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**Author(s):                 Barbara Boland**

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Barbara Boland  
11 Ninth Street NE  
Washington, DC 20002  
202-543-8571  
abcde@erols.com

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The Role of the Multnomah County District Attorney  
in Order Maintenance: 1990-2000

Barbara Boland  
December 2001

**Introduction**

This paper describes the work of deputy district attorneys assigned to the Multnomah County (Portland, OR) District Attorney's community prosecution unit. It explains what it is that they do and illustrates how their work is changing the function of the District Attorney's (DA) office. The central thesis of the paper is that demands from the citizenry for attention to low level problems of public order are drawing the District Attorney's Office into the task of order maintenance, previously left to the police, and that the legal work required to address order maintenance behaviors is fundamentally different from prosecutors' traditional focus on adversarial litigation.

Studies of police order maintenance, published in the 1960's and 1970's, characterized order maintenance not only as a police function distinct from the work of the court, *but as a police function outside the rule of law*. Authors who observed police work first hand consistently concluded that police officers handled order maintenance situations without reference to (or help from) the formal legal authority of the law or the court. (Bittner 1970, Niederhofer 1967, Wilson 1968, President's Commission 1967) The frequently cited Broken Windows article, by James Q. Wilson and George Kelling published in 1982, that first suggested paying attention to disorderly behaviors prevents crime, like earlier studies concluded that there was not much the police could

do to promote order *under the law*. By way of example, Wilson and Kelling cited gang-related disorder in the Robert Taylor homes project in Chicago in which police determination to do something, supported by project residents, meant "In the words of one officer, 'We kick ass.'" (Wilson and Kelling 1982, p35)

There are constitutional, under the law solutions to the situation Wilson and Kelling described, and attorneys in a number of cities have figured them out by applying their knowledge of the law to concrete facts and circumstances in specific situations. Such solutions are a direct result of changes over the last 10 to 15 years in the institutional arrangements among citizens, police, and attorneys who traditionally work in the downtown courts, for addressing citizen complaints about neighborhood crime.

Generally, the change now taking place in local criminal justice institutions (most fall under community justice rubrics, e.g. community policing, community prosecution, community court) is drawing attorneys out of courtrooms and into direct contact with citizens and police in neighborhoods. As attorneys become familiar with citizen complaints and the street behaviors that generate low level crime and disorder, they are able to craft enforcement solutions that conform to established legal principles. Most use existing law. The character of the legal work and the operational responses that result from it, however, differ significantly from that of the adversary process in which the punishment of the accused is the end goal. The goal of order maintenance is typically not punishment but compliance.

Police officers skilled in the order maintenance task know they can effectively deal with a wide range of low level behaviors by soliciting voluntary compliance. Their ability to do this *within the rule of law*, however, is contingent on the court affirming officers legal authority to

intervene when they are confronted with non-compliers. Officers authority on the street, in other words, is contingent on getting non-compliers in front of a judge who can officially confirm the legal authority under which officers act. Making sure that such a response is forthcoming from the court now falls in the first instance to District Attorneys who have replaced lower court magistrates (who once performed this function) as the gatekeepers to official court action. The rebuilding of a capacity within the court to perform the order maintenance function in coordination with the street order maintenance function of the police is a significant and important change.

The story of how the courts' role in order maintenance atrophied over the last century, changes in constitutional case law governing police contact with persons and property in the last 30 years, and current changes in police organizations are all part of the larger story. The narrower purpose of this paper is to describe what attorneys and the court bring to the order maintenance function that police by themselves cannot do, yet enables officers under the law and within the constitution to respond to low level problems of public order that citizens want addressed.

The processes described do not operate within a neat organizational context. Work tasks reach across organizational boundaries and are not well defined in advance. Effectiveness flows from continual adaption to changes in street behavior and a flexible capacity to adapt responses to the unique problems of particular neighborhoods. Community engagement is the driving force, but it is governmental institutions through which the community acts. Inquiry into the nature of such complex processes is better suited to qualitative case studies than quantitative or highly structure methodologies. Case studies enable substantive understanding of intricate processes

that other information suggests are characteristic of broader change, in this case — renewed attention by citizens, police, and the court to order maintenance behaviors.

The Portland Neighborhood DA (NDA) unit is unique in its assignment of eight deputy district attorneys to work full time on citizen-identified quality-of-life issues (the popular term for order maintenance). Attention to quality-of-life crimes, however, is the single most common characteristic (after working with citizens) among known initiatives, if not always the exclusive or full time focus.<sup>1</sup> Portland's experience thus affords a unique opportunity to understand the role of the law and the court in the order maintenance function.

In what follows I describe the specific genesis of the NDA unit, other events in Portland of which it was but one part, the geography of the drug and disorder problem that was important to it's impetus and for ten years has dominated the work of its three most senior attorneys, and present in detail the events in one neighborhood over the course of a decade to exemplify the essential features of the organizational changes that are emerging overtime. Specifically, what has

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<sup>1</sup> A recent survey of 27 known community prosecution initiatives prepared for the Bureau of Justice Assistance documents this point. (Goldkamp et. al. 2001) Twenty-one of the 27 initiatives target quality-of-life problems Two others target drug and gang problems which can involve violent behavior but virtually always appear with and are facilitated by low level disorders. Among the 27 initiatives the most common administrative arrangement is *a specialized attorney staffed unit with at least some relief from traditional case processing responsibilities, assigned geographically to work with citizens, police, and other collaborators.* The primary variation among offices with this arrangement is in the number of attorneys assigned and the degree of relief from traditional caseload responsibilities. Eighteen of the 27 offices fit this categorization. Of the other nine, five involve complicated office wide schemes that cannot be classified based on the information reported, one involves outreach but no legal work, one involves a post conviction restorative justice project, one involves a single non-geographic problem, and one had not yet hired an attorney.

emerged in Portland is a *legal capacity, that did not previously exist, to intervene with and thereby check low level problem behaviors that does not require routinely invoking the highly formalized procedural machinery of the adversary process.* Finally, I present statistical data to support this argument as well as crime data which suggests that this institutional change, in combination with the work of others, is contributing to measured improvements in public safety

The information presented was collected over a period of seven years, beginning in March 1994 through July 2000, including twelve weeks on site. The primary source of information was the attorneys, citizens, and police officers involved in the activities I describe as well as others involved in similar activities through out the city which are not included here. Data were collected through interviews, on-site observation, analysis of monthly attorney work reports, public documents such as action plans, daily review of Portland's major newspaper the *Oregonian*, and statistical reports from a variety of sources but most commonly from the Portland Police Bureau (PPB). Information was analyzed in light of what I also learned during this period from case studies in Manhattan, NY and Washington, DC, site visits to eight other cities, and case studies by Catherine Coles of Harvard University in Boston MA, Indianapolis IN, Austin TX, and Kansas City MO.

## **Genesis**

In late 1990 Multnomah County District Attorney Michael Schrunk temporarily detailed senior deputy Wayne Pearson to work on a neighborhood based pilot project in Portland's inner city Lloyd District. The idea for the project came out of work with a group of Lloyd District business people, concerned about crime and its consequences for the area.

