



CITY OF

PORTLAND, OREGON

Office of the Mayor

Mayor Sam Adams
1221 S.W. Fourth Avenue, Suite 340
Portland, Oregon 97204-1994
(503) 823-4142
FAX: (503) 823-3588
E: samadams@portlandoregon.gov
www.mayorsamadams.com

REPORT TO COUNCIL

April 26, 2012

To: Mayor Sam Adams , Commissioner Nick Fish, Commissioner Amanda Fritz, Commissioner Dan Saltzman, & Commissioner Randy Leonard.

Subject: *Accept the City of Portland, Portland Police Bureau, and Multnomah County District Attorney's Report on Illegal Drug Impact Areas.*

On April 20, 2011, Portland City Council passed Resolution No. 36858, to support the addition of a Deputy District Attorney and re-establishment of the Walking Beat Program for arrest and prosecution of drug crimes in Illegal Drug Impact Areas.

The response from the City of Portland was a reaction to two main issues: (1) complaints from residents, businesses, and recovering drug users about persistent open air drug related crimes and the impact of these crimes of them, (2) a request from the community to reestablish "Drug Free Zones," which had previously expired.

I participated in a ride-along with the Portland Police Bureau to investigate concerns. After seeing that a response was necessary, I came up with a comprehensive plan to address open air drug dealing.

Part of the plan, was to avoid reestablishing "Drug Free Zones," which allowed exclusions from certain areas based on arrest. Instead, the my office and the Portland Police Bureau created "Illegal Drug Impact Areas," which allowed post-conviction stay-away orders from areas in Portland heavily impacted by open air drug dealing. The plan also allocated funding to enforce the new program.

The City supported the addition of a Deputy District Attorney and the Walking Beats Program for arrest and prosecution of drug crimes in Illegal Drug Impact Areas to increase referrals to ensure treatment for drug users through the Portland Police Bureau's Service Coordination Team.

Financial Planning was directed to add a total of \$250,000 of contingency funding that will be allocated between the Portland Police Bureau's FY 2010-11 and 2011-12 budgets to support the payment of a Deputy District Attorney and reestablishment of the Walking Beat Program.

Attached is a report to Council from the my office and District Attorney on the success of the Illegal Drug Impact Area program, with all three reports from the District Attorney's office attached.

TO THE COUNCIL

The Office of the Mayor concurs with the reports from the District Attorneys office.

RECOMMENDS:

That the Council accept the report.

Respectfully submitted,



Mayor Sam Adams
City of Portland

DRUG IMPACT AREA PROJECT SUMMARY: April, 2012

The Drug Impact Area project was established by the City of Portland in June, 2011 to improve the livability of areas in Portland that have long been degraded by persistent open air drug dealing. Using police bureau arrest data, the district attorney's office created 3 distinct Drug Impact Areas (DIAs) for heroin, cocaine, and marijuana. The DIA project targets heroin, cocaine, and marijuana because these drugs have a disproportionate concentration in specific areas.

The heroin DIA's West Area northern boundary is NW Lovejoy St. from I-405 along NW Lovejoy to the NW Broadway Bridge then to the bank of the Willamette River. The eastern boundary is the NW Broadway Bridge south to where SW Market St. would meet the bank of the Willamette River if extended east. The southern boundary is SW Market to I-405. Western boundary is I-405

The heroin DIA's East Area northern boundary is NE Schuyler St. from I-5 to NE 21st Ave. Eastern boundary is NE 21st Ave. from NE Schuyler St. to I-84. Southern boundary is I-84 from NE 21st Ave. to I-5. Western boundary is I-5 from I-84 to where NE Schuyler St. would meet if it was extended west to I-5.

The cocaine DIA's West Area northern boundary is NW Lovejoy St. from I-405 along NW Lovejoy to the NW Broadway Bridge then to the bank of the Willamette River. The eastern boundary is the NW Broadway Bridge south to where SW Alder St. would meet the bank of the Willamette River if extended east. The southern boundary is SW Alder to I-405. Western boundary is I-405

The cocaine DIA's East Area northern boundary is NE Schuyler St. from I-5 to NE 21st Ave. Eastern boundary is NE 21st Ave. from NE Schuyler St. to I-84. Southern boundary is I-84 from NE 21st Ave. to I-5. Western boundary is I-5 from I-84 to where NE Schuyler St. would meet if it was extended west to I-5.

The Marijuana DIA's West Area northern boundary is NW Lovejoy St. from I-405 along NW Lovejoy to the NW Broadway Bridge then to the bank of the Willamette River from the NW Broadway Bridge south to where SW Market St. would meet the bank of the Willamette River if extended east. Western boundary is I-405.

The goal of the DIA program is to restore those areas of Portland plagued by persistent open air drug dealing and drug use to safe, livable communities. The program achieves these goals by restoring the walking beat program consisting of 15 Portland Police officers, dedicating a single deputy district attorney to focused prosecution of drug crimes committed in the DIAs, and seeking court ordered exclusions for defendants convicted of an illegal heroin, cocaine, and marijuana related crimes.

In the first 9 months of the DIA project, 24% (400 of 1,602) of all criminal cases in Multnomah County involving heroin, cocaine and/or marijuana occurred in the relatively small areas that constitute the DIAs. However, a crime does not need to be committed in the DIAs to result in a defendant's exclusion once convicted. Since the start of the project 417 exclusions have been ordered by the court.

People are excluded from the DIAs for the term of their probation and are prohibited from entering the DIA. However, when the project was developed, the community realized that geographic exclusions must be nuanced so that a person who is issued an exclusion could still access her home, work, or school. Therefore, a DIA-excluded individual is allowed within the boundaries of the DIAs if he is engaged in "proper travel." Proper travel includes traveling to and from housing or a facility that provides essential needs, school, work and court or criminal justice activities. The 15 officers who serve on the renewed walking beat enforce violations of these exclusions by taking people found in violation of their probation into custody. Each of the officers was selected for their knowledge of the DIAs and the chronic offenders who commit crimes there, so that they could recognize individuals known to be in violation of their probation.

112 of the defendants who were issued exclusions were convicted of a drug *dealing* offense, which means that those dealers are effectively excluded from an area where they have done business in the past. The DIA project provides an effective tool for keeping these drug dealers out of high impact areas.

Recognizing the importance of drug treatment as an effective, preventative way of reducing drug crimes, each defendant who is issued an exclusion is also screened by the Service Coordination Team (SCT). The SCT offers an intensive treatment program, including wrap-around services for employment and permanent housing. The SCT has a current treatment completion rate of 32%. Given that the SCT client population is one of the most difficult to treat – addicts who have had decades of homelessness and incarceration, the majority with mental health issues and most lacking education and employment skills – a 32% completion is considered highly successful. 152 people (40%) who were excluded qualified for services through the SCT. Each excluded individual is ordered to do a mandatory drug evaluation and any recommended treatment.

The DIA project is unique in its holistic approach. The DIA focuses both on keeping drug dealers off the streets through court ordered exclusions while also offering intensive treatment to chronic offenders. The City of Portland funds the program through the Portland Police Bureau, with a total budget of \$250,000, funding that pays for a full time deputy district attorney and the walking beat.

