



State and County-Level Impact of Pennsylvania's School Zone Law

Overview: In 2009, the Pennsylvania Commission on Sentencing studied the state's drug-free school zone statute. The Commission found that on average, almost 19% of the state is within 1,000 feet of a school, and people of color and urban residents were most impacted by the school zone statute. The study found that 84% of school zone offenders came from urban counties, and Black and Hispanic residents accounted for 43% and 41% of school zone offenders, respectively.¹

State-wide Impact of School Zones

Pennsylvania's school zones are large but unevenly distributed:

- The Commission found that on average, 18.7% of the state is within 1,000 feet of a school.
- School zones are unevenly distributed across the state, which leads to unequal enforcement of the statute. That means people who sell drugs in certain parts of the state are more likely to receive the two-year sentence enhancement than others.

School zone mandatories drive up the prison population:

- On average, 82% of school zone cases ended with a person receiving the mandatory sentence. Therefore, people serving mandatory sentences for a school zone offense accounted for a notable portion of Pennsylvania's prison population.²
- For example, in 2010, 2011, and 2012, individuals serving mandatories for school zone violations made up more than 20% of all individuals in state prisons and county jails serving mandatory sentences.³
- Even though the school zone statute mandates a two-year mandatory sentence, many people received longer sentences and spent more time incarcerated:⁴
 - The Commission's 2009 study that used a sample of cases from 1999-2002 found that 26.3 months was the average minimum sentence, and
 - An analysis of the Commission's annual report from 2009 to 2015 reveals that the average minimum sentence was over two years, as well.

School zone laws are failed policies:

- Reinstating school zone mandatories would only increase the prison population and correctional costs, without any return on public safety or reduction in drug use.
- The state's prison population, correctional costs, and crime rate have all dropped since the elimination of many of the state's mandatory minimums in 2015.
- Pennsylvania should be moving forward with evidence-based criminal justice reform, not resorting back to failed policies.

¹ Pennsylvania Commission on Sentencing, "[A Study on the Use and Impact of Mandatory Minimum Sentences.](#)" October 2009.

² Pennsylvania Commission on Sentencing, "[A Study on the Use and Impact of Mandatory Minimum Sentences.](#)" October 2009.

³ Pennsylvania Commission on Sentencing Annual Reports. <http://pcs.la.psu.edu/publications-and-research/annual-reports>

⁴ Pennsylvania Commission on Sentencing, "[A Study on the Use and Impact of Mandatory Minimum Sentences.](#)" October 2009.



County-Level Impact of School Zones

The percentage of a county covered by school zones varies:

- The Commission mapped the percentage of counties covered by a school zone. Their estimates offer a conservative estimate of how widespread school zones are, as their maps do not include property owned by schools, recreational centers, playgrounds, and school buses – all of which fall within the school zone statute.
- The percentage of counties covered by school zones is as low as 0.5% in Elk County and as high as 39.4% in Wyoming County.
- In Berks County (Reading), the county where nearly 50% of Pennsylvania's school zone cases came from, school zones make up 25% of the county (See Figure 1).

