

**DRUGS, from page 3**

City Council will get reports from the District Attorney's office every 90 days with information on how the program is working, including the locations of prosecuted offenses, probation violations, the number of people excluded, and their demographic characteristics. She did not say if race was one of those specific characteristics.

Even though the program is less than

two months old, advocates already have other, numerous concerns that the program may violate people's constitutional rights.

Chris O'Connor, a public defender with Metropolitan Public Defender, says that people have a right to travel, associate with others, and similar rights under the 14th amendment. "And how could a person prove that they are in a particular area to, for example, seek social services, if they do not have written documentation of an appointment? That has not yet been tested".

The person, O'Connor says, could be stopped by a police officer, and the officer could possibly assume that the person has been excluded. "There could be illegal stops and seizures," O'Connor says.

Also of concern is that anyone in Multnomah County can be excluded from the drug impact areas, regardless of where an individual is arrested. For example, if someone were arrested for heroin possession in east Multnomah County, or arrested for cocaine dealing in far southwest Portland, that person could still be excluded from Old Town and downtown Portland, whether they frequent that area or not.

"The District Attorney will seek stay-away orders as a condition of probation for all people who are convicted of a drug offense in Multnomah County," says David Woboril, an assistant city attorney. "It will be up to the judges to determine how they want to handle this new type of probation violation."

O'Connor thinks that makes no sense. "There is no nexus with the crime," and the area they are being excluded from, he says. "You kick them out of a different part of the county," he says.

Ruiz says that because the drug impact area program has been folded into the court system, an individual's Constitutional rights are safeguarded. "Judges are issuing the stay away orders as part of sentencing," Ruiz told Street Roots via email. "In that context, judges could do much more to impact a person's ability to travel and associate, by putting someone in jail. Also, keep in mind that the stay away orders contain numerous exceptions that allow a person to enter or pass through an IDIA to meet critical needs."

And is the drug impact area a program with a paperless policy? Street Roots made public records requests for any written guidelines or protocol for the Drug Impact Areas from the Portland Police Bureau and the City of Portland. We were told none

existed to date.

By folding the drug impact areas into Multnomah County's existing parole program, there would seem to be no need for a policy outlining what the program is, how it works, the process, the standards upon which someone is excluded, etc.

Other policies created by city ordinance that involve the police have such policies. One example is Portland's camping ordinance, which makes it illegal to camp on public property. The Portland Police Bureau has what

are called "standard operating procedures" that detail what the police officer can and cannot do when they find someone camping underneath a bridge.

No such procedures exist for the drug impact policy.

"There is no clear guidance in the ordinance.

They've learned

a lesson from the Drug Free Zone," O'Connor says. "It's a smart move if you want to avoid outside critics from seeing the data."

During the city council's April discussion before creating the drug impact areas, Mayor Sam Adams assured critics that there would be opportunity for concerned parties to reconvene and discuss how the program was working, give input, and make changes.

"The Mayor's office assured those of us who were concerned that there was going to be opportunity for policy" discussions, input and feedback," says Chani Geigle-Teller, community organizer with Sisters Of The Road. "That hasn't happened. The community has had no input."

Ruiz says that the mayor's staff will check in with neighborhood and community organizations this fall.

The ACLU of Oregon told Street Roots this week that the organization is starting to monitor the program's implementation.

**Choices**

By Jason Bo

I'll take the hard road cause I am that way  
Whatever the cost, the price I will pay  
I am willing to that that chance  
I am stubborn and stoopid in my stance  
I've done it just because I know I could  
After the fact, I don't stand right where I stood  
Comically I will do it all over again  
Before I break I want to see how much I bend  
All because of the choice I've made  
My bed of mistakes is where I've laid  
Someday I will eventually learn  
Not to fee the fire so that it no longer burns  
So until I decide to call upon the rain  
I will falter with absolutely nothing to gain



PHOTO COURTESY OF SISTERS OF THE ROAD

Someone from the neighborhood placed a well designed stickers on street corners throughout Old Town Chinatown in June saying, "Caution: Crack dealers."

**street roots**  
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