The Drug Impact Area project has answered a call for help from the citizens and business who have long suffered the ill affects of blatant open air drug crime in their neighborhoods. Already, the District Attorney's office has received letters supporting the continued funding of the DIA project from the Portland Downtown Neighborhood Association, the Pearl District Neighborhood Association, and the Portland Business Alliance. These groups have been directly affected by open air drug crime in the DIAs

and have witnessed the real improvements to the areas that this project serves. The project sends a message to those convicted of drug crimes to stay out of areas that have long been degraded by drug crime. Balancing increased enforcement with treatment opportunities, the DIA project builds on the success of the SCT and gives chronic offenders the opportunity to be sober and accountable members of the Portland community.

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RESOLUTION No.

36858

Support the addition of a Deputy District Attorney and re-establishment of the Walking Beat Program for arrest and prosecution of drug crimes in Illegal Drug Impact Areas (Resolution)

WHEREAS, the City of Portland finds that improving the livability of residential and commercial environment in areas of Portland that have been degraded by regular and persistent open air drug related crimes is a critical priority;

WHEREAS, the City of Portland finds that active arrest, prosecution and court supervision of drug possession cases with a focus on treatment alternatives has an immediate and lasting impact on drug activity; and

WHEREAS, the District Attorney's office and Police Bureau have, due to budget constraints, not been able to consistently focus on drug possession cases, resulting in fewer arrests and, in many of those cases where an arrest occurs, those cases being assigned to Community Court where they are generally reduced to violations payable by a fine with no treatment alternatives provided; and

WHEREAS, re-establishing the Walking Beat Patrol Program in areas that have been degraded by regular and persistent open air drug related crimes will result in increased arrests of those engaged in such activities;

WHEREAS, assigning a committed Deputy District Attorney to prosecute drug possession cases will allow an actual conviction and court supervision to take place; and

WHEREAS, requiring defendants convicted of drug related crimes in Illegal Drug Impact Areas to comply with special terms of probation including refraining from the use of intoxicants, actively participating in and successfully completing substance abuse treatment, not associating with illegal drug users and dealers, engaging in other court ordered services, and geographical restrictions prohibiting the offender from entering Illegal Drug Impact Areas, will provide an immediate and lasting impact on drug activity.

NOW, THEREFORE, BE IT RESOLVED, that the City supports the addition of a Deputy District Attorney and the re-establishment of the Walking Beat Program for arrest and prosecution of drug crimes in Illegal Drug Impact Areas and to increase referrals to ensure treatment for drug users; and

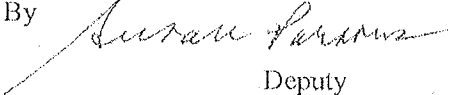
BE IT FURTHER RESOLVED, that Financial Planning is directed to add a total of \$250,000 of contingency funding that will be allocated between the Portland Police Bureau's FY 2010-11 and 2011-12 budgets to support the payment of a Deputy District Attorney and re-establishment of the Walking Beat Patrol Program; and

BE IT FURTHER RESOLVED, that the Portland Police Bureau is directed to complete negotiations with Multnomah County to develop an intergovernmental agreement for the provision and payment of a Deputy District Attorney.

Adopted by the Council: APR 20 2011

Mayor Sam Adams
Prepared by: Amreet Sandhu
Date Prepared: April 14, 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By 
Deputy

PPB Case #:

Original Sentence

Amended Sentence

HEROIN

DRUG IMPACT AREA SPECIAL CONDITIONS OF PROBATION

Defendant Name: _____

Defendant CRN: _____

Court Case Number: ____ - ____ - _____

Defendant Sex: M F

Probation Judge: _____

Defendant Race: _____

Offense: PCS DCS MCS

Defendant DOB: ____ - ____ - ____

Class: Felony Misdemeanor

Probation Term: ____ - ____ - ____ to ____ - ____ - ____

You have been convicted of a crime in Multnomah County related to the controlled substance heroin and have been sentenced to a term of probation to the listed Multnomah County Court. As a condition of your probation, the Court has ordered the following effective immediately:

- You shall not enter the Heroin Drug Impact Area according to the Drug Impact Area Terms as described below and illustrated on the back of this form.

If you violate these or any other conditions of your probation, you will be subject to arrest and sanction by the Court. The sanction can include extension of the term of your probation, fines, community service, incarceration and revocation of your probation. Exemption from any condition of your probation can only be granted by the Court.

Drug Impact Area Terms

PROPER 'TRAVEL' is movement on foot or by vehicle from one point to another without delay other than to obey traffic control devices. You may also travel directly and without delay to and from and be present at the events and locations listed below.

- YOUR RESIDENCE: You may travel in a Drug Impact Area directly to and from your residence (must be fixed structure).
- A FACILITY THAT PROVIDES YOUR ESSENTIAL NEEDS: You may travel in a Drug Impact Area to obtain food, physical care or medical attention if you can not reasonably satisfy such needs outside the Drug Impact Area.
- SCHOOL: You may travel in a Drug Impact Area to enroll or attend a school
- WORKPLACE: You may travel in a Drug Impact Area to work if you are an employee, owner, principal, or agent of a place of lawful employment or to perform employment-related services for a lawful employer.
- SOCIAL SERVICES PROVIDER: You may travel in a Drug Impact Area to and from a social services provider if you are in need of social services, and you seek social services for reasons relating to your health or well-being.
- COURT OR CRIMINAL JUSTICE ACTIVITIES: You may travel to and from a court- or corrections-imposed obligation, attorney meeting, scheduled initial interview with a social service provider, contact with criminal justice personnel at a criminal justice facility, an administrative or a judicial hearing.
- INTERSTATE HIGHWAY: You may travel on Interstate 5 or 405 through a Drug Impact Area.
- COURT ORDERED EXCEPTION:

IF YOU ARE IN A DRUG IMPACT AREA AND NOT AT OR TRAVELING PROPERLY TO OR FROM ONE OF THE LISTED EVENTS OR LOCATIONS, AND NOT ON AN INTERSTATE HIGHWAY, YOU MAY BE ARRESTED FOR VIOLATING THE CONDITIONS OF YOUR PROBATION

Treatment options available in Multnomah County: <http://web.multco.us/dcj-adult/treatment-services>
Historic and legal background, incorporated by reference: www.portlandonline.com/DIA

