

# Old Town wants drug free zone restored

BY JOANNE ZUHL  
STAFF WRITER

Drug Free Zones, left to sunset three years ago, could be making a return if a request by the businesses and residents of Old Town Chinatown Neighborhood get the mayor's nod.

After many neighborhood meetings where the issue of street-level drug dealing dominated discussion, members of the neighborhood association, the Old Town business community and the Chinese community have all sent a request to Mayor Sam Adam's office saying it supports the reinstatement of the drug free and prostitution free zones. It was soon followed by a similar request by the neighborhood Pearl District Neighborhood Association and business association.

The city ordinances establishing the zones, or DFZ and PFZ, were allowed to sunset in 2007 after legal and critical challenges to their process and use by police. The zones allowed police to exclude people from the zone if they had prior arrests, allowing them to stop individuals, ask questions and even search property based on a "preponderance of evidence" (a step up from the previous incarnation that allowed police to do so based merely on suspicion, which was ruled illegal in Circuit Court).

Announcing the sunset of the ordinances, then-mayor Tom Potter, a former police chief, said they were no longer serving their intended purpose and were actually suppressing "a serious community problem rather than solving it."

The DFZ, in particular, was highly criticized by an independent study in 2007 that found that racial disparity in the administration of exclusions, with African Americans receiving exclusions at a much higher rate than whites in the Downtown zone. In one six-month period in 2006, half of the people arrested in DFZs were African American. All of them were excluded, while only 60 percent of the whites arrested were excluded.

Residents and business owners have said that soon after the ordinance was gone, the crack dealers came back.

"I want to open the discussion," said Howard Weiner, owner of Cal Skate on Northwest Sixth Avenue in Old Town and chairman of the neighborhood association's Livability Committee. "And whether or not it's a Drug Free Zone or some other tool, the reality is it is continuing to get worse and worse down here and we need some help."

The neighborhood association on Monday agreed to send a letter to the mayor requesting the reinstatement with two provisions: That only those convicted of the dealing of drugs will be excluded, and anyone excluded may come into the area for health care, social services or educational purposes. The neighborhood is calling for the creation of a working group and an oversight committee to monitor the impact and efficacy of such a zone.

Chris O'Connor, with the Metropolitan Public Defenders office, has fought the Drug Free Zones in court and in principle. The ultimate goal, he said, is less about addressing the illegal drug market, which laws already exist to do, and more about circumventing the state's ban on vagrancy

laws and pushing undesirables out of the neighborhood.

"It's just terrible policy," says O'Connor. "Clearly, they're self-selecting for geography and the audience, and that ends up having a disparate impact on people who are homeless, people of color, people who are otherwise exposed to more scrutiny by the police."

Residents and business owners in the neighborhood have reported at meetings that the problem is escalated at night, and that some calls to police to report the problems of dealing have gone completely unanswered.

"If they see somebody committing a drug crime, they could arrest them for a drug crime. If they see someone engaged in disorderly conduct, they should arrest them for disorderly conduct," O'Connor said. "Other than that, they're just saying I don't want a particular person standing there. Clearly there is a racial component to it."

Central Precinct Commander Vince Jarmer said the police are looking now at

whether the situation is a matter of perception, with a larger number of eyes in the community, or if there is really a bigger problem going on. In the past decade, the Old Town Chinatown neighborhood has been transformed from empty warehouses to condominiums.

"I've been here 26 years and we've always had drug dealing in Old Town," Jarmer said. "We're going to try to get a better handle on what happens in Old Town from the police perspective. We're going to take some actions to look at it ourselves and try to get a baseline on what's going on."

The DFZ worked, according to Jarmer, at least on the front end. It provided more bite than bark on drug-dealing convictions. "It effectively took some people and made it harder from them to deal drugs and buy drugs in that area."

Saying that, however, Jarmer added that the DFZ is no panacea to the larger problem.

"It is a tool, and it could help, but we're not going to cure drug dealing with this, because we've already done this and here we are today. We're in a different time and different place, right now, and there are different constituents and different concerns. I'm not going to say Mayor Potter was wrong in letting it sunset. There are legitimate concerns out there about civil liberties and public sidewalks. ... You're essentially taking private citizens and telling them they can't be in a public area, on a public sidewalk, and in our city there's a lot of concern for that," Jarmer said.

Jarmer said this issue is not so much about police, as about priorities for social services, mental health services, recovery programs and the courts to quell the drug problem.

"Part of it is we don't have walking patrols. We don't have the same enforcement," Wiener said. "We have a

county that doesn't prosecute, jails that are full. We're dealing with a system that is so broken and people, even if they are amenable to treatment, can't get into treatment. If this discussion of the Drug Free Zone brings all of those questions to bear, then at least for me personally, I've done my job."

Jarmer said he would like to have enough officers to have additional walking beats in Old Town. "I would put two sets of people down there just to walk around," Jarmer said. "That just has a feel to it that is a detractor to crime. It's a wonderful tool."

Real-time treatment for people in addiction would help as well, he said.

Antoinette Edwards, Director of Public Safety and Peacekeeping with Mayor Sam

Adams' office, says the office is taking the neighborhoods' concerns seriously and will work with them to address the situation. The outpouring of concern from the neighborhood has imparted a sense of urgency to the situation.

"The question is, how do we really strategically deal

with it in a way that's respectful and with equity," Edwards said. "It's not a small order. But there's something we can do."

The ACLU of Oregon has opposed the civil exclusion orders because they "did not have sufficient due process protections before individuals are denied the right to travel and associate freely." The ACLU said that Portland enforced exclusion orders against people who were never prosecuted or who were found not guilty of the underlying crime that was the original reason the police gave for issuing the exclusion order. And because the orders were civil, not criminal, a person served with an exclusion order was not entitled to a lawyer to assist in challenging the order. But with the exclusion in place, a violation could result with a criminal charge of trespassing.

"I'm a pretty tolerant guy, but there are certain things that are just intolerable," said Jack Hammer, owner of Everett Street Autoworks at Fifth Avenue and Everett Street. "So when I hear people say the goal is to get drug dealers off the street, I say that sounds good to me. ... I believe in the mission of Central City Concern and what Sisters Of The Road does, but when I see that there's dealers blatantly dealing in front of these people where there are people struggling to get passed their dependency, it just doesn't make any sense."

Dave Davis is the owner of Pearl District Properties and president of the Pearl District Neighborhood Association. He said his neighborhood was part of the old DFZ, and is in solidarity with Old Town Chinatown in addressing the problem. The situation in the Pearl, he said, is nothing like what's happening in Old Town.

"We just think it's a good move," said Davis. "We've got to do what we've got to do, and the poor business down there. It's not a pretty thing that's going on down there."

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CHRIS O'CONNOR  
METROPOLITAN DEFENDERS OFFICE

## The General

by Johnna Gurgel

He's coming,  
You know  
The General,  
He'll save us  
He told His  
Lieutenant  
What to do,  
How to shoot  
He was distant  
Before  
He came  
We kept marching  
Marching, stomping,  
Sliding, writhing,  
Looting, shooting  
The enemy red attacks  
Our hands bound to  
Loyalty  
Hold no guns but  
Vorpal true swords  
The enemy  
Doesn't play fair  
Man-made bullets  
Fly through the air  
In a valley  
Where the hills  
Have eyes  
We are standing as one  
We are hit  
We are dying  
Our blood is flying  
Across snow crucifying  
But He'll save us  
You know,  
The General,  
He's coming



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