Economic developments implemented throughout the 1980's, including a new Convention Center, were by the end of the decade transforming the District (a previously declining industrial-residential area) into a major commercial business district, across the Willamette River from downtown. As the Convention Center was about to open in 1989 business leaders became worried that criminal activity in the District would negate the economic benefits new developments were expected to bring into the city. This perception, validated by official crime data, was compounded by the eruption of gang and drug problems in the mid 1980s in Portland's Inner Northeast neighborhoods, just north of the Lloyd District, and the simultaneous emergence of a street heroin market in downtown's Old Town just across the Willamette River to the west.

Like other American cities, Portland's predominant crime problem since the mid 1980's has been drugs. Throughout the 1990's drug cases comprised forty-five to fifty percent of the DA's felony court caseload. The crack market in Inner Northeast, with its connections to Los Angeles gangs, generated local gangs and gang violence. The heroin market in Old Town involved mostly low level drug sales and little violence but was controlled by Mexican crime organizations. There are other drug problems in Portland, but these two areas of the city were the most seriously impacted by the street disorder associated with the drug trade of the 1980's and 1990's. The Lloyd District is at the apex of a right angle connecting Inner Northeast and Old Town. All three areas are linked by interstate highways, major city thoroughfares, and public

transportation.

To address problems in the Lloyd District, area business leaders formed an association and drafted a public safety action plan. (Holladay [Lloyd] District Public Safety Action Plan 1990) The plan listed specific strategies to address problems, including private actions, such as upgraded lighting and better coordination of private security resources. A clear message to local officials, however, was that the committee thought intensified public law enforcement was crucial. In addition to more police officers the committee wanted a special prosecutor to address their concern about the lack of consequences in the downtown courts for criminal activity that affected district businesses. When the group failed to obtain Federal funding for the special prosecutor project, they raised the money themselves. The local weekly tabloid labeled the project "Hired Gun". (Willamette Week, 1990)

The idea of private businesses paying a special prosecutor's salary presented valid ethical issues. Critics viewed the idea as a way for special classes of citizens (i.e. those with money) to get special services not available to others. Schrunk decided that a one year pilot project served the public interest. Safety in the Lloyd District was important to economic development for all of Portland. He accepted the private funding plan on the condition that, if the project were a success, eventual funding would be from public sources and all areas of the county would be served.

At the same time, Schrunk knew that business owners, community activists and average citizens representing drug and gang plagued neighborhoods in Northeast were also organizing and drafting anti-crime action plans. The Northeast Rescue Plan Action Committee's "Call to Action" (a project of Portland's Black United Front) did not include a request for a special prosecutor, but

it clearly called for a vigorous law enforcement response from the local police, the FBI, the DEA, and a request to the Governor to deploy the National Guard to Northeast Portland neighborhoods. (Northeast Rescue Plan Action Committee 1990) The Association for Portland Progress, the major downtown business association, had already in 1988 organized a business improvement district to improve safety downtown.

In early 1992, about a year after Schrunk sent Pearson to work in the Lloyd District he assigned (with funds from his own office budget) a second attorney, to work with citizens in Northeast. The Association for Portland Progress funded a pilot Neighborhood DA for downtown beginning in January of 1993. When activist citizens groups and the police in other areas of the city and county began to hear about the work of the NDAs they stepped forward with their own requests. A fourth NDA was sent to work in the city of Gresham in the east end of the county in Nov 1993; initial funding came through the city of Gresham. The fifth NDA funded by the county went to work in Southeast Portland in August of 1994. A sixth NDA went to work for Tri-Met, the regional transit authority, in mid 1995. A seventh went to work in a new police precinct in east Portland in 1997 and the eighth went to a new precinct in north Portland in 1999.

Schrunk has achieved his goal of complete county coverage and public funding. All attorneys' salaries are now paid out of public funds. Private funding continues only in the form of donated office space and clerical help in some locations.

## **What Citizens Want**

Citizens concerned about crime typically state their demand to do something about it in traditional law enforcement terms. The drafters of the Northeast Rescue Plan unequivocally wanted more police to support their communities' fight against drugs and gangs. Lloyd District committee members also wanted more visible police presence and the one year special prosecutor project was supposed to focus on recidivist offenders. (Fehrenkamp, 1990) Pearson, prior to being assigned to the District, also thought about ultimate project outcomes in traditional arrest and convict terms. He remembers that he went into the field with traditional notions about crime and prosecution. In the downtown court serious crime is the top priority, and convicting the guilty so judges can impose appropriate punishment is the important task. When he got into the street, he found that what bothered people on a daily basis was different.

People in the Lloyd District, like everyone else wanted robbers and burglars caught and punished and rapid police response to emergencies, but they also wanted something done about prostitution, public drinking, drug use, vandalism, street fights, littering, garbage, and car prowls. None of these behaviors fit traditional notions about serious crime. Nor did complaints typically focus on specific criminal incidents, though Lloyd citizens did have specific ideas about the source of the District's problems — illegal camping in nearby Sullivan's Gulch. Sullivan's Gulch, a wide natural gulch to the south, houses the intersection of two major railroad lines that historically has been the point at which transients hop on and off north-south and east-west bound trains. Small numbers of transients who stay to camp are not a serious problem. By the late 1980's, however, the number setting up more or less permanent residence and regularly venturing into neighboring areas to buy liquor, drink, litter, fight, steal, etc, had become a threatening public nuisance.

Pearson discovered in his first couple of months in the Lloyd District the problem Wilson and Kelling and other police researchers had been writing about for 10 years. (Kelling et al 1981, Wilson and Kelling 1982, Kelling 1992, Skogan 1990) The most common crime problems citizens in neighborhoods want addressed are low level crimes of disorder, not just the serious crimes that dominate the work of the downtown courts. Having come to this conclusion first hand, Pearson had to figure out what to do. He recognized that, "Citizens can articulate the problem but they don't really know or understand that the traditional criminal justice system with its preeminent focus on serious criminal cases and procedural justice can't do much about it." He decided that is what he (and the NDA unit he has headed since 1992) would do.

In generic terms what Portland Neighborhood DAs do is work with citizens and the police to help them figure out how to control the negative street behavior and low level disorder crime that threaten public safety in neighborhoods. They are an access point for citizen concerns that do not fit into the traditional incident-based system of justice downtown. Part of the job is to provide answers, feedback and explanations — especially explanations on why police, under the law, cannot do what citizens think they ought to be able to do to deal with offensive street conditions.

Their central activity, however, is to figure out what police and citizens can do under the law about low level crime and disorder that threaten legitimate neighborhood life. This includes searching all of the law for legal solutions and figuring out how to put operational procedures in place (i.e. getting people to work together in new ways) so new tactics and strategies can proceed. In this process the Neighborhood DA is a facilitator, legal counselor, negotiator, problem solver, and community advocate. What they do not do is litigate. If that is needed the case is handed off to the downtown office.

Without consciously thinking about it, Pearson and the Neighborhood DA unit, by applying the law step-by step to concrete problems, have been redefining the District Attorney's function to include the task of order maintenance, previously left to the police. They do not supplant the police role in dealing with public order. They augment it by providing the police with an expanded set of legal options to respond to citizen problems and make sure that if action is required by the court, cases will be presented to a judge.