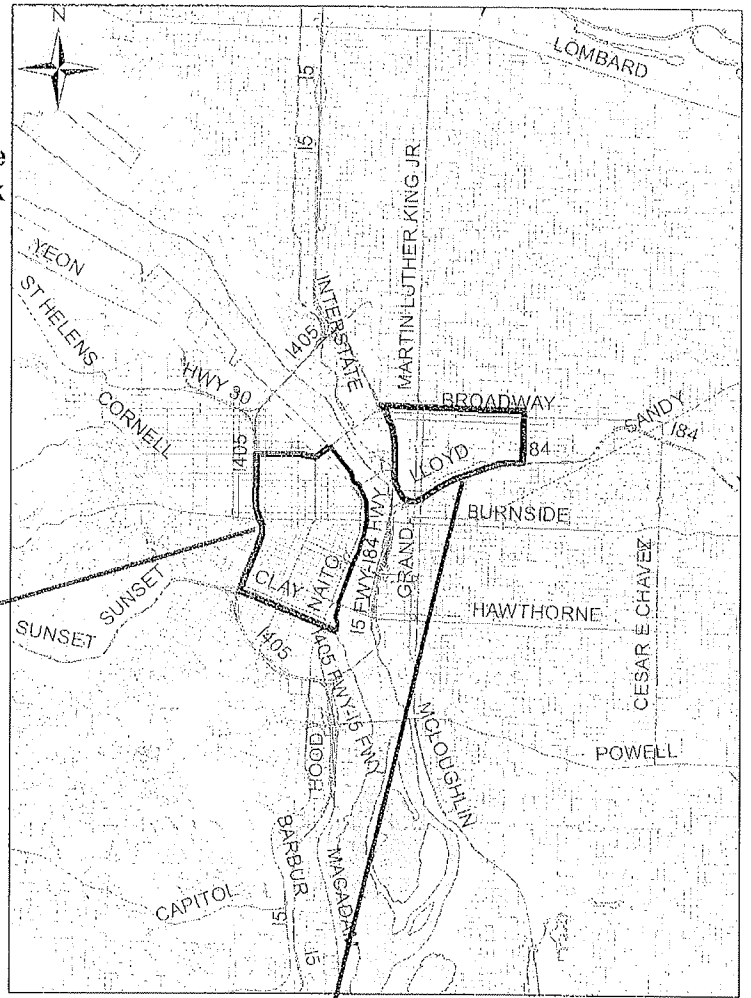
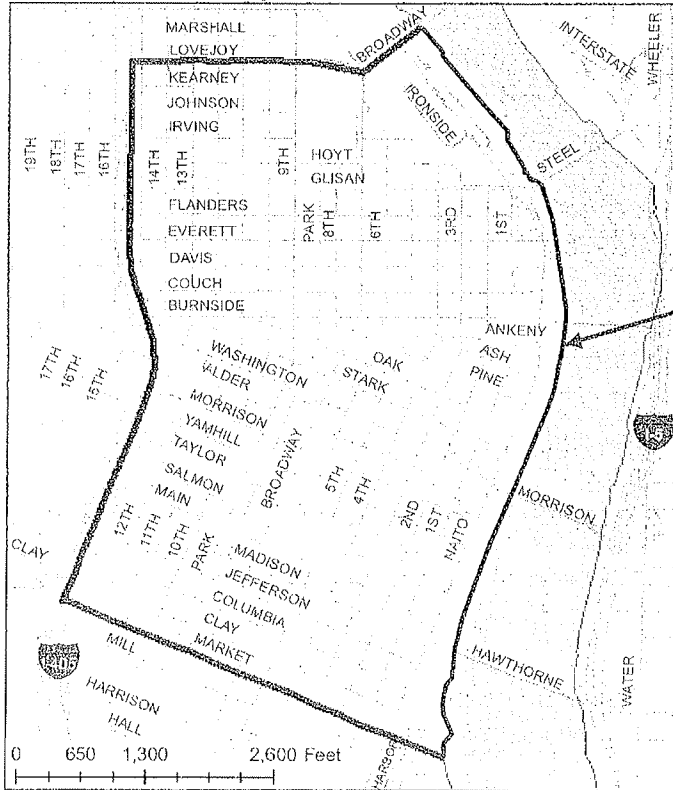
Judge's Signature: _____

Date: _____

DRUG IMPACT AREA: HEROIN

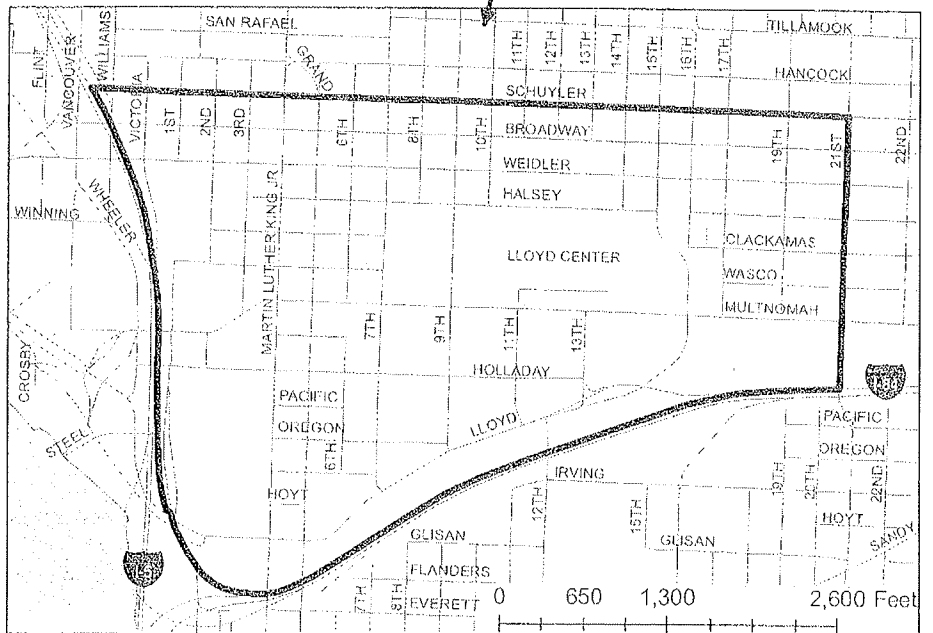
WEST AREA

Boundaries: Northern boundary is NW Lovejoy St. from I-405 along NW Lovejoy St. to the NW Broadway Bridge then to the bank of the Willamette River. Eastern boundary is the bank of the Willamette River from the NW Broadway Bridge south to where SW Market St. would meet the bank of the Willamette River if extended east. Southern boundary is SW Market St. to I-405. Western boundary is I-405.*



EAST AREA

Boundaries: Northern boundary is NE Schuyler St. from I-5 to NE 21st Ave. Eastern boundary is NE 21st Ave. from NE Schuyler St. to I-84. Southern boundary is I-84 from NE 21st Ave. to I-5. Western boundary is I-5 from I-84 to where NE Schuyler St. would meet if it was extended west to I-5.*



*Note: Drug Impact Area boundaries fall on the street centerline.

PPB Case #: _____

Original Sentence

Amended Sentence

COCAINE

DRUG IMPACT AREA SPECIAL CONDITIONS OF PROBATION

Defendant Name: _____
 Court Case Number: ____-____-_____
 Probation Judge: _____
 Offense: PCS DCS MCS
 Class: Felony Misdemeanor

Defendant CRN: _____
 Defendant Sex: M F
 Defendant Race: _____
 Defendant DOB: ____-____-_____
 Probation Term: ____-____-____ to ____-____-____

You have been convicted of a crime in Multnomah County related to the controlled substance cocaine and have been sentenced to a term of probation to the listed Multnomah County Court. As a condition of your probation, the Court has ordered the following effective immediately:

- You shall not enter the Cocaine Drug Impact Area according to the Drug Impact Area Terms as described below and illustrated on the back of this form.

