to 10 years in prison, compared to three to five years under current law _ but judges would have more discretion in sentencing.

"When the overlap of zones in densely populated areas covers the entire city, the idea of special protection loses its meaning _ people don't know they're in a school zone," said Ben Barlyn, a deputy attorney general and executive director of the sentencing review panel. "It would be as if we made the entire New Jersey Turnpike a reduced speed zone."

Barlyn said New Jersey prosecutors and police chiefs had no objection to shrinking the zones.

In Washington, state Sen. Adam Kline has proposed reducing drug-free school zones from 1,000 feet to 200 feet, and limiting the law's application to regular school hours. In Connecticut, a hearing is scheduled Friday on a bill that would reduce school zones from 1,500 feet to 200 feet.

At recent meetings, activists with Connecticut's A Better Way Foundation _ which supports the bill _ have displayed maps of major cities showing huge sections designated as drug-free zones. A map of New Haven indicated that Yale University's golf course was the only large part of the city not encompassed in one of the overlapping zones.

Most states have drug-free-zone laws; they often entail mandatory prison terms that preclude such options as probation or treatment.

Lolita Buckner Inniss, a Cleveland State University law professor, is a vocal critic of the laws. Her research found that drug dealers in inner cities and compact rural towns were disproportionately likely to incur the extra penalties, in contrast to dealers in suburbs where zones covered relatively small portions of the communities. That urban-suburban split has the effect of making minorities more likely to bear the brunt of tougher sentencing rules, she said.

"I've been dissatisfied by how the public mutely accepts these laws," she said.

Though intended to deter drug sales to youths, the laws have been applied mostly to adult-to-adult transactions, according to the Justice Policy Institute, a private research group advocating alternatives to prison.

It cited a study by William Brownsberger, a former Massachusetts assistant attorney general who reviewed 443 drug cases in three cities. He found that 80 percent of the cases occurred in drug-free school zones, but only 1 percent involved sales to minors.

"The laws have an undeniable appeal _ nobody wants drugs near schools," Brownsberger said in a telephone interview. "But the evidence suggests they're not effective in moving drug dealing away from schools. If every place is a stay-away zone, no place is a stay-away zone."

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