In Pearson's words, this starts by getting attorneys' focus off the singular task of "hammering the defendant" in court and onto the problem of how to stop crime and abate disorderly situations. The critical first step is getting office attorneys to connect with citizens' view of what goes on in the street. When attorneys literally see what police and neighborhood residents see, they begin to understand the situational "handle the problem" perspective of citizens and police. They also come to understand that adversarial prosecution is but one of a variety of legal responses required to ameliorate neighborhood crime and disorder. The collaborative and problem oriented nature of the solutions they devise is immediately obvious. Less obvious is the legal capacity that builds slowly over time to check the low level behaviors that characterize order maintenance issues.

In Portland, the capacity that results is most observable downtown where both the street dealing of the last 15 years and classic order maintenance behaviors (that have always been there) are more intensely concentrated than in any other part of the city.

## **Order Problems Downtown**

On a day to day basis disorderly behaviors arise in seemingly endless variation, at the same time in a given neighborhood priority problems are few and remarkably enduring. Laurie Abraham, the Neighborhood DA downtown since 1993, listed in her first work report nine specific behaviors citizens, police officers, business organizations, and community groups identified as downtown problems.(Abraham, January 1993) The nine behaviors all fell into one of three problem categories that have changed little over time: drug dealing, petty theft (specifically theft-from-autos and shoplifting), and classic disorderly behaviors.<sup>2</sup> The list of specific disorderly behaviors has grown from six to about a dozen and fall into two sub-categories: the chronic and the episodic. Panhandling, street drinking, illegal camping, trespassing, and nuisance loitering (blocking sidewalks, in particular) are chronic problems downtown. Other street disorders like illegal vending, unregulated street music, reckless skate boarding, and cruising require attention but appear episodically. The chronic disorderly behaviors to a significant degree (but not exclusively) correlate with three social service populations that have long been present downtown: street alcoholics, mentally ill transients, and runaway youths who live in downtown shelters.

In 1993 the drug dealing involved the open air heroin market centered in Old Town just north of the business and shopping district. Thefts concentrate in the shopping district in the heart of downtown. The location of disorderly behaviors varies by type of perpetrator. The runaways and other youths (mostly middle class adolescents who dress strangely, but also a few potentially serious criminals who chose to live on the street) hang out in the downtown parks and the city's

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<sup>2</sup> Initially Abraham worked exclusively downtown, but even after the position expanded to include all of PPB's Central Precinct, the predominant source of complaints remained downtown.

central Pioneer Square. Alcoholic and mentally ill transients concentrate in Old Town, but are a visible presence throughout downtown, particularly alcoholic panhandlers. Each downtown problem has distinct characteristics, but each also interacts with and facilitates the others: addicts steal to buy drugs and then use them in parks; drug dealers mingle with transients to shield sales; and young chronic thieves hang out among like looking peers without attracting attention.

When Abraham started work in 1993 organized efforts were already in place to deal with each of these problems. The Association for Portland Progress (APP) in 1988 had initiated one of the country's first Business Improvement Districts (BIDs). Since 1989 APP's Vice-President for Policy, Rob Degraff, has worked with PPB officials to employ a security firm to enhance police attention to low level crime and disorderly behaviors in the BID area. In 1990 a citizen-police Steering Committee formed to address the drug dealing in Old Town. By the end of 1992 the Committee had accomplished its first anti-drug goal. In 1993 tensions between police and some social service advocates still held back cooperative efforts (these have now largely dissolved), but one initiative to provide housing for street alcoholics had a long standing cooperative relationship with the Bureau. Portland's Central City Concern (begun in the 1970s with the decriminalization of public drunkenness) provides alcohol free housing for alcoholics on the condition that they stay sober and arrange for themselves a program to aid recovery. By the early 1990s the availability of sober housing was reaching a critical mass.<sup>3</sup>

Since 1993 Abraham has worked with these and other organized efforts on a steady stream of specific matters arising out of downtown's drug, theft, and disorder problem. Her day to day work is problem-oriented and requires working with a different set of actors than is typical

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<sup>3</sup>Decriminalization began in 1971 in Portland.

of prosecuting cases in court. Problem identification flows out of direct engagement with citizens (which downtown typically means business groups or their representatives like security firms). The implementation of solutions virtually always requires working with police as well as citizens. (Neither NDAs or citizens have enforcement power on the street.) Other collaborators depend on the specifics of particular problems. For example, Federal law enforcement has been critical in addressing the drug dealing; social service agencies have been critical to dealing with street alcoholics. Abraham contributes to the collective effort in a variety of ways, including facilitating conventional prosecutions, but the new and unique contribution she and other NDAs bring to this process is *access to the law in devising solutions to specific problems a lot of people are complaining about for which there is not an existing remedy*. In 1993 the highest priority problem for which there was not a remedy was the drug trade in Old Town.

Old Town is a tiny area, fewer than 40 square blocks, physically separated from central downtown by Burnside Street. Since virtually the founding of the city in 1851, it has been home to populations outside the mainstream. It include's Portland historic Chinatown, and until well into the 20<sup>th</sup> century, its single room occupancy hotels, labor exchanges, gospel missions, and saloons served a transient labor force of sailors, railroad workers, loggers and farm hands. After World War II, as the Northwest's need for transient labor declined, single male pensioners, alcoholics, and social service agencies moved into Old Town's low rent buildings. Burnside Street was the city's Skid Road.

In 1958 Portland businessman William Naito (the son of Japanese immigrants who was forced to leave Portland during WWII) located the family's wholesale-retail business in Old Town. As the family business flourished, Naito invested in Old Town's historic buildings, rented

space cheap, and for 40 years until his death in 1996 relentlessly promoted economic development. More than any other single individual Naito is credited with Old Town's gradual transformation. New developments coexisted with social service populations, and continued in spite of the decriminalization of public drunkenness in the 1970's that by first hand accounts created chaos. Naito's vision of a diverse Old Town, preserved but commercially linked to downtown, stalled in the 1980's with the arrival of Mexican drugs.

In the early 1980's a new transient labor force, Hispanic migrant workers mostly from Mexico, arrived in Old Town to work on farms outside Portland. At the same time Mexican drug dealers introduced tar heroin into Oregon. Official accounts date the arrival of Mexican tar heroin in Oregon to 1984, report that it virtually eliminated all other sources of heroin in Oregon, and attribute its importation and distribution to Mexican crime organizations loosely tied together by blood or marriage. (U.S. Attorney 1993) Mexican heroin dealers, mostly illegal aliens, mixed with the legal migrant workers in Old Town.

Between 1985 and 1990 two additional shifts in the Mexican drug trade significantly altered patterns of drug trafficking in Portland and Old Town. First, as a result of the successful prosecution of several Mexican tar heroin traffickers in Federal court, Mexican crime families shifted importation and street dealing to non-family members (throw-aways in the narcotics trade) to insulate themselves from U.S. law enforcement. Second, Mexican dealers involved in the wholesale distribution of cocaine in Oregon displaced local Anglos, with California connections, as the primary suppliers of powder cocaine.<sup>4</sup>

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<sup>4</sup>This was partly the result of the dismantling of local Anglo organizations by local law enforcement, and partly a result of the growing dominance of the Mexican drug trade in cocaine importation from Columbia to U.S. markets west of the Mississippi. In Oregon Mexican suppliers

By 1990 Mexican nationals controlled the importation and distribution of all heroin and powder cocaine in Portland, and Old Town was an established open air market primarily for Mexican tar heroin, but powder cocaine was also available. Non-resident Mexican crime families controlled dealing in Old Town from importation down to the low level street dealers recruited in Mexico. Al Jasper, the most persistent anti-drug activist in Old Town, whose restaurant sits on what was once one of its busiest drug blocks, remembers that as late as 1986 the mass of Hispanics in Old Town were still legitimate migrant workers, but by 1990 there was an observable change in character to illegal aliens selling drugs. Police officers who worked in Old Town in the 1980's remember a sudden explosion in dealing around 1986 and 1987 and on the worst streets dealers blocking sidewalks and street corners.<sup>5</sup>

### **The Legal Response**

By the time Abraham arrived in 1993, a central element of the long term legal response, Old Town's drug free zone, was already in place: the result of a grass roots political process typical of the way in which Portland citizens and government officials approach a broad range of problems.