If you violate these or any other conditions of your probation, you will be subject to arrest and sanction by the Court. The sanction can include extension of the term of your probation, fines, community service, incarceration and revocation of your probation. Exemption from any condition of your probation can only be granted by the Court.

Drug Impact Area Terms

PROPER 'TRAVEL' is movement on foot or by vehicle from one point to another without delay other than to obey traffic control devices. You may also travel directly and without delay to and from and be present at the events and locations listed below.

- YOUR RESIDENCE: You may travel in a Drug Impact Area directly to and from your residence (must be fixed structure).
- A FACILITY THAT PROVIDES YOUR ESSENTIAL NEEDS: You may travel in a Drug Impact Area to obtain food, physical care or medical attention if you can not reasonably satisfy such needs outside the Drug Impact Area.
- SCHOOL: You may travel in a Drug Impact Area to enroll or attend a school
- WORKPLACE: You may travel in a Drug Impact Area to work if you are an employee, owner, principal, or agent of a place of lawful employment or to perform employment-related services for a lawful employer.
- SOCIAL SERVICES PROVIDER: You may travel in a Drug Impact Area to and from a social services provider if you are in need of social services, and you seek social services for reasons relating to your health or well-being.
- COURT OR CRIMINAL JUSTICE ACTIVITIES: You may travel to and from a court- or corrections-imposed obligation, attorney meeting, scheduled initial interview with a social service provider, contact with criminal justice personnel at a criminal justice facility, an administrative or a judicial hearing.
- INTERSTATE HIGHWAY: You may travel on Interstate 5 or 405 through a Drug Impact Area.
- COURT ORDERED EXCEPTION:

IF YOU ARE IN A DRUG IMPACT AREA AND NOT AT OR TRAVELING PROPERLY TO OR FROM ONE OF THE LISTED EVENTS OR LOCATIONS, AND NOT ON AN INTERSTATE HIGHWAY, YOU MAY BE ARRESTED FOR VIOLATING THE CONDITIONS OF YOUR PROBATION

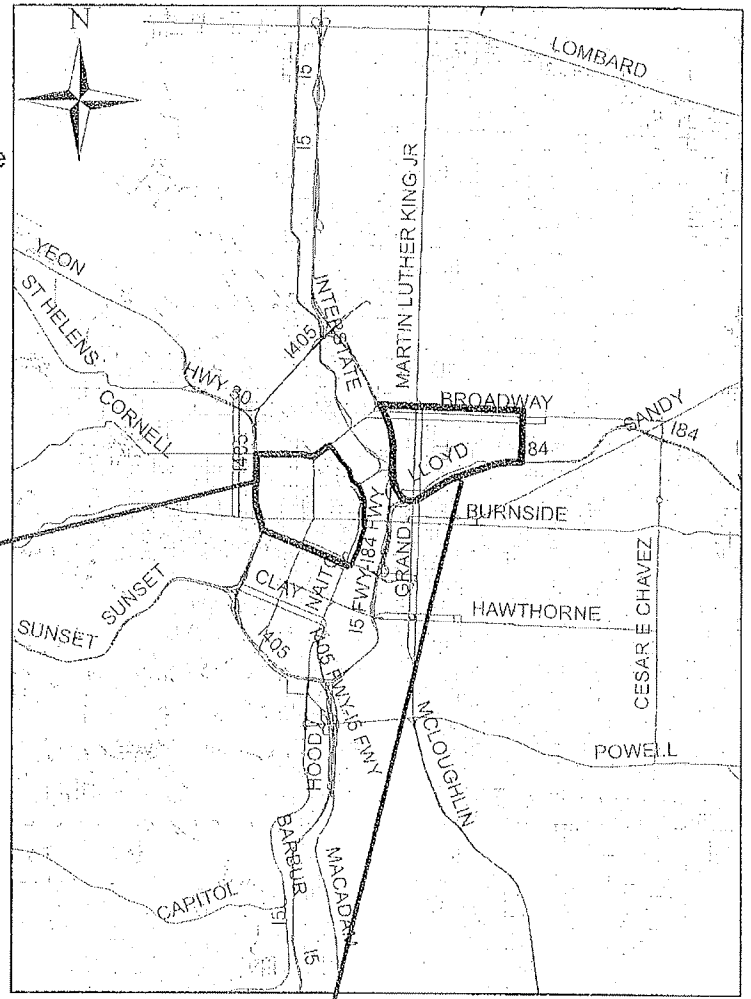
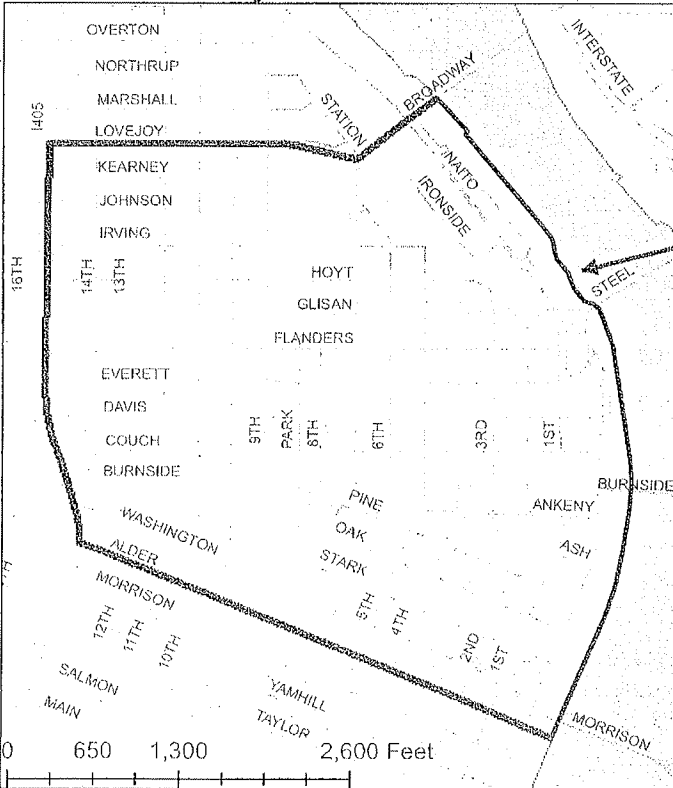
*Treatment options available in Multnomah County: <http://web.multco.us/dcj-adult/treatment-services>
 Historic and legal background, incorporated by reference: www.portlandonline.com/DIA*

