

Ineffective Drug-Free Zones Contribute to Racial Injustice, Report Finds

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A new national report, authored by the Justice Policy Institute and commissioned by the Drug Policy Alliance, finds that drug-free zones fail to protect youth from drug activity, while creating high levels of racial disparity in the criminal justice system.

"Disparity by Design: How drug-free zone laws impact racial disparity – and fail to protect youth" looks at drug-free zone laws across the country, including in Connecticut and New Jersey, where DPA is working to reform drug-free zone laws this year.



Although intended to provide a safe haven for youth, drug-free zone laws do not deter drug activity within prohibited zones. While not achieving the intended goals, these laws contribute to unacceptably high levels of racial disparity in the use of incarceration and subject people of color to stiffer punishment than whites engaged in similar conduct. Several states are considering proposals to either eliminate or narrow the scope of the drug-free zone laws, in order to enhance public safety and minimize unintended consequences.

The laws enhance penalties for drug offenses that occur in certain restricted areas - generally 1,000-foot zones around locations such as schools, public housing complexes, parks and playgrounds. Many drug-free zone laws include mandatory minimum sentencing terms and enhancements so that judges lose the discretion to determine appropriate penalties on a case-by-case basis.

The laws are often applied to transactions that take place with no children present, occurring in private residences that happen to be less than 1,000 feet - about the length of three football fields - from a school's property line. With the zones overlapping and blanketing many communities, especially in urban areas, the drug-free zone designation has little impact on behavior. Since these laws were implemented, the number of arrests in drug-free zones has actually increased, rather than falling as it would if drug sellers were moving to avoid prohibited zones. The chair of the New Jersey Sentencing Commission, Judge Barnett E. Hoffman, asserted, "Giant unbroken drug-free zones...actually dilute the special protection the laws are supposed to offer."

Besides being ineffective, drug-free zone laws contribute to sharp racial disparities in incarceration rates. The zones completely cover many densely populated urban neighborhoods, where people of color are more likely to live. For example, in New Jersey, drug-free zone laws cover three quarters of Newark, in contrast to six percent of rural Mansfield Township. What is more, the disparity seems to be exacerbated by drug enforcement patterns. In Massachusetts, blacks and Hispanics make up 20 percent of the population, but 80 percent of drug-free zone cases. In New Jersey and Connecticut, blacks in suburban and rural areas are far more likely than their white counterparts to be arrested and convicted of drug-free zone offenses.

Roseanne Scotti, Director of the Drug Policy Alliance New Jersey, said, "This report shows irrefutably that drug-free zone laws across the country fail miserably at their intended goal of protecting youth from drug activity. What the laws have succeeded in doing, however, is to create an intrinsically unfair system with different penalties for the same crime, with the severity of the penalty being based on geography and, ultimately, on race." New Jersey and several other states, including Utah, Washington, and Connecticut, are now considering reform. In New Jersey and Connecticut, DPA is advocating for bills that would reduce the size of school zones from 1,000 feet to 200 feet. Through this and other school-zone law changes, reformers seek to more effectively deter drug activity that occurs within sight of schools and other protected locations, and lessen the impact of mandatory sentencing on urban communities, thereby reducing racial disparities.

To read more findings, please see [the full report](#).