

DRUG POLICY ALLIANCE

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Submitted to: Connecticut Joint Judiciary Committee
Rep. Michael Lawlor, Co-chair
Sen. Andrew McDonald, Co-Chair

Re: Safer Schools bill, HB 5780

There is not doubt that every decent person wants to keep our kids and our communities safe from the violence and crime associated with the sales of illicit drugs. In the 1990s, many states, including Connecticut, took to passing so-called "drug-free" school zone laws, in order to create a buffer zone around schools that would keep drug activity away from kids. What we've learned, and what a recent study shows, is that 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.

In Connecticut, current law marks 1,500 feet around a school as a zone of enhanced penalties for drug offenses. As in other states, the laws were initially conceived as a way to protect children from drug activity. But the laws have had no deterrent effect. Arrest rates within the zones have gone up over the years, not down as would be expected if there was a deterrent effect. 88 percent of arrests for drug crimes in school zones in Connecticut happen during the hours when school is not in session.

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."

But the ineffectiveness of the laws should not overshadow their deleterious effect on Connecticut communities through driving massive racial disparities unfit for any democratic society. The cause of the racial disparities is not difficult to ascertain, because the zones cast such a wide net in urban areas. The dense population of cities means that schools are closer together than they would be in suburban or rural areas, and the "drug-free" zone designation applies not only to schools but to parks and public housing developments. This means that almost the entire Connecticut cities of Bridgeport, Waterbury, Hartford, and New Haven are "drug-free" zones with stiffer penalties for drug-related crimes, effectively erasing any distinction between school zones and non-school zones. The blanketing of these cities with school

zone penalties has had a particularly strong impact on communities of color, because the cities have higher Black and Hispanic populations than suburban and rural areas.

The ineffectiveness of these laws, and their role in driving racial disparities in criminal justice systems, is not endemic to Connecticut alone. For example, a state commission in New Jersey found that 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.

The reform bill, HB 5780, would help to ease this impact by creating a 200 foot boundary around schools and clearly posting signs around schools and child care centers that mark the drug free school zones. In addition to Connecticut, New Jersey several other states, including Utah and Washington, are now considering reform. The Drug Policy Alliance urges passage of HB 5780, which would refocus the zones from 1,500 feet to 200 feet. Such changes would 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.