



Portland's "war on drugs" free zone

New "Drug Impact Area" program launched in Old Town Chinatown, has county-wide implications

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People accused of possessing, dealing or using drugs are being excluded from or prohibited from physically entering Old Town/Chinatown. For the first time in Portland's history, they are also being excluded from downtown Portland and the Lloyd District.

Since the program began on June 1, Portland's new drug impact area policy has already excluded 30 people from entering those areas for at least one year, and up to three.

The Portland City Council voted in April to create what are being called the "drug impact areas." It is the city's latest effort to deal with growing drug use in Old Town. As part of the program, \$250,000 of city dollars were allocated to pay for a district attorney to prosecute drug crimes, as well as to pay overtime to 20 police officers who have a walking beat in Old Town that started June 8.

Earlier this year, business owners, residents and other constituencies of Old Town decried the sharp and noticeable uptick of drug use in their neighborhood, and begged the city to take action.

"It's a notoriously bad place for drugs," says Bill Prince, the Multnomah County District Attorney prosecuting the crimes.

The hope among those groups and city officials for the new impact areas is that drug crimes lessen. "We don't want these open air drug markets," Prince says. "That's the crux of what we want to stop."

That was also the hope for the "Drug Free Zones," which excluded people from the Old Town area until the program ended in 2007. Then Mayor Tom Potter allowed Drug Free Zones to sunset because he had concerns that the program, which largely excluded African Americans, was discriminatory.

A police officer, under the old Drug Free Zone, would stop someone suspected of using, possessing or dealing drugs. If an officer had enough evidence to prove that the person indeed had drugs, individuals were excluded from the area on the spot, for 90 days. It did not go on the individual's criminal record, and there was little recourse.

The new drug impact areas are starkly different than the old Drug Free Zone. Now the process is a multi-step process involving the district attorney's office, the court

system and parole and probation.

Individuals are now arrested by a police officer if they are found to be in possession of a drug, dealing the drug, or using it. The drug impact areas are targeting two specific drugs: heroin and cocaine, along with marijuana.

The reason why those specific drugs were chosen, Prince says, is that arrest data kept by the Portland Police Bureau shows that the highest number of arrests in the areas of Portland now in the drug impact area come from those drugs. "It's not arbitrary," Prince says.

A deputy district attorney reviews the arresting officer's report and decides if the case is prosecutable. If it is, the defendant gets an attorney and decides if he wants to take the case to trial. If he does not, then he enters into a plea agreement with the district attorney's office.

The person is then put on probation. Any person convicted of a drug crime is put on probation, meaning that while the person is not in jail, they will continue to be under the supervision of a judge or a probation officer.

There can be numerous conditions of a person's probation: that he or she attend Alcohol Anonymous (AA) meetings, go to drug treatment, and stay away from certain people or places that may aggravate those circumstances. The purpose of placing conditions on someone's probation is that he or she does not act in a way that may lead to commit another crime.

When Portland's City Council passed the ordinance creating the new drug impact areas in April, they also essentially created a new condition of probation: that a person be disallowed from entering Old Town, parts of downtown, and the Lloyd District. And by making it a condition of probation, the judge presiding over the hearing signs an order that the person not to enter those areas.

And whereas under the Drug Free Zone someone would have been excluded for 90 days, people are now excluded for between one year and three years.

The length of exclusion depends on a couple of factors, Prince says. One is the crime the individual is convicted of and whether it's a misdemeanor drug offense or a felony drug offense. The judge also has discretion in determining how long a person should be excluded.

There are exceptions: if a person is going into Old Town, downtown or the Lloyd Center to seek social services, educational

opportunities and/or work. If a person is found in the geographic area of the drug impact area and not for one of the excepted reasons, he or she, can be found in violation of their probation. Individuals probation can then be lengthened, and could face jailtime along with other possible consequences.

An individual is also screened by the Service Coordination Team (SCT), a controversial group of police officers and service providers who work in partnership targeting repeat drug offenders.

The program is more structured than the old Drug Free Zones, Prince says. "You wouldn't have gone to trial," he says, emphasizing that the process of excluding someone is now more transparent.

"The program is well thought out. It is based on the data," Prince says.

He also says that the concerns social service providers and advocates had about civil liberties and race discrimination surrounding the Drug Free Zones have been addressed.

But neither the city, the Portland Police Bureau, nor the district attorney's office are tracking race, gender, or other demographic information.

Prince says data is being compiled on the number of arrests made, how many people are being excluded, and how many people are going to prison versus simply being put on probation. A prison sentence may be likely if the individual is convicted of a felony, or if individuals have warrants out for their arrest. But he says there are no intentions of tracking demographic statistics.

"My feeling is that we have it all available," in the police reports, he says.

Amy Ruiz, the spokesperson for Mayor Sam Adams, says the district attorney will seek exclusions for every drug case, regardless of race. And the

"The program is well thought out. It based on the data. Concerns service providers and advocates had about civil liberties and race discrimination surrounding the Drug Free Zones have been addressed," say Bill Prince, the Multnomah County District Attorney.

Above are exclusion maps from the Portland Police Bureau for the new Drug Impact Area. The three new exclusion zones target two drugs: heroin and cocaine along with marijuana.

Both heroin and marijuana have similar boundaries from NW Lovejoy to SW Market, the river to I-405.

The Lloyd District is also included for both marijuana and cocaine.

However for people distributing or using cocaine in SW Portland they are safe from exclusions — with the boundaries ending at SW Alder.