

Drug-Free Zones Off-Target, Group Says

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Report Links Areas to Racial Disparities in Convictions, Sentences

By Darryl Fears

Washington Post Staff Writer

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During the crack cocaine epidemic of the 1980s, dozens of states drew wide circles around schools and called them "drug-free zones" to keep dealers away from children. But a national report released yesterday said the zones have failed to achieve that goal.

A report by the Justice Policy Institute, a liberal research organization that advocates for alternatives to incarceration, said the zones have led to a far different result: a disproportionately high number of drug convictions and harsh sentences for black and Latino citizens who live who live near urban schools and other protected areas.

In some cases, entire cities are covered by the zones, leading to mandatory sentences even for first-time offenders caught possessing minuscule amounts of drugs far from any school. According to the report, "Disparity by Design: How Drug-Free Zone Laws Impact Racial Disparity -- and Fail to Protect Youth," only 1 percent of drug cases that originated within a zone involved children.

Zones measure from 300 feet to three miles, averaging about 1,000 feet -- about three football fields -- from school property to some other facility, the report said. The zones exist in most states, from North Carolina to Minnesota, Alaska and Hawaii.

Alabama's zones cover 27 square miles each, almost half the size of one of its largest cities, Tuscaloosa. Convictions within the zones often come with fixed sentences that are added to whatever jail time is imposed for the crime committed.

"In Utah and Washington, people said these zones are so wide they don't target the people they should be targeting," said Jason Ziedenberg, a co-author of the report. "They do not deter drug sales and they do not protect youth from drug sales near schools. People's fears are justified, but these zones are not doing what people think they're doing."

The disparity report followed on the heels of a December study of zones by the New Jersey Commission to Review Criminal Sentencing, which recommended that the legislature reduce the size of the zones and lessen sentences for drug sales that occur within them.

"Doubtless, there will be those who argue that the school and park zone laws must be retained," the authors wrote, but those arguments must "be assessed against a stark statistical backdrop: New Jersey presently suffers the regrettable and embarrassing distinction of having the highest percentage of prisoners incarcerated for drug offenses in the country."

The New Jersey study included maps of Newark, Jersey City and Camden, dense urban areas dominated by minorities and smothered by drug zones. But the largely white Mansfield Township, suburban and spread out, was marked by three small circles, where more minorities live.

"In Newark, you could only be at the airport to fall outside of the zone," said New Jersey Attorney General Zulima V. Farber, who was a member of the commission before being appointed to her current job.

Farber said it is possible for a drug dealer to operate in Mansfield Township and avoid a harsher penalty if caught, but it is virtually impossible to do the same in Newark, Camden or Jersey City. In New Jersey, 96 percent of inmates serving harsher zone sentences are either black or Latino.

"That was a major factor in moving the commission to the recommendation that the penalties be substantially reduced," Farber said. Legislation that would act on those recommendation is pending in the state legislature, Farber said.

In Massachusetts, racial disparities in arrests and convictions were also tied to the zones. Eighty percent of people convicted with enhanced penalties were minorities, according to the Justice Policy Institute report.

Ben Barlyn, executive director of the New Jersey commission and a co-author of its study, said the findings of the report on disparity are sound. "We certainly don't take issue with its assessments," Barlyn said. "We hope that New Jersey's study compels other jurisdictions to study the impact of their school zone laws and base their policies accordingly."

A spokesman for the federal Office of National Drug Control Policy said there is no federal policy on this issue.

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