City officials had initially responded to Old Town drug dealing by approving overtime funding for police undercover missions. When the missions failed to diminish the street dealing, a  

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engaged in predatory pricing to undercut local dealers.

<sup>5</sup> Felony drug cases in the Multnomah County District court jumped from 525 in 1985 to 1366 in 1986 and to 2854 in 1988. (U.S. Attorney 1993) Dan Noelle, Central Precinct Commander from 1990-1992, measured the level of activity by counting dealers — 10 to 12 on blocked street corners, 30 to 40 per block for several blocks. Add Jaspers and Anna Abrahams estimates of dealers.

City Council member personally came to Jasper with a proposal to start a community policing project. The Old Town Steering Committee project started in the summer of 1990 with a small group of citizens including Jasper, Naito, a representative from Central City Concern, APP's DeGraff, a deputy Sheriff and Pearson from the DA's office. Leadership came from the Bureau's Central Precinct Commanders. The group met twice a month, brought in others to present their views, and in February 1991 issued a nine page Action Plan with six priorities. Only one priority dealt with drugs. None called for prison as a solution. (Exhibit 1)

Two priorities (one and five) confronted the issue of getting diverse interests (specifically social service agencies, businesses, Hispanic advocates, and residents) to define a common vision so problem solving could proceed. Two priorities (two and four) dealt with the behaviors of chronic street alcoholics and the mentally ill. Public inebriants, in particular, were providing a screen for the drug dealing. One priority (three) focused on the promotion of positive activities to tip the balance between positive and negative street behaviors. Priority six dealt with making Old Town a Drug Free Zone (DFZ). The idea grew out of Steering Committee input to then Commander Dan Noelle's drug enforcement strategy.

As Precinct Commander, Noelle had shifted the focus of drug enforcement from overtime undercover missions to routine patrol by: 1) changing officer assignments to create geographic continuity, and 2) working with Old Town social service agencies to bar drug dealers from their premises. He wanted officers to know who the dealers were, and he needed the help of social service agencies to keep dealers on the street and out of buildings where officers could not go after them without warrants. Noelle knew from experience that dealers adjust their behavior to avoid arrest, and thought that officers could disrupt (and thereby diminish) the dealing by

increasing the chances that dealers would be arrested and temporarily removed. His officers succeeded in arresting the dealers, but the strategy failed because officers could not keep dealers from immediately returning to sell drugs. The Multnomah County jail, then operating under Federal court order to eliminate overcrowding, rarely was able to hold low level drug dealers overnight for court arraignment the morning after arrest. Dealers were back on the streets before officers. A member of the Steering Committee suggested officers simply exclude arrested dealers from Old Town, similar to the way officers dealt with disorderly behaviors in city parks.

PPB by city ordinance had for years excluded persons arrested in city parks from coming back for thirty days. If violators came back, officers could on-site arrest for trespass. Noelle turned to Pearson and the City Attorney to figure out how to make it work. Pearson thought officers could Constitutionally impose exclusions, if they could show the area was impacted. PPB ran the data and mapped the drug problem. Old Town was impacted. The City Attorney drafted the ordinance. Committee members spent a year explaining the ordinance to community groups. City Council passed it in 1992.

The Drug Free Zone (DFZ) ordinance legally enabled the tactical disruption Noelle wanted to achieve. It gave officers an immediate legal justification for intervening with known dealers, defined in the ordinance as persons previously arrested for selling drugs on specific streets empirically documented to be in a high drug trade area. Once arrested on a drug charge and excluded, officers could on-site arrest known dealers for trespass. The law shifted enforcement focus to recidivist non-compliers (i.e. those who did not comply and came back). Once the Sheriff agreed to jail defendants arrested for DFZ trespass violations until court arraignment the next morning, officers had the legal capacity to shut down chronic dealers every night.

When Abraham arrived in 1993 (she took Pearson's place on the Steering Committee), the consensus among Committee members was that the DFZ worked. Not that it had immediately solved the Old Town drug problem, but dealers who were excluded did not come back during the exclusion period (then 90 days). The Committee now wanted to write a second action plan to make Old Town truly drug free and to bring in a larger number of participants. The participants in the second plan (code named Operation No Drugs) included the police, the DA's office, the Sheriff, the U.S. Immigration and Naturalization Service (INS), and representatives of 11 community organizations: two Hispanic advocacy groups, two representatives of the Chinese community, three business associations, three neighborhood associations, and one representative of Old Town social service agencies. The central enforcement issue now was how to address the illegal alien problem.

Most committee members agreed (representatives of the Hispanic community were the important exception) that deportation of illegal alien dealers had to be addressed to make long term progress on the drug dealing. Low level drug offenses rarely warrant a prison sentence on a first (or second) conviction. Before prison was a realistic threat, aliens with no connections to the community left Portland (and others replaced them). Deportation, the obvious alternative, required the active participation of the INS and the support of Hispanic advocates. A prior PPB-INS effort to work out deportation procedures for illegal alien dealers had folded in the face of advocates objections.

Abraham's first contribution was to bring Hispanic representatives and the INS into the project. She then worked with a sub-committee to draft INS referral procedures acceptable to all parties, consistent with Federal immigration law and Oregon state statutes. This required working

through the political sensitivity to the deportation issue, identifying a narrowly targeted legal solution, and drafting operational procedures to enable an enforcement response.

Federal immigration law places an affirmative duty on local law enforcement to report the names of all illegal aliens arrested for state drug offenses to the INS. (8 U.S.C. 1357(d)) Legal grounds for deportation, however, are much broader. All aliens ( not just illegal aliens) are subject to deportation when convicted of state felony crimes and even in some cases misdemeanors. (8 U.S.C. 1251 (2)). This means in Oregon, technically, a legal alien could be deported for getting in a fist fight with a friend (Assault IV). There is no Federal law requiring state authorities to report such offenses to INS. Other than drug offenses by illegal aliens, INS referrals are left to the discretion of local authorities. Given the potential reach of this legal scheme, however, Hispanic advocates concern about a joint INS-PPB initiative is not surprising.

Adding to the confusion, in 1987 the Oregon state legislature passed a law (ORS 181.850) prohibiting local law enforcement from investigating Federal immigration violations. Although the prohibition does not apply when aliens are arrested on state charges, police complaints that they faced a legally ambiguous situation and no matter what they did someone would object, had face merit. The end result of the legal confusion and the political sensitivity of the deportation issue was that in 1993 (almost six years after the illegal alien drug dealers arrived in Old Town) no information on illegal aliens arrested and charged with drug offenses in Multnomah County was systematically being referred to INS by any local agency. Convicted alien drug dealers were being released back into the community.

