

Portland, Oregon
**FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT
 For Council Action Items**

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Amreet Sandhu		2. Telephone No. (503) 823 - 4182	3. Bureau/Office/Dept. Mayor's Office
4a. To be filed (date): 4/26/12	4b. Calendar (Check One) Regular Consent 4/5ths <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		5. Date Submitted to Commissioner's office and FPD Budget Analyst:
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

1) Legislation Title:

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

2) Purpose of the Proposed Legislation:

See above.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- City-wide/Regional Northeast Northwest North
- Central Northeast Southeast Southwest East
- Central City
- Internal City Government Services

FINANCIAL IMPACT

4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

N/A

5) Expense: What are the costs to the City related to this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the *level of confidence*.)

N/A

6) Staffing Requirements:

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*

NO

- **Will positions be created or eliminated in *future years* as a result of this legislation?**

NO

(Complete the following section only if an amendment to the budget is proposed.)

7) Change in Appropriations *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

- YES:** Please proceed to Question #9.
 NO: Please, explain why below; and proceed to Question #10.

9) If “YES,” please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

- Reduce open air drug dealing in Illegal Drug Impact Areas.
- Reduce the demand for drugs by connecting users to treatment.

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

- Many Portlanders in the Old Town Chinatown community reached out to the Mayor’s office asking for a response. The Mayor met with community members, gave a presentation with Police Chief Mike Reese, and asked for community input. Since then, the Mayor’s office and the District Attorney’s office have presented this policy to community groups.

c) How did public involvement shape the outcome of this Council item?

- See above

d) Who designed and implemented the public involvement related to this Council item?

- The Mayor’s office

e) Primary contact for more information on this public involvement process (name, title, phone, email):

- Caryn Brooks, Communications Director, Office of Mayor Sam Adams, caryn.brooks@portlandoregon.gov, (503) 823 - 4120

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

- The public is invited to participate each time this item comes to council.

Sam Adams, Mayor



BUREAU DIRECTOR (Typed name and signature)



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: September 9, 2011
Subject: September 2011 Drug Impact Area Report

The Drug Impact Area (DIA) program completed its third month of operation in August. Since the inception of the DIA program, 131 criminal cases (102 felonies and 29 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). In comparison, over the same period 427 criminal cases involving the unlawful delivery or possession of cocaine, heroin, and marijuana were issued county wide. 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 convict 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.

In conjunction with the creation of the DIA program, the District Attorney's Office revised its policy regarding the prosecution of case 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, 79 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.

Of the 131 drug related criminal cases issued that occurred in one of the DIAs, 51 involved the unlawful delivery of heroin, cocaine, or marijuana (28 unlawful delivery of heroin, 15 unlawful delivery of cocaine and 8 unlawful delivery of marijuana cases). Of the 51 defendants charged with delivery, only 16 reported a primary address located within the DIA in which the person was arrested. 35 defendants had a primary address located outside the DIAs

To date, 98 defendants have been excluded from the DIAs as a condition of probation. There has not been a single instance where the court has refused to issue a DIA exclusion as a condition of probation. Of the 98 defendants who were issued a DIA exclusion, 12 were convicted of unlawful delivery of heroin, 11 were convicted of unlawful delivery of cocaine, and 7 were convicted of unlawful delivery of marijuana. The other 68 DIA exclusions were ordered in cases where the defendant was convicted of crimes involving the unlawful possession of heroin, cocaine and marijuana.

With the creation of the DIA program, the Service Coordination Team (SCT) agreed to screen each defendant who received a DIA exclusion. SCT provides defendants with treatment and housing alternatives. Of the 98 defendants who were issued a DIA exclusion, 35 qualified for SCT services.

Of the 98 defendants issued a DIA exclusion as a condition of probation, 7 were subsequently stopped and detained by the police inside the DIA from which they had been excluded. Almost all of the defendants were stopped by officers assigned to the walking patrol. Initially, there were problems regarding the issuance of detainers by the Department of Community Justice (DCJ) for persons found in violation of their DIA exclusion. On August 22, DDA Billy Prince, Heath Kula and I met with managers of the DCJ to improve communication between the Portland Police Bureau, DCJ and the District Attorney's Office. I believe the meeting was productive.

Since June 1, DDA Billy 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. I'm happy to report that Mr. Prince and the DIA program were well received.

Equally important, creation of the DIA program 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. As the deputy district attorney specifically assigned to drug related crimes originating in the DIAs, Mr. Prince has assisted PPB in the planning and operation of undercover illegal drug interdiction missions and work with federal prosecutors to indict selected cases in federal court. The first example of the fruits of this collaborative effort was an illegal drug interdiction mission in the Downtown and Old Town areas that resulted in the indictment of 20 defendants for unlawful delivery of heroin and cocaine. Another example was the indictment of Barry Walker in federal court. Mr. Walker was arrested for unlawful delivery of cocaine in the Downtown DIA. Because of his 2 prior convictions for unlawful delivery of cocaine, Walker qualifies as a career offender under federal sentencing guidelines. If convicted, Mr. Walker faces a presumptive sentence of 15-20 years prison, with a statutory maximum of 40 years. Finally, Mr. Prince is currently assisting the Drug's and Vice Division (DVD) in the investigation of a heroin overdose death that recently occurred in the Downtown Heroin DIA. DVD was able to identify and arrest the decedent's heroin supplier. A person convicted of being in the distribution chain of a controlled substance that causes the death of another is subject to a 20 year mandatory minimum prison sentence 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 successful prosecution of "Len Bias" cases and persons such as Barry Walker demonstrate that heroin and cocaine dealers will no longer be permitted 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: 131 (102 felonies and 29 Misdemeanors) involving 128 defendants*
 - 28- Unlawful delivery of heroin
 - 33- Unlawful possession of heroin
 - 15- Unlawful delivery of cocaine
 - 50- Unlawful possession of cocaine
 - 8- Unlawful delivery of marijuana
 - 5- Unlawful possession of marijuana
- B. Disposition (including cases issued prior to 6/1/11)
 - 54- Convicted
 - 40- Excluded**
 - 8- Prison
- C. Racial background
 - 2- Hispanic (1%)
 - 42- African American (33%)
 - 79- White (62%)
 - 5- Other (4%)
- D. Gender
 - 38- Female (29.6%)
 - 90- Male (70.3%)

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

- A. Total cases issued: 427 (377 Felonies and 50 Misdemeanors)***
 - 40- Unlawful delivery of heroin
 - 130- Unlawful possession of heroin
 - 26- Unlawful delivery of cocaine
 - 131- Unlawful possession of cocaine
 - 40- Unlawful delivery of marijuana
 - 84- Unlawful possession of marijuana
- B. Disposition (Including cases issued prior to 6/1/11)
 - 245- Convicted
 - 58- Excluded**
 - 24- Prison
- C. Racial background
 - 32- Hispanic (7.4%)
 - 109- African American (25.5%)
 - 275- White (64.4%)
 - 11- Other (2.5%)
- D. Gender
 - 83- Female (20%)
 - 344- Male (80.5%)

* 8 cases involved multiple drugs.

**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.

*** 24 cases involved multiple drugs.