Judge's Signature: _____ Date: _____

DRUG IMPACT AREA: COCAINE

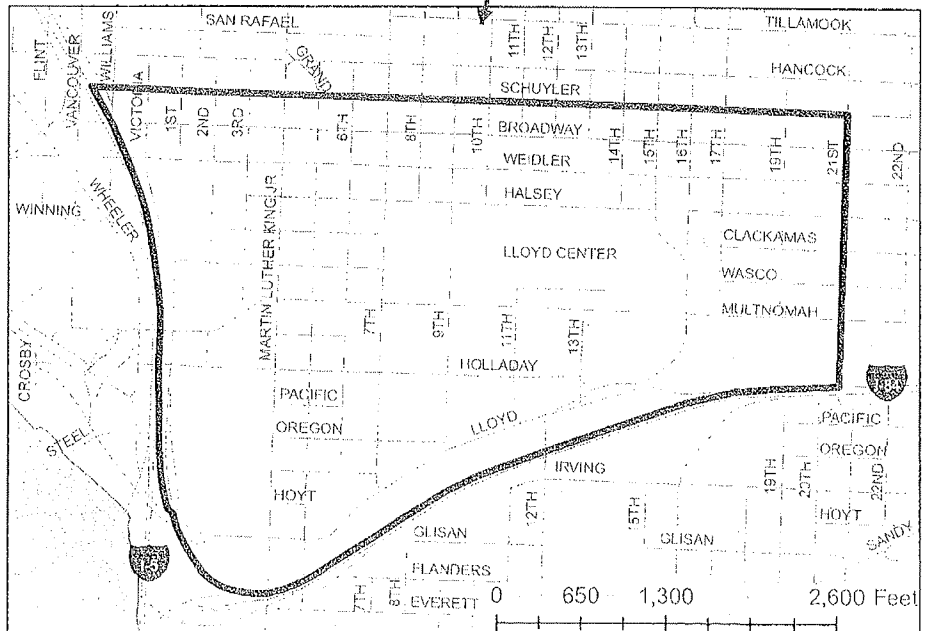
WEST AREA

Boundaries: Northern boundary is NW Lovejoy St. from I-405 along NW Lovejoy St. to the NW Broadway Bridge then to the bank of the Willamette River. Eastern boundary is the bank of the Willamette River from the NW Broadway Bridge south to where SW Alder St. would meet the bank of the Willamette River if extended east. Southern boundary is SW Alder St. to I-405. Western boundary is I-405.*



EAST AREA

Boundaries: Northern boundary is NE Schuyler St. from I-5 to NE 21st Ave. Eastern boundary is NE 21st Ave. from NE Schuyler St. to I-84. Southern boundary is I-84 from NE 21st Ave. to I-5. Western boundary is I-5 from I-84 to where NE Schuyler St. would meet if it was extended west to I-5.*



*Note: Drug Impact Area boundaries fall on the street centerline.
PORTLAND POLICE BUREAU, STRATEGIC SERVICES DIVISION, AUGUST 2011.

PPB Case #:

Original Sentence

Amended Sentence

MARIJUANA

DRUG IMPACT AREA SPECIAL CONDITIONS OF PROBATION

Defendant Name:

Defendant DOB: / /

Defendant CRN:

DA Case Number:

Judge:

Court Case Number:

Sentencing Date:

Probation Term: / / to / /

Offense:

Felony

Misdemeanor

You have been convicted of a crime in Multnomah County related to the controlled substance marijuana and have been sentenced to a term of probation to the listed Multnomah County Court. As a condition of your probation, the Court has ordered the following effective immediately:

- You shall not enter the Marijuana Drug Impact Area according to the Drug Impact Area Terms as described below and illustrated on the back of this form.

If you violate these or any other conditions of your probation, you will be subject to arrest and sanction by the Court. The sanction can include extension of the term of your probation, fines, community service, incarceration and revocation of your probation. Exemption from any condition of your probation can only be granted by the Court.

Drug Impact Area Terms

PROPER 'TRAVEL' is movement on foot or by vehicle from one point to another without delay other than to obey traffic control devices. You may also travel directly and without delay to and from and be present at the events and locations listed below.

- YOUR RESIDENCE: You may travel in a Drug Impact Area directly to and from your residence.
- A FACILITY THAT PROVIDES YOUR ESSENTIAL NEEDS: You may travel in a Drug Impact Area to obtain food, physical care or medical attention if you can not reasonably satisfy such needs outside the Drug Impact Area.
- SCHOOL: You may travel in a Drug Impact Area to enroll or attend a school
- WORKPLACE: You may travel in a Drug Impact Area to work if you are an employee, owner, principal, or agent of a place of lawful employment or to perform employment-related services for a lawful employer.
- SOCIAL SERVICES PROVIDER: You may travel in a Drug Impact Area to and from a social services provider if you are in need of social services, and you seek social services for reasons relating to your health or well-being.
- COURT OR CRIMINAL JUSTICE ACTIVITIES: You may travel to and from a court- or corrections-imposed obligation, attorney meeting, scheduled initial interview with a social service provider, contact with criminal justice personnel at a criminal justice facility, an administrative or a judicial hearing.
- INTERSTATE HIGHWAY: You may travel on Interstate 5 or 405 through a Drug Impact Area.
- COURT ORDERED EXCEPTION:

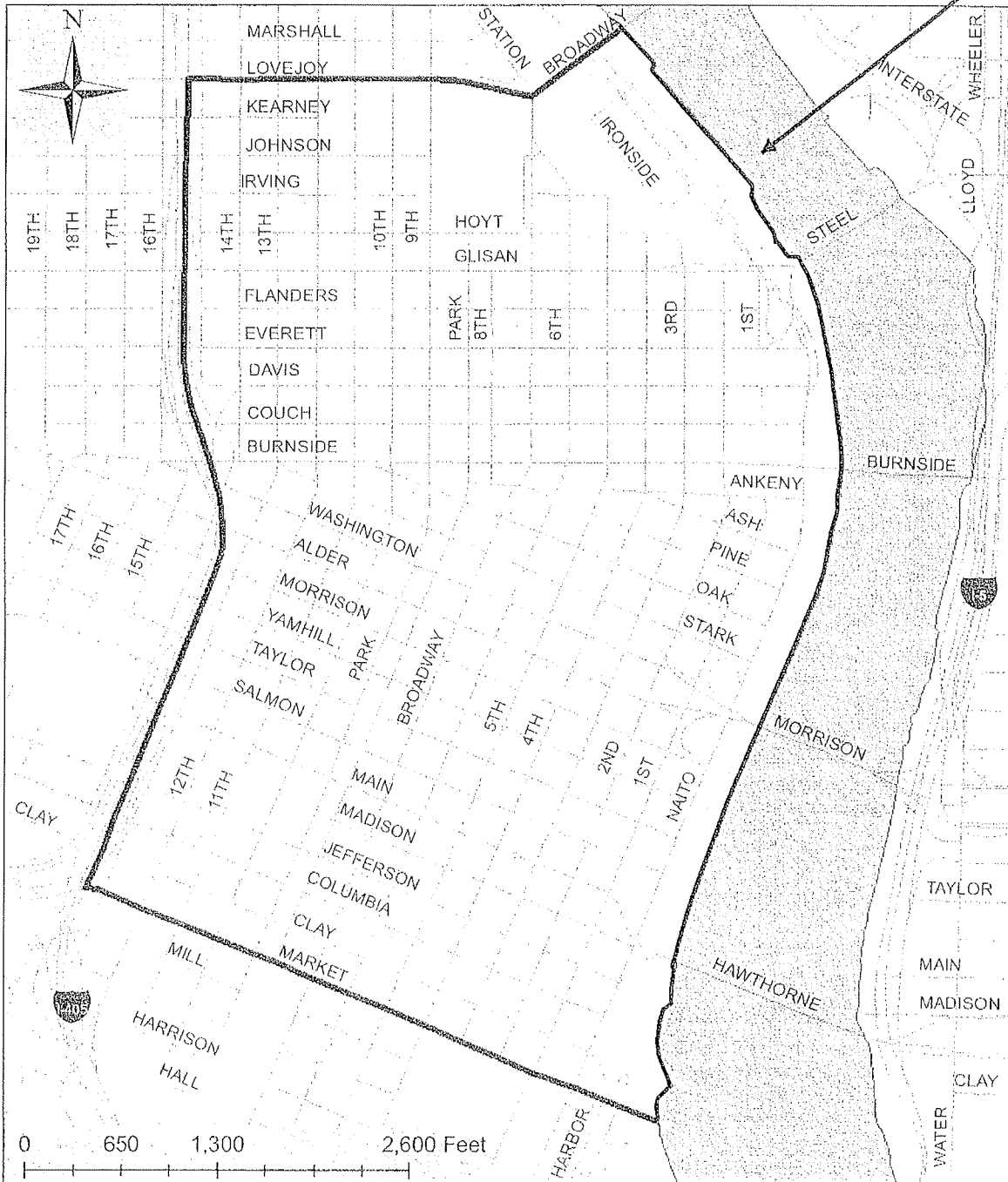
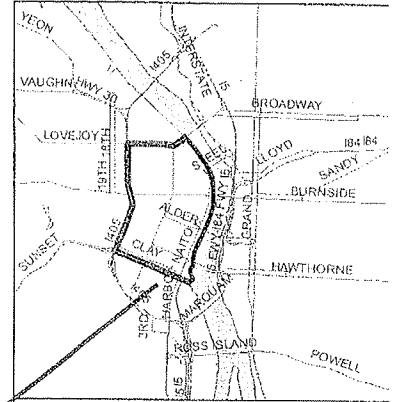
IF YOU ARE IN A DRUG IMPACT AREA AND NOT AT OR TRAVELING PROPERLY TO OR FROM ONE OF THE LISTED EVENTS OR LOCATIONS, AND NOT ON AN INTERSTATE HIGHWAY, YOU MAY BE ARRESTED FOR VIOLATING THE CONDITIONS OF YOUR PROBATION