The solution embedded in the INS referral procedures Abraham drafted with the committee did two things. First, it narrowed the focus of deportation procedures to illegal aliens

convicted of drug offenses. This was the problem in Old Town (not all aliens or even all illegal aliens), and all committee members could agree this category of aliens should be deported. Second, the draft procedures laid the ground work for the mundane but essential task of specifying operational procedures among the PPB, the INS, the jail, the court, and the DA's office that would be required to make deportation work administratively and as an effective law enforcement tactic.

As a drug market disruption tactic the PPB had already learned that deportation after arrest had limited impact because deportees returned with no consequence. To be effective, arrested dealers needed to be first convicted (on state or federal charges) and then criminally deported. Criminally deported aliens who return to the U.S. risk prosecution on Federal criminal reentry charges and Federal prison sentences. It was the experience of Bureau officers that criminally deported aliens did not routinely come back to Portland.

Administratively this was not simple. PPB had to notify the DA, the jail, and the INS that an arrestee was a person they "believed to be an undocumented alien" (according to clearly defined and legally defensible criteria), so that the person would be held by the jail, investigated by the INS, and the DA would know they were dealing with an illegal alien who upon conviction would have to be held for the INS. Information exchange and coordination had to take place at a number of processing points for the process to work, and because of the jail space problem also had to be expeditious. The procedures drafted and approved by the Steering Committee in the fall of 1993 for review by the INS, DA, PPB, court, and jail officials were not implemented as standard operating procedure for another two years (a frustrating but not uncommon

characteristic of collective action).<sup>6</sup> In the interim, however, the procedures were used to back up two PPB-FBI lead drug missions that with hindsight were a critical turning point in the Old Town No Drugs effort.

In the summer of 1993 Lieutenant Ed May, previously a PPB narcotics officer with the Regional Organized Crime and Narcotics Task Force, recruited the FBI to work with PPB on an undercover mission in Old Town. The Old Town mission brought together the FBI, PPB, INS, U.S. Attorney, and the Multnomah County jail, court, and DA's office in a coordinated short term sting type drug enforcement tactic (code named Round 1) that directly addressed the alien dealing issue.

For a two week period in October 1993, two FBI undercover agents walked into the high drug selling area in Old Town to buy drugs, followed by two PPB undercover officers. After the drug purchase, the PPB undercovers followed dealers until they were stopped by uniformed Bike Patrol. Bike Patrol officers conducted consent interviews, obtained photos, and took finger prints. Specifically because of the sensitivity of the Hispanic targeting issue the FBI undercovers waited for dealers to approach them. FBI photographers took photos or videos of all transactions. Onsite supervisors reviewed all evidence and paperwork. (FBI 1993) Cases were sent to either the U.S. Attorney or the DA's office for indictment and arrest warrants. At the end of the two weeks, on a Friday evening 50 FBI agents and 50 PPB officers cordoned off 15 square

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<sup>6</sup>Part of the problem centered on the criteria police were to use in referring persons arrested for drug offenses to the INS for investigation of illegal alien status. Abraham specified a list of 10 factors to justify "a reason to believe that the arrested person may not have been lawfully admitted to the United States" such as "possessed no identification indicating a U.S. address"; possessed identification indicating a foreign address; provided no local address; provided no local work address or verifiable reference; and so on. The alternative advocates wanted was admission by the arrestee that he or she was in the country illegally.

blocks in Old Town to arrest indicted suspects.

In nine working days the operation had referred 110 drug buys from 141 individuals to either the U.S. Attorney or the DA's office for indictment and arrest warrants. Of 124 resulting indictments 23 were for Federal aggravated re-entry charges and 101 for state drug distribution charges. Of the total 124 persons indicted, 121 were determined by the INS to be illegal aliens. All but two were from Mexico.

The tactic was repeated in March and April of 1994 (Round 2). Citizens on the Steering Committee interviewed for this report invariably identified these two missions as a major benchmark in Old Town's anti-drug effort, and as the law enforcement tactic that moved tar heroin out of Old Town. Although dealers eventually adapted and selling reemerged, the effect of Round 1 and 2 was the most dramatic and had a longer term impact than any previous undercover mission. In 1994 and into 1995 there was according to citizens and law enforcement a noticeable decline in open air drug dealing in Old Town, but it was another four years before generally observable and sustained improvement was achieved.

At the same time Abraham worked with the Old Town Steering Committee on the deportation issue and the Round 1 and 2 missions, she worked with police and a larger number of downtown groups (particularly security providers for retail stores, Pioneer Square, and the APP-BID) on downtown's classic order maintenance problems. In 1994 she assumed routine screening and filing of all non-custody order maintenance arrests for security officers and police, but, as with drugs, her most important contribution was in figuring out how to apply the law to problems people were complaining about for which there was not an existing solution.

In 1993 one of the most intractable and long standing disorder problems downtown involved the behaviors of chronic street drinkers. In Old Town alcoholic transients facilitated the drug trade. In the central shopping and business district they engaged in a variety of disorderly behaviors such as blocking side walks, urinating in public, aggressive panhandling, and trespassing on private property. Two of the most common complaints associated with the drinkers, trespassing and panhandling, in 1993 were not being addressed for lack of clear legal rules on what officers could do. A related problem, chronic ordinance violators (mostly drinkers) who ignored police requests and citations, Mounted Police officers (who work exclusively on order maintenance downtown) thought was a direct result of inadvertent attention in court.

The trespassers mostly drank and slept in stairwells and doorways of commercial properties at night. Neighbors called police, but officers cannot enforce trespass laws on private property without direct complaints from owners, who at night were not present. To respond to complaints, police needed legal documents signed by property owners authorizing officers to enforce trespass laws on their behalf. To address panhandling, which is not a crime, required refocusing the issue on the behaviors that panhandlers commonly engage in (minor assaults, offensive physical contact, and interfering with pedestrians) that are prohibited. People complained about panhandling, but instances of specific prohibited behaviors were not being reported or presented in court. Filing court charges required security guards and PPB officers to watch for the prohibited behaviors and to be the complaining witness.

Addressing the chronic ordinance violators required a change in court processing. In Oregon most disorderly street behaviors can be treated either as misdemeanors (a criminal offense) or as civil violations. In either case, standard operating procedure in Portland is for PPB

officers to issue a citation (in lieu of a custody arrest) with a date for court appearance at which a judge typically finds cause and orders a fine. The primary goal of the street officer in issuing these citations is to make the perpetrator accountable to a judge. For the chronic violators the process was not working.

The DA's office and the court were treating all ordinance citations as civil violations. Violators who did not show up received default judgements and fines. But civil judgements do not give officers the authority to arrest no-show violators and make them show up. For the chronic no-shows, officers needed misdemeanor charges and bench warrants, giving them authority to follow-up with a custody arrest. Abraham's revised procedures had officers provide documentation of the chronic offending with citations, so DA intake attorneys would know to treat these cases initially as misdemeanors and then ask judges to reduce charges to violations when defendants showed up.