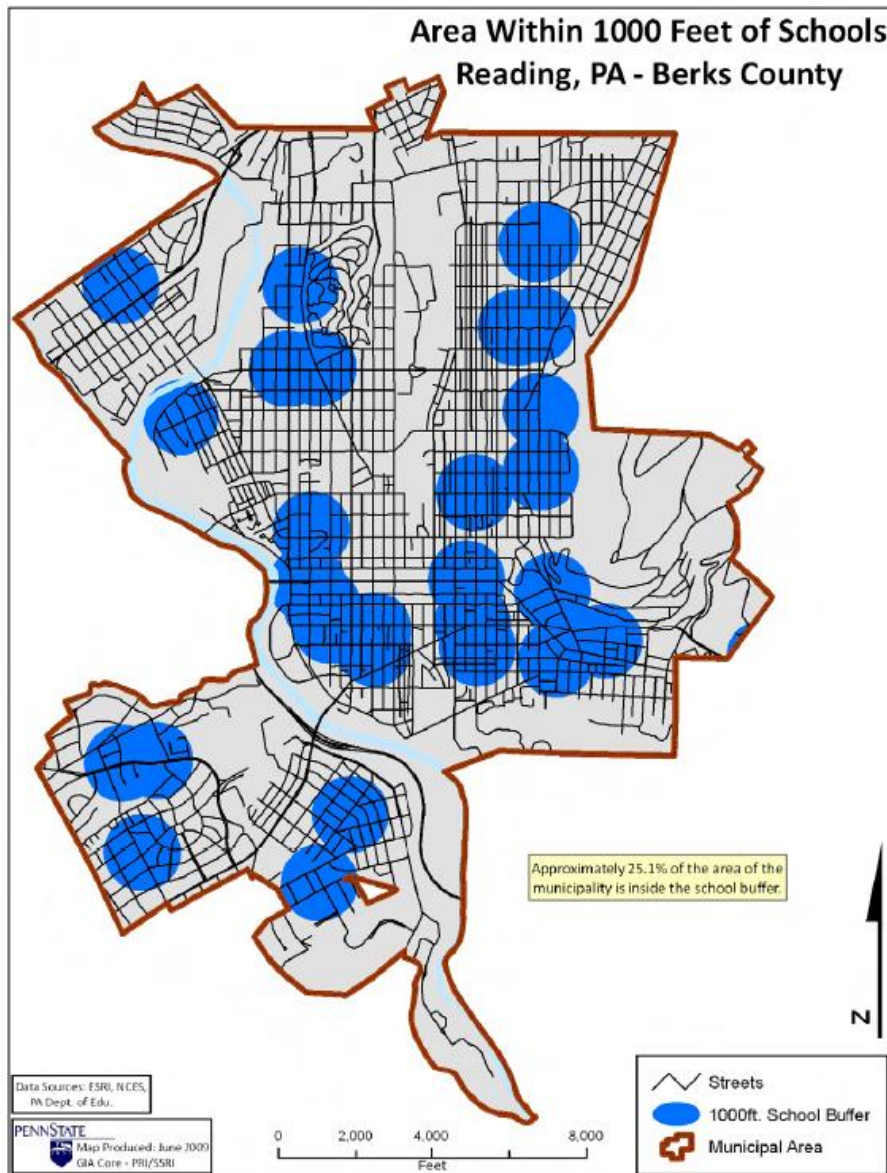


Figure 1: Berks County School Zones

- In Allegheny—one of Pennsylvania’s two most populated counties, along with Philadelphia—school zones cover 22.8% of the county (See Figures 2).

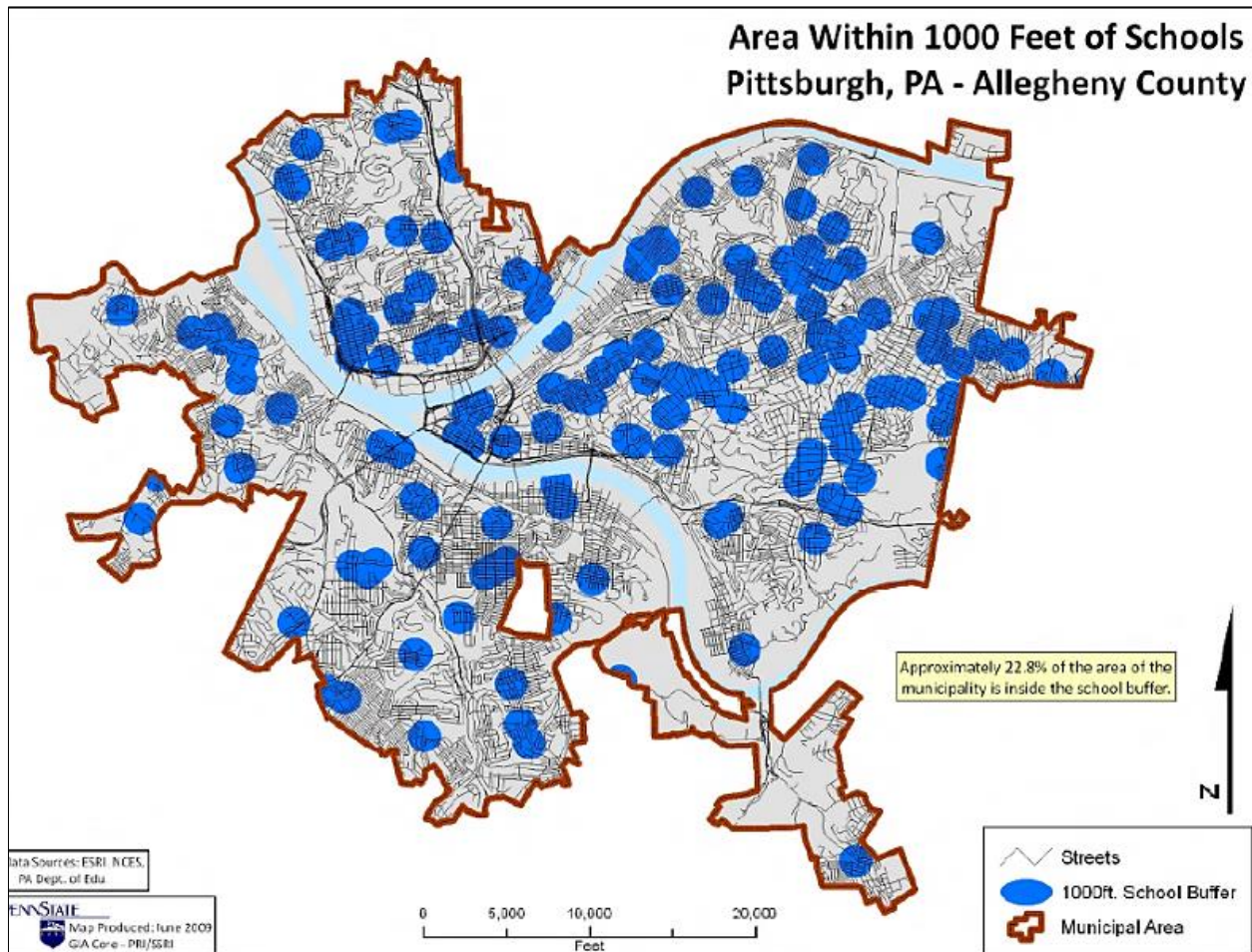


Figure 2: Pittsburgh School Zones

- In Philadelphia, school zones cover 29.5% of the County (See Figure 3).

