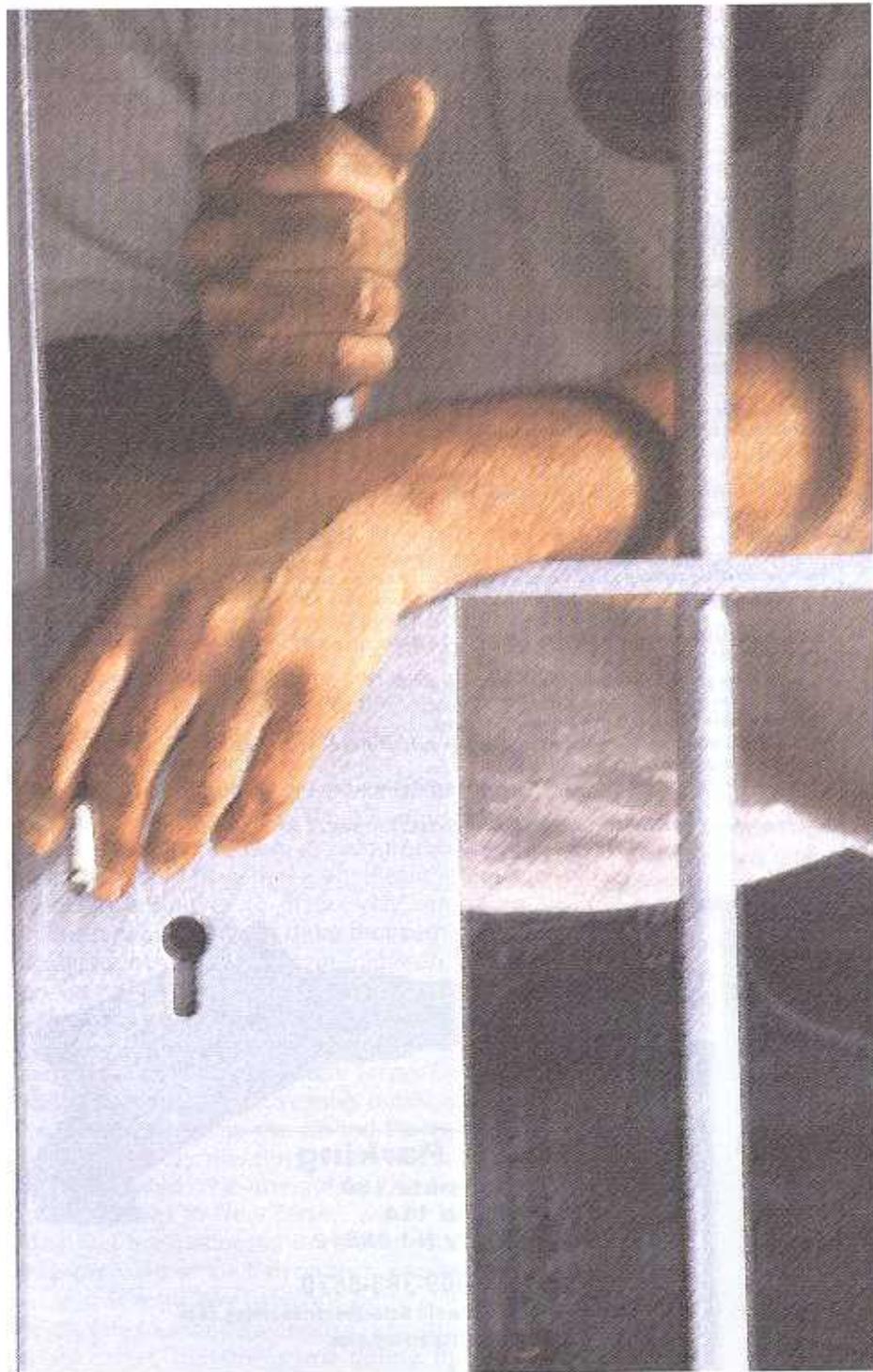


THE HIGH COST OF DRUG FREE ZONES



By Gwendolyn Faison
Mayor, City of Camden



People of color concentrated in urban areas are far more likely to face the harsh penalties for zone violations.

Laws intended to keep kids safe should deliver on this promise. However, we now know—thanks to research by the New Jersey Commission on Criminal Sentencing—that New Jersey's school and other drug-free zones simply do not work.