These kinds of legal solutions do not require new laws, although minor adjustments to wording of ordinances is common (changing "no climbing on park benches" to "no climbing on park benches and any park structures" for example). In a review of all city ordinances in 1999, Abraham recommended numerous revisions but only three new ordinances. Getting all the legal and operational minutia in place so the law can work requires constant attention: finding the law to fit the problem behavior; updating ordinances to reflect new fact patterns and constitutional case law; informing officers on how to use them; and making sure operational procedures are in place so the rest of system will not fail to validate legitimate police action by getting non-compliers in front of a judge. The goal is not traditional punishment. The bother of having to

show up in court or a lecture from the judge is usually sufficient,<sup>7</sup> but even if some restrictive sanction is needed (commitment to a detox program, for example) only a judge has the legal power to order such a solution.

By the end of Abraham's second year as NDA, each of the above solutions to commonly identified order maintenance problems was in place, in the sense that the legal work was done and written procedures were in place. Getting all the actors, whose work must coordinate for enforcement to work, to do their part, however, does not follow automatically. In a memorandum to her replacement when she went on leave in July 1995 (almost two years after the chronic violator procedure was drafted) Abraham noted that the procedure was not routinely being used except by Mounted Police officers. Cases arising out of a similar procedure she had crafted for officers to enforce an ordinance prohibiting the sale of alcohol to obviously inebriated customers, that officers were using, were not being accepted by intake attorneys.

Dramatic changes in disorder enforcement finally occurred in 1997 and 1998 simultaneous with a renewed assault on drugs.

### **Observable Results**

By the fall of 1996 street drug dealing downtown had reemerged in force, but with adaptations. Tar heroin dealing had moved out of Old Town across Burnside and onto the Bus Mall in central downtown. The Bus Mall (a buses only corridor that runs north-south through downtown and intersects with the east-west Max light rail at Pioneer Square) is the central hub of

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<sup>7</sup>Malcom Feeley made this point in his study of the lower courts *The Process is The Punishment* published in 1979.

the city's public transportation system. The Mall's design readily accommodates loitering (the primary activity of street drug dealers) and it was then outside the DFZ.

The low level dealers who returned were still illegal Hispanics but no longer all from Mexico. Mexican drug organizations now recruited young men from other South American countries, smuggled them into the U.S. to Los Angeles and dispatched them to other cities. In Portland these young men, mostly Hondurans, were housed in suburbs on the Max line, taught how to ride the trains, and sent downtown to sell drugs. By August of 1995 the PPB had again begun joint missions with the INS and the NDAs began working on an expansion of the DFZ into central downtown. Simultaneously the void in Old Town had attracted local crack dealers from Northeast Portland.

Al Jasper was again vocally complaining, this time about crack dealers outside his restaurant. Businesses on the Bus Mall were complaining about the heroin and cocaine trade. Steering Committee members frustrated with what they felt was a lack of response by PPB to a dealing problem that had been growing for almost year vented at a public forum with the Mayor in October 1996. Abraham and May, who had recently returned to Central Precinct as Commander, met with Committee members and Jasper to renew the problem solving goals of the Steering Committee. At the time May already had another drug initiative planned, funded, and in the early stages of implementation.

With \$300,000 from the U.S. Department of Justice, Central Precinct's Operation North Star funded two to three drug missions per week for two years beginning in October 1996. Drug enforcement in downtown in this period was sustained and intense. In the first seven months of the operation, undercover officers made 1257 drug arrests (double the rate of the previous year),

referred 456 cases to the INS for deportation, and sent 10 cases to the U.S. Attorney for prosecution on Federal illegal re-entry charges. But North Star enforcement was not limited to conventional drug arrests.

In December, undercover missions expanded to include reverse stings of buyers on charges of attempt to possess a controlled substance (attempt PCS), misdemeanors which the DA's Office handled as civil violations. Simultaneous with the drug undercover missions May introduced broad based order maintenance enforcement (continued under subsequent commanders) that intensified enforcement of DFZ violations as well as classic disorderly behaviors. From 1995 to 1997 DFZ trespass violations increased five fold (from 310 in 1995 to almost 1500 in 1997). Enforcement of disorderly street behaviors rose by a proportionate amount. (Table 1)

In 1994 when Abraham began screening downtown order maintenance citations, PPB officers and APP security officers together brought her fewer than 200 cases per year. In the spring of 1996 when May became Central Precinct Commander, PPB citations jumped from 9 per month to over forty and continued to rise through 1997. APP citations increased in 1998 when May retired from PPB and assumed the APP security contract. In 1997 and 1998 PPB and APP officers combined referred to Abraham over 1000 order maintenance citations. (Table 2)

In other words, the legal capacity created by the work of the NDA's (beginning in 1990 with Pearson's work on the DFZ) to exclude drug dealers, to arrest excluded violators for trespass, to deport illegal alien dealers, and to facilitate attention to low level disorderly behaviors played a significant role in expanding enforcement options for officers during (and after) the North Star operation. In 1997 at the height of the North Star operation recorded street

interventions with drug and disorderly behaviors downtown numbered over 5,000 compared to 1635 in 1995. Fifty-six percent of this increase involved lesser trespass and disorder violations. Sixty-six percent of the increase in drug enforcement involved either DFZ trespass violations or attempt PCS cases (700 of the 2797 drug cases) that do not require felony prosecution. The legal capacity that had been building slowly since 1990 not only increased the options available to officers, it shifted the burden of enforcement from laws whose aim is primarily punishment to those whose goal is compliance.

In the North Star operation itself, the NDA's played a backup role. They assisted the DA's regular drug unit in issuing the increased flow of cases; worked out procedures with Intake and District Court (the misdemeanor court) supervisors for handling the arrests of buyers (attempt PCS); screened and issued the majority of the buyer cases that were handled as violations rather than misdemeanors; and provided feedback to officers on legal issues. They also worked on the expansion of the DFZ into central downtown ( and a New DFZ in Northeast) which was passed by City Council in April 1997.

In late 1997 the North Star operation began to shift from undercover missions into uniform disruption and ended in October 1998 with an undercover operation targeting the smugglers of the illegal alien dealers. In 1998 drugs cases began to fall off but DFZ and disorder enforcement remained high.

In summer of 2000 the absence of Hispanic dealers from corners in Old Town and the Bus Mall corridor was a noticeable difference from observations of the same locations in the summers of 1994, 1996, and 1997. The evening Sergeant then was using a low arrest strategy with tactical

variations that mirrored the changes in street life through the evening.<sup>8</sup>

At the end of the North Star operation and into 1999 and 2000 the open air drug dealing in Old Town and downtown according to first hand accounts was at it's lowest level since before the abrupt explosion of dealing in the mid 1980s. In the summer of 2000 small pockets of local dealers could still be seen on Burnside, but the illegal Hispanic dealers who blocked the sidewalks in the late 1980s and early 1990s were absent.<sup>9</sup> The abatement of what had seemed an intractable law enforcement problem — an open air drug market controlled by international criminal organizations with access to an apparently inexhaustible supply of young men — is arguably the most significant improvement in public order downtown in the last 10 years. But it is not the only one.