The school zone statute is not applied the same in each county:

- The school zone mandatory minimum fails to achieve uniformity and consistency in sentencing:
 - Mandatory minimums transfer sentencing discretion from judges to prosecutors, which creates sentencing disparities between different jurisdictions for the same offense.
 - Therefore, similarly culpable people receive different punishments, simply because their cases were handled by different prosecutors in different counties.
 - Berks County sentenced 49% of school zone cases, followed by Dauphin County at 15%. Philadelphia and Allegheny sentenced only 2% and 3% of school zone cases.

- On average, 82% of school zone offenders received the two-year mandatory sentence enhancement. However, in Berks County, 99% of school zone offenders received the mandatory, compared to 83% of cases in Philadelphia and Pittsburgh.
- The Commission also found inconsistencies in the number of drug deliveries that happened within school zones and the number of people who received school zone mandatories in Philadelphia:
 - In 2002, 3,365 (72%) of 4,701 drug delivery arrests occurred within 1,000 feet of school property. However, only 34 school zone mandatory sentences were reported to the Commission that year. In response to this discrepancy the Commission states, "...it is not at all clear why and under what circumstances the district attorney chooses to invoke this penalty."
 - This leads to concerns that prosecutors in counties with low school zone sentencing rates (like Philadelphia and Pittsburgh), are using the school zone mandatory as a tool to secure plea deals. It could be very likely that prosecutors in these counties dropped the school zone mandatory sentence enhancement in exchange for a guilty plea.

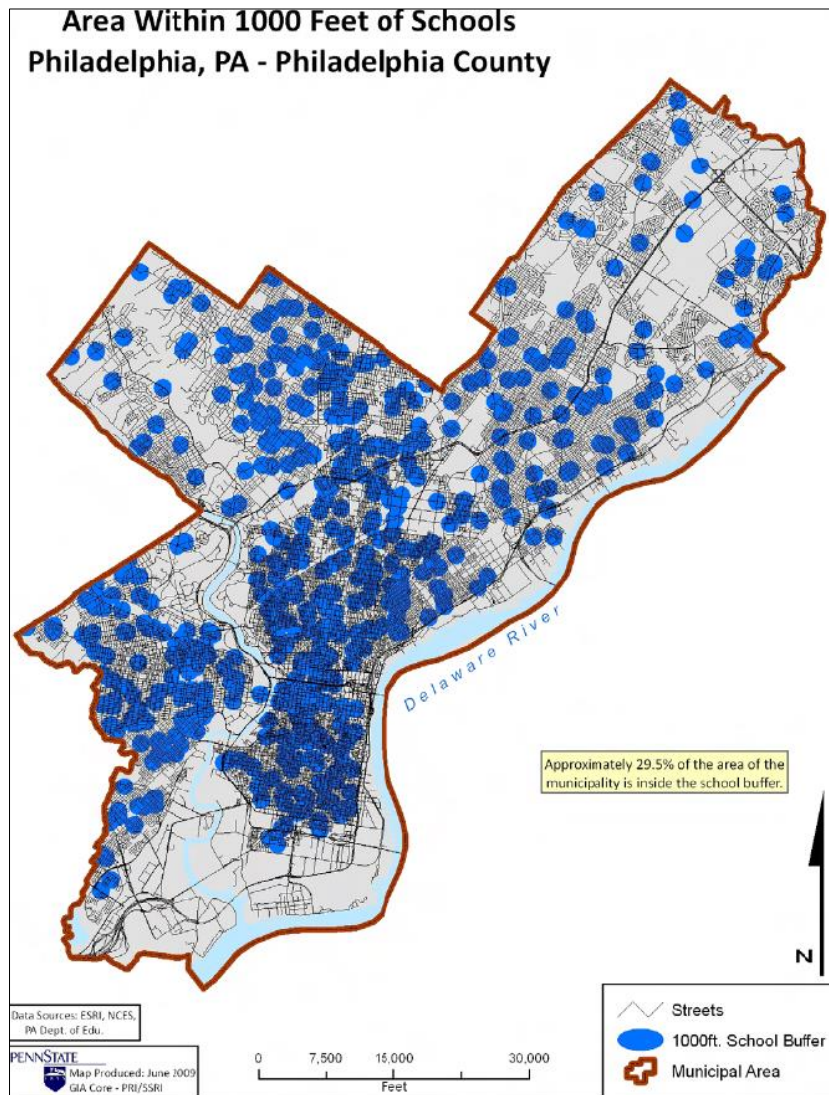


Figure 3: Philadelphia School Zones