Judge's Signature: _____

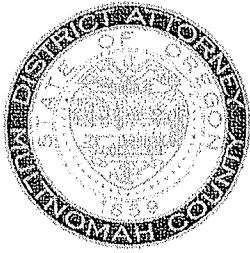
Date: _____

DRUG IMPACT AREA: MARIJUANA

Boundaries: Northern boundary is NW Lovejoy St. from I-405 along NW Lovejoy St. to the NW Broadway Bridge then to the bank of the Willamette River. Eastern boundary is the bank of the Willamette River from the NW Broadway Bridge south to where SW Market St. would meet the bank of the Willamette River if extended east. Southern boundary is SW Market St. to I-405. Western boundary is I-405.*



*Note: Drug Impact Area boundaries fall on the street centerline.



Michael D. Schrunk, District Attorney

1021 SW Fourth Avenue, Room 600
Portland, OR 97204-1193
Phone: 503-988-3162 Fax: 503-988-3643
www.co.multnomah.or.us/da/

MEMORANDUM

To: Michael D. Schrunk
From: Mark McDonnell
cc: Norm Frink
Date: April 12, 2012
Subject: Nine Month Drug Impact Area Report

The Drug Impact Area (DIA) program completed its ninth month of operation in March. Since the start of the DIA program, 400 criminal cases (267 felonies and 133 misdemeanors) have been issued involving the unlawful delivery or possession of heroin, cocaine, and marijuana that occurred in one of the 3 Drug Impact Areas: Heroin (Downtown, Old Town, and Holladay Park), Cocaine (Old Town and Holladay Park) and Marijuana (Downtown and Old Town). Of the 400 drug related criminal cases issued that occurred in one of the DIAs, 121 involved the unlawful delivery of heroin, cocaine, or marijuana (53 unlawful delivery of heroin, 35 unlawful delivery of cocaine and 33 unlawful delivery of marijuana cases). Of the 121 defendants charged with delivery, only 26 (21%) reported a primary address located within the DIA in which the person was arrested. 95 of the defendants charged with delivery occurring in one of the DIAs (79%), had a primary address located outside the DIAs.

In comparison, over the same period 1202 criminal cases involving the unlawful delivery or possession of cocaine, heroin, and marijuana were issued countywide outside one of the three DIAs. Regardless of whether the incident occurred inside or outside one of three DIAs, defendants convicted of unlawful delivery or possession of heroin, cocaine or marijuana are subject to an exclusion from the DIA for the particular drug upon which the conviction is based. For example, defendants convicted of a drug crimes involving heroin are subject to exclusion from the Heroin DIA, whether or not the incident occurred within the Heroin DIA. The same applies to defendants convicted of drug crimes involving

cocaine and marijuana. Imposition of the DIA exclusion is requested after conviction for those defendants who are sentenced to a term of probation.

DIA exclusions are not requested for defendants sentenced to prison. Further, DIA exclusions are not requested for defendants enrolled in the Multnomah County STOP drug court diversion program and actively engaged in treatment. STOP eligibility is limited to defendants charged with the unlawful possession of a "user quantity" of a schedule I or schedule II controlled substance. STOP participants are required to successfully complete out-patient treatment and appear before the STOP court judge at regular intervals to review the person's progress in recovery. If the defendant successfully completes treatment the person is allowed to withdraw their guilty plea and have their case dismissed. If the defendant does not comply with the terms and conditions of the STOP program, a felony conviction is entered whereupon the person becomes eligible for a DIA exclusion.

As of March 31, the court had imposed 417 DIA exclusions as a condition of probation involving 381 individual defendants. A small number of defendants were convicted of a DIA eligible crime more than once, resulting in the imposition of multiple DIA exclusions. Of the 417 DIA exclusions ordered, 47 were imposed for a conviction of unlawful delivery of heroin, 21 for a conviction of unlawful delivery of cocaine, and 44 for a conviction of unlawful delivery of marijuana. The other 305 DIA exclusions were ordered in cases where the defendant was convicted of crimes involving the unlawful possession of heroin, cocaine and marijuana.

In conjunction with the creation of the DIA program, the District Attorney's Office revised its policy regarding the prosecution of cases involving the possession of residue quantities (less than .01 grams) of heroin and cocaine. Previously, cases involving the possession of residue quantities of heroin and cocaine were processed as violations in community court. Since the inception of the DIA program, 277 cases that were formerly eligible for violation treatment have been issued as misdemeanors. Defendants convicted of these drug related misdemeanor are now eligible for a DIA exclusion as a condition of bench probation.

With the creation of the DIA program, the Service Coordination Team (SCT) agreed to screen each defendant who received a DIA exclusion. The SCT program identifies the most chronic offenders, providing them with intensive, focused drug treatment, housing, and services. Of the 381 distinct defendants who were issued a DIA exclusion, 152 are eligible for SCT services. Of those 152 eligible defendants, 58 have been served by SCT in the past with 20 currently being served. Additionally, 35 defendants convicted under the revised policy qualify for services through the Service Coordination Team. Prior to the DIA program, these defendants would have been convicted of a violation and simply fined. Because of the DIA program, these defendants are eligible for intensive focused drug treatment and housing.

