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Editorial

Drugs and Racial Discrimination

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The mandatory sentencing laws that have swept this country since the 70's have clearly done more harm than good. The inmate population has skyrocketed, driving prison costs to bankrupting levels, while having no impact at all on the drug problem. By taking away judicial discretion, the laws have led the country to write off first-time offenders who might have deserved second chances and to imprison addicts who could otherwise have been effectively and less expensively handled through treatment programs.

The laws have also discriminated against members of minority groups, who are disproportionately singled out for harsher mandatory sentences, often because of where they live. That issue has come into sharp focus in New Jersey, where a panel of criminal justice officials has recommended that the state revise a law that mandates more severe sentences for people convicted of certain drug crimes committed within 1,000 feet of school property.

The law appears to have had no impact at all on the actual pattern of drug dealing. But it has created a profoundly discriminatory sentencing pattern, which treats minority defendants unfairly while undermining confidence in the criminal justice system.

Offenders who live in cities, where populations are dense and the schools numerous, tend to fall under the drug-free-zone laws, not because they peddle drugs to minors, but because they live near schools. Offenders who live in suburban and rural areas, where drug abuse is just as common but where schools are more spread out, tend to fall outside the law, so they receive lighter sentences.

As a consequence, the report found, just about every offender incarcerated for a drug-free-zone offense in New Jersey is either black or Hispanic, even though those two groups make up only about a quarter of the population. Not a single one of the offenders had sold drugs to a minor, and fewer than 2 percent had actually committed offenses on school property.

The so-called urban effect of these laws is hardly unique to New Jersey. More than 30 states have passed such laws since the 1980's, thus turning whole swaths of largely black and Hispanic urban areas into extra-penalty zones. Though widely emulated around the nation, the 1,000-foot rule appears arbitrary and without basis in law. The New Jersey panel's study wisely recommends reducing the size of the zones and changing the law so it actually targets the few people who sell drugs at or near schools - without discriminating against minorities.

The broader message of this study is that the country can't just imprison its way out of the drug problem. Coping with this issue - while reducing prison costs - will require a complex set of strategies, including drug abuse treatment and prevention services and increased judicial discretion in sentencing.

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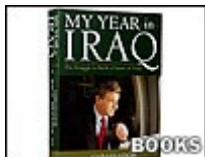
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