ZONES: Effective Deterrent?

Hampden County's new DA considers drug-free school zone laws

By Maureen Turner

NRC Okays Nuke Relicensing
New DA Talks About Drug-Free School Zones

Are they an effective deterrent, or just a lever to force lesser pleas from drug offenders?

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Earlier this year, Gov. Deval Patrick proposed a number of changes to the criminal justice system, with an eye to reducing costs. The list includes amending so-called “drug-free school zone” laws, which were created under the Dukakis administration as a way to prevent drug activity near children. Under the 22-year-old law, people convicted of drug crimes within 1,000 feet of a school or daycare center face mandatory minimum sentences of two to 15 years, in addition to any sentences for the underlying charge itself.

Patrick’s proposal would not eliminate school zones or the mandatory minimum sentences, but would dramatically shrink the zones from 1,000 to 100 feet—matching the size of “drug-free” zones that already exist around parks and playgrounds. Gregory Massing, general counsel for the Executive Office of Public Safety and Security, recently told the Boston Globe that the law, as it now stands, is “overbroad” and “ultimately ... fails to protect children and meanwhile incarcerates a lot of people for a lot of time at the government’s expense.”

Patrick’s proposal has been sharply criticized by a number of law enforcement officials, from Attorney General Martha Coakley to the Massachusetts police chiefs’ and district attorneys’ associations. But critics of the existing law applaud the idea, arguing that the zones are too large to effectively serve their stated purpose and that they have the unintended effect of penalizing urban residents more than residents of less dense areas for the same crimes.

Indeed, if Patrick’s proposal is successful, its effects would be felt nowhere more keenly than in communities like Springfield and Holyoke, where geographic realities mean drug-court defendants are much more likely to face the added penalties than their counterparts in neighboring communities.

Mark Mastroianni, the newly elected district attorney for Hampden County, sees statutes like the school zone laws as having both benefits and potential pitfalls. As a prosecutor, he said, he likes having mandatory minimum laws as one of the tools at his disposal. “I think they’re appropriate to use. They’re effective deterrents; they’re effective as sentencing options for me to apply to individuals who deserve that type of harsh punishment.”

“But they’re also subject to overuse,” Mastroianni added. “And that creates some inequities and problems within the system.”

A 2009 report by Easthampton’s Prison Policy Initiative illustrates how school zone laws disproportionately affect urban residents.

The report, titled The Geography of Punishment, points out that the relatively large number of schools and daycare facilities in densely populated urban areas create numerous overlapping “drug-free” zones, rendering entire areas—including large swaths of Springfield’s core and much of the city of Holyoke—one giant school zone. In Hampden County, the report notes, residents of urban communities are five times more likely to live in a school zone than residents of rural communities.

The law’s effect has racial implications as well. “Because Blacks and Latinos are more likely to live in urban areas, a law that enhances the sentences of urban residents does more harm to Black and Latino populations than to whites,” the PPI authors write. “This racial disparity in the populations covered by sentencing enhancement zones is a large part of why almost 8 out of 10 people convicted of zone offenses in Massachusetts are Black or Latino.”

The report also notes the heavy price tag that comes with enforcement of school-zone laws: the state spends more than $31 million a year to incarcerate prisoners sentenced under the law.

Critics also contend that, because they are so widely drawn, school zones fail to address their initial intended purpose: discouraging drug crimes near schools by subjecting offenders to extra penalties. The zones stretch 1,000 feet in all directions from the edges of school properties; that, the report points out, means that the law can apply in an area that is actually quite inaccessible from the schools themselves. Aerial photos included in the report make this particularly clear: one example, for example, shows that Bonner Street, in Chicopee, falls within the zone attached to Holyoke’s Deacon Technical High School despite the fact that the Connecticut River runs between the two sites, and, short of swimming, the fastest way to get from one point to the other would entail driving more than four miles and crossing a bridge. In another example, Darling Street in Springfield is technically within 1,000 feet of JFK Middle School although, in reality, obstacles including Long Pond and a cemetery mean the most accessible route between the two places involves traveling 3,800 feet.

It seems hard to imagine that a drug dealer on Bonner Street would be targeting students at Dean Tech—indeed, he or she might not even be aware of the school’s proximity across the river. By extension, then, would the existence of the added school zone penalties deter him or her from committing the crime in that area, as the law was intended to do? The law also doesn’t distinguish crimes that happen in full view of school children from crimes that occur when school’s not in session, or in concealed indoor spaces, like a private residence around the block from the school.

Barbara Dougan, director of the Massachusetts chapter of Families Against Mandatory Minimums, recently told the Advocate that the school zones, as currently drawn, are so large that they’re meaningless. “Nobody really understands whether they really are or are not within a zone, so [the law] lose their deterrent value, they lose the very reason they were enacted,” she said. “What the law does do is impose harsher penalties on people because of where they live, not what they do.” And, Dougan added, there are already laws on the books that impose mandatory minimum sentences for selling drugs to children or...
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Law and Order


"We have often noted the importance of the Connecticut Supreme Court's decision in R.A. v. D.A. in addressing the question of whether a school district's policy on the use of its schools for religious purposes is constitutional. In that decision, the court held that a school district's policy allowing religious groups to use its schools for religious purposes is constitutional, provided that the policy is neutral and generally applicable.

The case involved a challenge to a policy adopted by a school district under which religious groups were allowed to use public school facilities for religious purposes. The plaintiffs claimed that the policy violated the Establishment Clause of the U.S. Constitution, which prohibits the establishment of a religion by the government. The court held that the policy was constitutional because it was generally applicable and did not have the primary effect of advancing or inhibiting religion.

The court's decision in R.A. v. D.A. is significant because it provides guidance to school districts regarding the use of public school facilities by religious groups. The decision clarifies that religious groups can use public school facilities for religious purposes so long as the policy is neutral and generally applicable. This decision is a welcome development in the ongoing debate over the role of religion in public schools.

In conclusion, the decision in R.A. v. D.A. is a significant victory for religious groups seeking to use public school facilities for religious purposes. The decision provides clear guidance to school districts regarding the use of public school facilities by religious groups and clarifies that religious groups can use public school facilities for religious purposes so long as the policy is neutral and generally applicable. This decision is a welcome development in the ongoing debate over the role of religion in public schools."