An essential component of the DIA program was the creation of a DIA deputy district attorney position. Billy Prince has served as the DIA prosecutor since the inception of the program in June of 2011. In addition to being responsible for the prosecution of drug related felonies occurring inside DIAs, Mr. Prince also acts as the liaison between the District Attorney's Office, Portland Police Bureau, Department of Community Justice, the court, and community members. To facilitate his community outreach function Mr. Prince has an office in Old Town/China Town in addition to his office in the courthouse. Since June, Mr. Prince has made presentations regarding the DIA program to several business and neighborhood associations including the Old Town/Chinatown Neighborhood Association, the Portland Downtown Neighborhood Association, the Central Precinct Public Safety Action Committee, the Old Town/Chinatown Business Association, and the Pearl District Livability Committee and board. Mr. Prince's presence in Old Town/China Town has proven critical in assisting officers working in the area and addressing community concerns.

Creation of the DIA prosecutor position has also permitted the District Attorney's Office to become more actively involved in attacking the blatant drug dealing in the Downtown and Old Town areas. Mr. Prince has assisted PPB in two undercover illegal drug interdiction missions resulted in the indictment of 30 defendants for unlawful delivery of heroin and cocaine and worked with federal

prosecutors to indict selected cases in federal court. With the support of the US Attorney's office, Barry Walker and Juan Antonio Cruz were indicted federally for dealing drugs in the DIAs. Mr. Walker was indicted for unlawful delivery of cocaine in the Downtown DIA. Juan Antonio Cruz was indicted for unlawful delivery of heroin in the DIA and unlawful reentry. Mr. Walker qualified as a career offender under federal sentencing guidelines because of his 2 prior convictions for unlawful delivery of cocaine. Mr. Walker pleaded guilty and was sentenced to 120 months of prison. Mr. Cruz was arrested after Drug's and Vice Division (DVD) investigated a heroin overdose death in the Downtown Heroin DIA. DVD was able to identify and arrest the decedent's heroin supplier who then led them to his supplier, Mr. Cruz. If Mr. Cruz is convicted of being in the distribution chain of a controlled substance that causes the death of another he is subject to a 20 year mandatory minimum prison sentence or life in prison under the federal "Len Bias" statute. Use of the "Len Bias" statute has proven to be a very helpful and effective tool in the investigation and prosecution persons in the upper echelons of several local drug trafficking networks. The prosecution of persons such as Barry Walker and Juan Antonio Cruz demonstrate that heroin and cocaine dealers are no longer able to operate in the Downtown and Old Town areas with impunity.

I. Drug related criminal cases issued since 6/1/11 occurring within 1 of the 3 Drug Impact Areas

- A. Total cases issued: 400 (267 felonies and 133 Misdemeanors)
- B. Racial Background of cases issued
 - 13- Hispanic (3%)
 - 153- African American (38%)
 - 227- White (57%)
 - 7- Other (2%)
- C. Gender
 - 99- Female (25%)
 - 301- Male (75%)
- D. Total charges issued: 469 (Some cases have multiple drug charges)
 - 53- Unlawful delivery of heroin
 - 157- Unlawful possession of heroin
 - 35- Unlawful delivery of cocaine
 - 199- Unlawful possession of cocaine
 - 35- Unlawful delivery of marijuana
 - 25- Unlawful possession of marijuana

- E. Disposition (including cases issued prior to 6/1/11)
 - 209- Convicted
 - 140- Excluded*
 - 22- Prison
- F. Racial background of excluded defendants
 - 3- Hispanic (2%)
 - 60- African American (43%)
 - 77- White (55%)

II. Drug related criminal cases issued since 6/1/11 occurring outside the 3 Drug Impact Areas

- A. Total cases issued: 1202 (1062 Felonies and 140 Misdemeanors)
- B. Racial background of cases issued
 - 123- Hispanic (10%)
 - 300- African American (25%)
 - 746- White (63%)
 - 33- Other (3%)
- C. Gender of cases issued
 - 224- Female (19%)
 - 978- Male (81%)
- D. Total charges issued: 1218 (Some cases have multiple drug charges)
 - 163- Unlawful delivery of heroin
 - 327- Unlawful possession of heroin
 - 87- Unlawful delivery of cocaine
 - 310- Unlawful possession of cocaine
 - 120- Unlawful delivery of marijuana
 - 211- Unlawful possession of marijuana
- E. Disposition (Including cases issued prior to 6/1/11)
 - 810- Convicted
 - 277- Excluded*
 - 98- Prison
- F. Racial background of excluded defendants
 - 15- Hispanic (5%)
 - 102- African American (37%)
 - 150- White (54%)
 - 10- Other (4%)

*Several of the convictions involved cases issued prior to the creation of the DIA program. Further, most defendants charged with unlawful possession of heroin, cocaine and marijuana are eligible to participate in the Multnomah County STOP drug court treatment program. Defendants enrolled in STOP are not issued a DIA exclusion as long as they are actively engaged in treatment. If the person successfully completes treatment they are allowed to withdraw their guilty plea and have their case dismissed. If the person does not comply with the terms of the program, a felony conviction is entered whereupon the person becomes eligible for a DIA exclusion. Finally, DIA exclusions are not issued for defendants sentenced to prison.



Michael D. Schrunk, District Attorney

1021 SW Fourth Avenue, Room 600
Portland, OR 97204-1193
Phone: 503-988-3162 Fax: 503-988-3643
www.co.multnomah.or.us/da/

MEMORANDUM

To: Michael D. Schrunk
From: Mark McDonnell
cc: Norm Frink
Date: December 15, 2011
Subject: December 2011 Drug Impact Area Report

The Drug Impact Area (DIA) program completed its sixth month of operation in November. Since the start of the DIA program, 240 criminal cases (169 felonies and 71 misdemeanors) have been issued involving the unlawful delivery or possession of heroin, cocaine, and marijuana that occurred in one of the three Drug Impact Areas: Heroin (Downtown, Old Town, and Holladay Park), Cocaine (Old Town and Holladay Park) and Marijuana (Downtown and Old Town). In comparison, over the same period 824 criminal cases involving the unlawful delivery or possession of cocaine, heroin, and marijuana were issued countywide outside one of the three DIAs. Regardless of whether the incident occurred inside or outside one of three DIAs, defendants convicted of unlawful delivery or possession of heroin, cocaine or marijuana are subject to an exclusion from the DIA for the particular drug upon which the conviction is based. For example, defendants convicted of a drug crime involving heroin are subject to exclusion from the Heroin DIA, whether or not the incident occurred within the Heroin DIA. The same applies to defendants convicted of drug crimes involving cocaine and marijuana. Imposition of the DIA exclusion is requested after conviction for those defendants who are sentenced to a term of probation. DIA exclusions are not requested for defendants sentenced to prison.

Of the 240 drug related criminal cases issued that occurred in one of the DIAs, 69 involved the unlawful delivery of heroin, cocaine, or marijuana (37 unlawful delivery of heroin, 20 unlawful delivery of cocaine and 12 unlawful delivery of marijuana cases). Of the 69 defendants charged with delivery, only

13 (19%) reported a primary address located within the DIA in which the person was arrested. 56 of the defendants charged with delivery occurring in one of the DIAs (81%), had a primary address located outside the DIAs.