Legislators thought higher penalties in the zones would move drug activity away from areas where children congregate. Those charged with any drug activity within 1,000 feet (several blocks in all directions) of a school or other designated facility face stiff mandatory minimum penalties of three years – no probation, no parole.

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At first glance, this law makes sense. However, the commission's bi-partisan panel of lawmakers and members of law enforcement documented that the zones do not work. That is mainly because the current zones are so large that they overlap in densely populated urban areas. There is no distinction between a "drug free zone" and any other area in a city.

In fact, the commission found that fewer than two percent of the arrests for drug-free zone violations involved children, school personnel or school property.

Ironically, a person who actually sells drugs to a child in a rural area outside

of a drug-free zone can be eligible for probation, while an urban resident who commits a drug offense in his home with no children present will face a mandatory prison term.

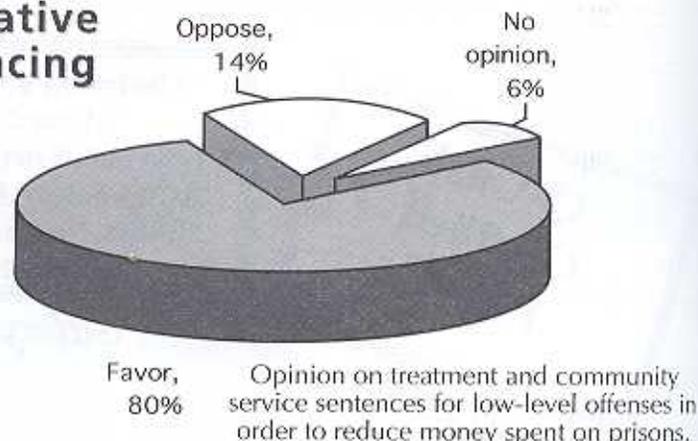
The fact that the zones do not work is reason enough for reform. But the designated zones create what the commission calls an "urban effect"—separate and unequal penalties for citizens based solely on geography. People of color concentrated in urban areas are far more likely to face the harsh penalties for zone violations.

A startling 96 percent of those convicted and incarcerated for drug-free zone offenses are African American or Hispanic—even though the percentage of the population involved in drug activity is about the same for all groups. New Jersey leads the states in its disproportionate incarceration rates for African American vs. white men convicted of drug offenses.

In addition, zone conviction bars urban citizens from most of the state's cost-effective treatment and drug court programs that improve public safety by reducing recidivism. The recidivism rate for graduates from drug court is 14 percent compared to 54 percent for those who are simply released from prison. Clearly there are better ways to be smart on crime!

The commission made a series of recommendations to both increase the effectiveness of the zone laws and

Alternative Sentencing



address this grossly disproportionate "urban effect." Two bills pending before the General Assembly—A-2877 introduced by Assemblyman Peter Barnes (D-Middlesex) and S-278 introduced by Senator Bernard Kenny (D-Hudson) reduce drug free school and public zones to a 200-foot diameter, so that the zones do not overlap and individuals can clearly see that they are near protected locations. The bills increase the maximum penalty to ten years, while allowing judges to impose penalties based on all the facts in a case.

Individuals convicted of drug offenses outside the zones would still face stiff penalties, but would also have access to treatment and drug court programs that save taxpayers money, restore families and reduce drug-relat-

ed crime. Smart-on-crime approaches like treatment and drug courts cost a fraction of the \$34,000 a year it costs to lock up a nonviolent drug offender. That means we can invest more of our scarce resources in building healthy, drug-free citizens.

New Jersey is not the only state re-examining the effectiveness of designated zones. The chair of the Utah Board of Pardons and Parole recently called for reform of that state's drug-free zones because they "have the perverse effect of transforming large chunks of our populated areas into enhancement zones in a way that bears no relationship to the harms the legislature sought to prevent."

Mayors are taking the lead in calling for reform of failed mandatory minimum sentencing policies, like the designated zone laws. In June, a national advocacy organization passed a resolution opposing mandatory minimum sentences for drug crimes and called for "fair and effective" sentencing policies. The resolution notes that mandatory minimum sentences have failed at reducing the level of substance abuse and crime and increasing penalties for the most serious offenders. The mayors urge the creation of fair and effective sentencing policies that permit judges to determine appropriate sentences based on the specific circumstances of the crime and the perpetrator's individual situation. They also call on states to review the effects of both federal and state mandatory minimum sentencing and then move forward.

If we get the facts about the need for reform to our citizens, we are confident they will support these sensible changes to the current law. ▲

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