



Why are we still spending millions to process non-violent behavioral offenses through jail and criminal court?

BY EMILY GREEN
STAFF WRITER

More than a thousand quality-of-life crimes are prosecuted in Multnomah County each year.

These crimes are typically non-violent, low-level offenses believed to lower the quality of life for people who live in or frequent the area where they are committed.

They include infringements such as trespassing, disorderly conduct and offensive littering – the charge someone would face for urinating in public – and can result in arrest, being booked into jail, criminal prosecution and in some cases, lengthy jail sentences.

Police departments across the nation began to increase arrests for these types of crimes in the 1980s and 1990s after criminologists George Kelling and James Wilson suggested a new approach to policing they claimed effectively lowers crime rates. They called it “broken-windows theory” in an article they penned for *The Atlantic Monthly* in 1982.

The theory is that if police crack down on minor offenses such as vandalism and loitering, it will prevent more serious crimes from creeping in.

Former New York City Mayor Rudolph Giuliani credited broken windows policy for the significant drop in crime his city saw in the years following its implementation. His city long served as the shining example of how well broken-windows police tactics work.

But recent research shows broken-windows policy may have done his city more harm than good, and it’s been concluded other factors, such as increased police presence and a drop in unemployment, likely had a larger effect on New York City’s crime rate than did misdemeanor arrests.

A 2013 study published in *Justice Quarterly* found there was no link between broken windows policing and the city’s drop in crime, and after more than 30 years, Center for Evidence-Based Crime Policy at George Mason University in Virginia lists broken-windows policing as something it needs to know more about before endorsing.

In many cities, arrests for quality-of-life crimes has drawn increasing criticism as evidence emerged it has resulted in the over-policing and over-jailing of people of color.

Critics say this approach to policing creates instances where minor crimes have led to excessive force in otherwise harmless situations – such as in the case of Eric Garner, a man who was choked to death during a struggle with Staten Island police when they attempted to arrest him for selling loose cigarettes.

Putting an end to broken-windows policing is a top priority of the Black Lives Matter movement.

In Multnomah County, where less than 6 percent of the population is black, 24 percent of people charged with quality-of-life crimes are black, according to data from the district attorney’s office obtained by *Street Roots*.

Now, even in New York City, policies are shifting away from prosecuting minor offenses.

On March 1, Manhattan District Attorney Cyrus Vance announced, with the blessing of the New York Police Department Commissioner William Bratton – one of broken windows’ greatest supporters – that his office would no longer prosecute certain quality-of-life crimes.

The top prosecutor said in a press release, “By ensuring courts are not unnecessarily bogged down with minor offenses committed by those who pose no threat to public safety, we help focus police and prosecutorial resources on those who commit serious crimes.”

Last year in Portland, gang violence occurred at record-high levels. Earlier this month, Mayor Charlie Hales held a press conference in the wake of another spate of shootings, saying the city is on track to break those records again in 2016.

Meanwhile, Portland police struggle with what Chief Larry O’Dea told *The Oregonian* is a significant shortage of police officers due to vacancies. The bureau is still adjusting to past budget cuts, with additional proposed cuts looming on the horizon. And Multnomah County Circuit Court is so cash strapped, those who dial its main phone line between 10 a.m. and 1:30 p.m. get a message from Presiding Judge Nan Waller explaining, “due to the ongoing funding reductions to the circuit court, we have limited telephone service during the court’s business day.”

Despite shrinking court and police resources, a steady flow of low-level, non-violent offenders continues to be corralled through an overburdened criminal justice system.

Why?

Your friendly neighborhood prosecutor

In Multnomah County, there is a special team of prosecutors who focus, in part, on issuing charges for quality-of-life crimes.

These prosecutors work in the District Attorney’s Neighborhood Unit, a program that emerged as a pilot project around the same time broken-windows theory was gaining popularity.

A crowning achievement of the prosecutor’s office, the Neighborhood Unit

was the first of its kind in the U.S. when it was created in 1990. It’s been highly lauded and replicated around the country in years since.

The model is known nationally as “community prosecution,” with prosecutors assigned to specific geographical areas. In Multnomah County, most occupy an office in their neighborhood’s police precinct. They work with the surrounding community and police to solve livability and low-level crime problems.

They also issue charges for about 5,000 misdemeanor crimes each year, although they don’t prosecute the cases themselves.

Between August 2014 and August 2015, they filed charges for 1,900 quality-of-life-crimes referred to them, mainly by law enforcement. This included 414 disorderly conduct, 534 trespassing and 165 offensive littering charges.

These deputy district attorneys (DDAs) can be assets to community members who want to get rid of a neighborhood nuisance or get legal advice regarding a collective issue.

They might work with property owners and police to issue trespassing exclusions to remove an unwanted element from a business district or neighborhood park, or rely on help from anonymous neighbors’ observations to obtain a search warrant for a drug house.

However, as Executive Director of Metropolitan Public Defenders Lane Borg points out, the program puts an area’s problems in the hands of prosecutors, whose main function is to charge people with crimes.

“If you’re a hammer, every problem looks like a nail,” he said. “We need to have social workers and housing people working on these problems.”

The National District Attorneys Association produced a study on the program between 1990 and 2005 suggesting the neighborhood DDA program contributed to Portland’s drop in crime – much like broken windows was believed to reduce crime in New York City. But during the same time span, crime was steadily

What’s a quality-of-life crime?

While some schools of thought consider all nonviolent misdemeanors to be “quality-of-life crimes,” for the purposes of this article, only behavioral crimes, such as disorderly conduct, drinking in public and interfering with public transit, were considered to fall into the quality-of-life category. While the Multnomah County Neighborhood Unit also issues charges for crimes such as low-level theft, firearms possession, drug possession and traffic-related offenses, *Street Roots* did not include any of those offenses in data referenced in this article.

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