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Zones failing in drug fight

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Thursday, March 23, 2006

By BRIAN SPADORA
HERALD NEWS

▶ Laws creating drug-free zones around schools promised to protect children from dealers while mandating tougher penalties for offenders.

But a study released today by the Justice Policy Institute contends that the laws, which in New Jersey apply to areas 1,000 feet around schools and public spaces, have failed to protect young people and have been enforced disproportionately on blacks and Hispanics.

"For two decades, policy-makers have mistakenly assumed that these statutes shield children from drug activity," said Judith Greene, a New York-based researcher, who co-authored the report. "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."

The Justice Policy Institute, which is based in Washington D.C., is a private research group advocating alternatives to prison.

The report reached many of the same conclusions that New Jersey Commission to Review Criminal Sentencing reached in December.

The commission, which was made up of state officials and criminal justice experts, found that students were involved in only 2 percent of the drug-free zone cases it examined. When combined, the 1,000-foot zones around schools, parks and housing projects cover virtually all of some cities, the commission said. Because of the demographics of those cities, 96 percent of offenders jailed for zone violations were

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black or Hispanic, it said.

Instead of declining, drug arrests in the zones have risen steadily since the law took effect in 1987, the commission found. Proposed state legislation would modify the law by reducing the drug-free zones to 200 feet from schools.

While the proposed revisions would decrease the size of the drug-free zones, it would raise the level of an offense within a zone from a third-degree crime carrying up to five years in jail to a second-degree crime carrying a mandatory jail term of up to 10 years.

Passaic County Prosecutor James Avigliano said Wednesday that the new law would be more likely to protect children from drugs and less likely to be applied to crimes that do not involve children.

Avigliano questioned how a school is affected by a drug deal that takes place 1,000 feet away at midnight. "There really isn't an impact," he said

The stiffer penalties proposed in the new legislation would ensure that the smaller drug-free zones are a deterrent, said Roseanne Scotti, the director of the Drug Policy Alliance New Jersey, which advocates for reforming drug laws.

"Nobody's softening the law," Scotti said. "What they're doing is focusing the law."

Other states, including Washington and Connecticut, are considering reforms to drug-free zone laws similar to those proposed in New Jersey.

But some law enforcement officials said the current drug-free zones are effective. Clifton police Detective Capt. Robert Rowan said the law applies additional penalties to many drug offenses that take place in the city.

"I think that society has a special interest in protecting those zones, because by protecting them we're protecting our most precious and vulnerable citizens, namely our children," he said.

Bill Maer, spokesman for the Passaic County Sheriff's Department, said the law is "another tool for narcotics officers in fighting drug traffickers.

"A seasoned criminal is well aware of the consequences if they're caught selling narcotics in a (drug-free zone)," Maer said.

-- The Associated Press contributed to this report.

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