Problems associated with chronic street drinkers, another seemingly intractable problem, have noticeably and measurably improved. Police generated admissions to alcohol detox from Central Precinct have dropped from over 3000 annually in the early 1990's to less than 1500 by the end of the decade. (Hooper Center) The reasons for the improvement include some of the efforts described here. A full account of all that was done to address this long standing problem is by

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<sup>8</sup>With crowds on the Bus Mall in the after work hours the Sergeant wanted officers visible to assure citizens (and dealers) they were present. As the crowds thinned, he had officers park their squad cars on corner sidewalks (visible in four directions) and walk the streets. Marginal dealers would know they were present, but would not know when or where officers might appear. Later in the evening, as streets grew emptier, several officers went undercover to make buy bust arrests of the hard core. These arrests now had a good chance of receiving a prison sentence. During North Star Abraham had worked to designate downtown daycare centers with kindergartens and early primary grades as legal schools, making all but a small sliver of downtown a drug free school zone. Drug offenses in these zones carry a mandatory year in prison.

<sup>9</sup> According to a special report by the Seattle Post-Intelligencer at least some went to Vancouver, B.C. (Teichroeb and Johnson 2000)

itself another story.

When APP disorder enforcement intensified in 1998, security officers also began to observe and generate a small but regular flow of felony cases (two to three per month) involving chronic offenders: for example, a chronic theft-from-auto offender who used force when confronted by victims (i.e. robbery); a known drug dealer caught in the act of statutory rape; two suspects caught with lead glass windows stolen from a historic Portland residence; a drug abusing graffiti tagger (3 convictions in 5 months) responsible for felony level property damage.

These efforts plus numerous others (which are documented but not reported here) were paralleled by measured declines in crime downtown. Conventional Uniform Crime Report (UCR) Part 1 crime data for downtown and Old Town show a long slow decline throughout the 1990's, that except for robbery and burglary, differ from the rest of the city. Tables 3 and 4 show the trends for robbery, burglary, aggravated assault, larceny, and auto theft for downtown (including Old Town) and all of Portland for the years 1987 and 1998.

Since 1987 robberies and burglaries have declined steadily both downtown and citywide. One veteran narcotics officer thought the decline had little to do with enforcement. He attributed the drop to a shift in chronic offending out of robbery and burglary into drug dealing in the mid 1980s.<sup>10</sup> The patterns of decline for aggravated assault, larceny, and auto theft in downtown, however, clearly differ from the rest of the city. For these crimes the downtown declines begin in 1990 or 1991 at roughly the same time the APP security and Old Town Steering Committee

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<sup>10</sup> Citywide trends are consistent with his explanation. Prior to 1986 drug arrests had been declining in Portland. In 1986, the same year robberies and burglaries began to fall, drug arrests increased 75% and continued to rise for more than a decade. Generally, interviews failed to elicit an explanation. UCR data for Seattle and Tacoma, WA record similar declines for robbery and burglary.

projects started and Commander Noelle shifted drug enforcement from ad hoc overtime missions to a sustained patrol effort. In contrast in the rest of the city, aggravated assaults rose 25% between 1990 and 1995 (population increased 10%) and did not begin to decline until 1996 the year mandatory prison sentences for violent crimes (passed by ballot Measure 11) went into effect. Citywide auto thefts rose 50% between 1990 and 1995 and did not decline until 1996 when an auto theft task force resulted in a 35% decline in auto thefts. Citywide larcenies did not decline until 1998 when crime generally began to fall in Portland.

By 1998 aggravated assaults, larcenies, and auto thefts in downtown and Old Town had declined 27%, 37% and 43% respectively from 1989. Comparable declines citywide were 5%, 2%, and 15%. All of Portland now benefits from the kinds of activities described in this narrative for downtown. The efforts in downtown began earlier and were highly concentrated in a small geographic area (with a significant drug and disorder problem) making documentation of actions taken and observation of results a doable task. The difference in the patterns of decline between downtown and the rest of the city, however, do suggest that the improvements observed downtown cannot be attributed to such factors as the economy or demographics without some explanation of why one neighborhood and not others might be affected. Specific patterns in the crime decline within downtown in timing, location, and crime type further suggest specific enforcement actions were important contributors.

The long slow decline in downtown crime that began in 1990-91 was interrupted in 1995 and 1996 by increases; the period in which the drug dealing reemerged after the observed success of Round 1 and Round 2. (Table 3) Patterns of decline in Old Town versus central downtown also mirror the movements of the drug problem and enforcement over the course of the decade. Table

5 presents crime trends within central downtown and Old Town separately for aggravated assault, auto theft, and two sub-categories of larceny (shoplifts and thefts-from-autos) that account for about two-thirds of larcenies downtown. The decline in aggravated assaults between 1990 and 1994 was largest in Old Town (71%) when street drug enforcement was concentrated in Old Town. The decline in central downtown in that period was 20%. When drug dealing and enforcement shifted into central downtown the pattern was reversed. From 1995 to 1999 aggravated assaults in Old Town changed relatively little. In downtown they rose when drug dealing moved into central downtown (from 253 in 1994 to 337 in 1995); and then fell with the intensification of enforcement (to 252 by 1999).

A similar geographic pattern is observed for thefts-from-autos and auto thefts. The decline in theft-from autos, for example, was greatest in Old Town from 1990 to 1994 and in central downtown from 1996 to 1999. A sharp decline in theft-from-autos in downtown and Old Town in 1998 (25% versus a citywide decline of 8%) coincides with a special APP-PPB focus begun in 1998. Shoplifts (an indoor crime) clearly did not follow the long slow decline of the street crimes. The sharp decline in shoplifts in 1998 (42% versus 9% in the rest of the city) coincides with an undercover sting of downtown convenience stores operating small time fencing operations where shoplifters sold stolen goods. Abraham provided the legal back-up for both of these targeted anti-theft initiatives.

Attributing crime declines to specific enforcement actions in the real world (where many changes occur simultaneously) is not a precise scientific exercise. This should not, however, preclude reasoned assessments of observed changes for possible results of documented actions and their explanatory power vis a vis competing explanations. Four of the most commonly advanced

explanations for the decline in crime nationwide over the last decade — demographics, the economy, prison sentences, and the waning of the crack epidemic — do not fit well with the particulars of the situation in downtown Portland.

Portland generally did not experience a decline in the numbers of young males in high crime age categories over the last decade. Rather, their numbers increased. (Portland State University, Center for Population Research and Census) The city participated in the national economic boom, but this does not explain why the patterns of decline in property crime downtown differ from the rest of Portland; or why in downtown auto theft and theft-from-auto patterns differ from those for shoplifting.

There is an unmistakable decline in aggravated assault citywide beginning in 1995 that coincides with the enhanced prison sentences of Measure 11. But in downtown and Old Town the decline in aggravated assaults began in 1990 five years before Measure 11 and at a time when aggravated assaults citywide were rising.

Finally, neither the decline in crime nor the abatement of the drug dealing downtown can be attributed to the most commonly cited factor for the decline in drug-related crime nationwide — the waning of the crack epidemic. The downtown drug market was primarily a heroin market. Crack dealers did not show up downtown until a decade after crack first appeared in Portland. At the end of the 1990's there was no sign that demand for heroin in Portland or Oregon has waned. In 1999 and 2000 deaths from heroin were at all time highs. In 1999 representatives of Central City Concern thought they were seeing an epidemic.

It is not unreasonable to suggest that the intense collective efforts to address public safety problems downtown have made a significant difference, and that statistically measured declines in

crime reflect these efforts. While the rise and fall of crime is invariably associated with police action, it is important to keep in mind that it is only the police who are authorized to directly intervene in criminal and disorderly behaviors on the street. But the police, as they are now fond of saying, can not reduce crime alone. In downtown both citizens and NDAs were integral to the sustained collective effort.