To date, 240 defendants have been excluded from the DIAs as a condition of probation. Of the 240 defendants who were issued a DIA exclusion, 21 were convicted of unlawful delivery of heroin, 14 were convicted of unlawful delivery of cocaine, and 25 were convicted of unlawful delivery of marijuana. The other 180 DIA exclusions were ordered in cases where the defendant was convicted of crimes involving the unlawful possession of heroin, cocaine and marijuana.

In conjunction with the creation of the DIA program, the District Attorney's Office revised its policy regarding the prosecution of cases involving the possession of residue quantities (less than .01 grams) of heroin and cocaine. Previously, cases involving the possession of residue quantities of heroin and cocaine were processed as violations in community court. Since the inception of the DIA program, 164 cases that were formerly eligible for violation treatment have been issued as misdemeanors. Defendants convicted of these drug related misdemeanors are now eligible for a DIA exclusion as a condition of bench probation.

With the creation of the DIA program, the Service Coordination Team (SCT) agreed to screen each defendant who received a DIA exclusion. The SCT program identifies the most chronic offenders, providing them with intensive, focused drug treatment, housing, and services. Of the 240 defendants who were issued a DIA exclusion, 109 are eligible for SCT services and 43 are currently being served by SCT. Additionally, 18 defendants convicted under the revised policy qualify for services through the Service Coordination Team. Prior to the DIA program, these defendants would have been convicted of a violation and simply fined. Because of the DIA program, these defendants are eligible for intensive focused drug treatment and housing.

An essential component of the DIA program was the creation of a DIA deputy district attorney position. Billy Prince has served as the DIA prosecutor since the inception of the program in June of

this year. In addition to being responsible for the prosecution of drug related felonies occurring inside DIAs, Mr. Prince also acts as the liaison between the District Attorney's Office, Portland Police Bureau, Department of Community Justice, the court, and community members. To facilitate his community outreach function Mr. Prince has an office in Old Town/China Town in addition to his office in the courthouse. Since June, Mr. Prince has made presentations regarding the DIA program to several business and neighborhood associations including the Old Town/Chinatown Neighborhood Association, the Portland Downtown Neighborhood Association, the Central Precinct Public Safety Action Committee, and the Old Town/Chinatown Business Association. Mr. Prince's presence in Old Town/China Town has proven critical in assisting officers working in the area and addressing community concerns.

Creation of the DIA prosecutor position has also permitted the District Attorney's Office to become more actively involved in attacking the blatant drug dealing in the Downtown and Old Town areas. Mr. Prince has assisted PPB in two undercover illegal drug interdiction missions which resulted in the indictment of 30 defendants for unlawful delivery of heroin and cocaine and worked with federal prosecutors to indict selected cases in federal court. With the support of the U.S. Attorney's office, Barry Walker and Juan Antonio Cruz were indicted federally for dealing drugs in the DIAs. Mr. Walker was indicted for unlawful delivery of cocaine in the Downtown DIA. Juan Antonio Cruz was indicted for unlawful delivery of heroin in the DIA and unlawful reentry. Mr. Walker qualified as a career offender under federal sentencing guidelines because of his two prior convictions for unlawful delivery of cocaine. If convicted, Mr. Walker faces a presumptive sentence of 15-20 years prison, with a statutory maximum of 40 years. Mr. Cruz was arrested after the Drug and Vice Division (DVD) investigated a heroin overdose death in the Downtown Heroin DIA. DVD was able to identify and arrest the decedent's heroin supplier who then led them to his supplier, Mr. Cruz. If Mr. Cruz is convicted of being in the distribution chain of a controlled substance that causes the death of another he is subject to a 20 year mandatory minimum prison sentence or life in prison under the federal "Len

Bias” statute. Use of the “Len Bias” statute has proven to be a very helpful and effective tool in the investigation and prosecution of persons in the upper echelons of several local drug trafficking networks. The prosecution of persons such as Barry Walker and Juan Antonio Cruz demonstrate that heroin and cocaine dealers are no longer able to operate in the Downtown and Old Town areas with impunity.

I. Drug related criminal cases issued since 6/1/11 occurring within 1 of the 3 Drug Impact Areas

A. Total cases issued: 240 (169 felonies and 71 Misdemeanors)

- 37- Unlawful delivery of heroin
- 61- Unlawful possession of heroin
- 20- Unlawful delivery of cocaine
- 104- Unlawful possession of cocaine
- 12- Unlawful delivery of marijuana
- 6- Unlawful possession of marijuana

B. Disposition (including cases issued prior to 6/1/11)

- 118- Convicted
- 84- Excluded**
- 13- Prison

C. Racial background

- 7- Hispanic (2.91%)
- 89- African American (37.08%)
- 139- White (57.91%)
- 5- Other (2.08%)

D. Gender

- 63- Female (26.25%)
- 177- Male (73.75%)

II. Drug related criminal cases issued since 6/1/11 occurring outside the 3 Drug Impact Areas

A. Total cases issued: 824 (731 Felonies and 93 Misdemeanors)

- 106- Unlawful delivery of heroin
- 232- Unlawful possession of heroin
- 52- Unlawful delivery of cocaine
- 216- Unlawful possession of cocaine
- 73- Unlawful delivery of marijuana
- 145- Unlawful possession of marijuana

B. Disposition (Including cases issued prior to 6/1/11)

- 502- Convicted
- 160- Excluded**
- 54- Prison

C. Racial background

- 77- Hispanic (9.34%)
- 186- African American (22.57%)
- 538- White (65.29%)
- 23- Other (2.79%)

D. Gender

- 164- Female (19.9%)
- 660- Male (80.09%)

**Several of the convictions involved cases issued prior to the creation of the DIA program. Further, most defendants charged with unlawful possession of heroin, cocaine and marijuana are eligible to participate in the Multnomah County STOP drug court treatment program. Defendants enrolled in STOP are not issued a DIA exclusion as long as they are actively engaged in treatment. If the person successfully completes treatment they are allowed to withdraw their guilty plea and have their case dismissed. If the person does not comply with the terms of the program, a felony conviction is entered whereupon the person becomes eligible for a DIA exclusion. Finally, DIA exclusions are not issued for defendants sentenced to prison.

Agenda No.
REPORT NO.
Title

Accept the City of Portland, Portland Police Bureau, and Multnomah County District Attorney's Report on Illegal Drug Impact Areas (Report).

<p align="center">INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams</p>	<p>CLERK USE: DATE FILED <u>APR 27 2012</u></p>
<p align="center">COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams <i>[Signature]</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p>	<p align="center">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> _____ Deputy</p>
<p align="center">BUREAU APPROVAL</p> <p>Bureau: Bureau Head:</p>	<p>ACTION TAKEN: MAY 02 2012; ACCEPTED</p>
<p>Prepared by: Amreet Sandhu Date Prepared: 4/26/2012</p>	
<p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Council Meeting Date 5/2/2012</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan</p>	

AGENDA
<p>TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>10:15</u></p> <p>Total amount of time needed: 45 minutes (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	