Citizens kept the pressure on the police and city officials to pay attention to their problems. The downtown business community taxed themselves to augment police presence. Old Town groups worked constructively to resolve differences among themselves so law enforcement could act. They also participated in the problem solving meetings that resulted in the DFZ and actively worked to get the DFZ passed by City Council. Old Town businesses worked hard to promote physical improvements to attract outside visitors to Old Town. Even after the Old Town Steering committee dissolved in 1998 business representatives, social service providers, and the growing number of residents in Old Town formed yet another committee (the Vision Committee) and wrote another action plan. This time to promote economic development in Old Town in a way that would serve all residents, including the social service populations who have always been there.

The NDAs also brought a variety of skills to the collective effort but their unique contribution, that no one else could bring, was their knowledge of the law and the power of the DA's office to invoke the law to address behaviors that for the most part were problems of public order. Unlike the serious predatory crimes of robbery and burglary that characterized the rise in urban crime in the 1960's and 1970's, drug and disorder offenses do not have individual victims. The primary victim is the community and its legitimate claim to peaceful use of public space.

In referencing the law for solutions to these problems, the NDA's as lawyers are naturally

lead to those areas of the legal code that regulate (the mostly minor) offenses against public order in which the primary goal is maintaining the public peace rather than punishment of the perpetrators. Thus, the solutions they devise for the most part do not depend on invoking the adversarial process or the deprivations of liberty the adversarial process can prescribe. Rather the legal work they do spells out under the law what right the community has to intervene in specific behaviors that destroy the public peace. Operationally it is the police who must intervene on the community's behalf, and when police intervention alone does not result in compliance, it is the NDAs who defend the community's right to intervene by making sure the legal and operational capacity is in place to get non-compliers in front of a judge who can affirm the legality of the intervention.

## Priorities

### Old Town Community Policing Project

#### 1 — Organize residents, merchants, and social service agencies.

**Present Situation:** Despite some organization of the business and social service communities in Old Town, there is little organization of the residential community, and the modest communication among the groups has produced no common vision or goal.

**Preferred Solution:** Get the various communities to work together to define and achieve a common vision.

#### 2 — Reduce public inebriation in Old Town.

**Present Situation:** Public inebriants throughout Old Town are leading to anti-social behavior and providing a screen for illegal activities.

**Preferred Solution:** Public inebriants will have no source for purchase of alcohol in core area of the city.

#### 3 — Promote Old Town through positive activities.

**Present Situation:** Old Town has a negative image as a place where drugs are readily available, and where street people will harass "regular" citizens.

**Preferred Solution:** Change Old Town's image to that of a good place to live, work and shop—through special events, festivals and other positive activities which attract honest citizens.

#### 4 — Fund "Project Respond."

**Present Situation:** Funding for only one shift of this program to help the mentally ill find treatment is probable through the "Acute Care" facility.

**Preferred Solution:** Permanent funding for a second shift (\$125,000/year).

#### 5 — Solicit Hispanic leaders' involvement in Old Town's Hispanic issues.

**Present Situation:** No Hispanic organization is included in Old Town community policing plan to help participate in problem solving.

**Preferred Solution:** Invite the Hispanic community to take an active role in community policing to resolve real and perceived Old Town problems relating to Hispanic persons.

#### 6 — Make Old Town a drug free zone.

**Present Situation:** Open drug dealing creates a serious impact on businesses, social services and residents.

**Preferred Solution:** Diminish drug dealing to make businesses, social services, and resident feel safe in the street. Change the image of Old Town and increase its use by visitors.

Table 1  
Drug and Disorder  
Enforcement Downtown

	Drug Cases	DFZ Trespass	Disorder Citations	Total Drug & Disorder
1990	1235	—	—	1235
1991	1245	—	—	1245
1992	1428	—	—	1428
1993	1662	205	—	1867
1994	1150	321	180	1651
1995	1150	310	192	1652
1996	1797	599	468	2864
1997	2797	1469 est	1104	5370
1998	2151	1328 est	1068	4547
1999	1904	1822 est	972	4698

Table 2  
Store Security and Disorder Citations  
Downtown

Monthly Average and Annual Number of NDA Citations by Enforcement Agency

	Store Security Monthly Average	Street Enforcement Agencies			Annual Total	All Agencies Annual Total
		<u>Monthly Average</u> PPB	APP*	Total		
1994	60	9	6	15	180	900
1995	51	9	3	12	192	756
1996	55	36	4	39	468	1116
1997	60	88	4	92	1104	1824
1998	40	60	19	79	1068	1416
1999	46	62	19	81	972	1524

\*APP includes both APP BID and Pioneer Square Security

Sources and Methodological Notes

**Drug Cases:** PPB Planning and Support. PPB's definition of drug cases differs slightly from arrests. The drug case data have the advantage of being routinely maintained by neighborhood.

Both data measures exhibit the same patterns and trends.

**DFZ Trespass Arrests:** PPB Complaint Signer. The PPB Complaint Signer reviews all DFZ arrests, exclusions and subsequent DFZ custody trespass arrests. Beginning in 1997 Complaint Signer data include trespass arrests for the NE DFZ as well as downtown. The counts of trespass arrests for downtown in 1997, 1998, and 1999 were estimated by using supplementary data as follows. In 1997 a special tabulation for the NE NDA counted 265 trespass arrests in the NE DFZ. These arrests were subtracted from total counts to derive a count for downtown. For 1998 and 1999 Tom Simpson in the DA's office prepared special tabulations from the county's new data warehouse data base that tracks cases from arrest through the court system and is geo-coded. These tabulations show that trespass arrests in the NE DFZ neighborhoods doubled from 1997. Thus for 1998 and 1999, 530 trespass arrests were subtracted from the Complaint Signers totals to derive estimates for downtown.

**Disorder Citations:** Downtown NDA cases screened statistical reports. These data are reported by charge and enforcement agency. The counts of citations in Table 1 include only cases presented by PPB officers and the APP and Pioneer Square security agencies. They exclude cases from retail security. The NDA data includes some double counting of trespass arrests (with the Complaint Signer's data) and in 1997 may include some double counting with drug cases during the period in which the NDAs screened attempt PCS cases for the North Star Operation. An analysis of the NDA's screening data by charge type suggest that in 1997 about 20% of the NDA citations were for DFZ trespass violations for which officers decided not to pursue a custody arrest and about 20% of the 1997 citations were attempt PCS cases. Even if one assumes all of these cases are double counted the conclusion of the analysis presented in the text does not change. Still 58% of the increase in drug and disorder interventions between 1990 and 1997 is due to increases in lower level sanctions versus the 62% estimated in the text. The figure is 77% if one adds the attempt PCS arrests to counts of lower level sanctions.

Table 3

Downtown  
UCR Part 1 Crime Trends

	Murder	Agg. Assault	Robbery	Burglary	Larceny	Auto Theft	Total**
1987	10	477	444	658	5640	357	7644
1988	1	487	504	613	5587	526	7770
1989	4	448	310	535	4378*	569	6316*
1990	2	481	375	481	4260	527	6174
1991	6	456	352	431	3665	457	5404
1992	5	382	280	286	3545	377	4941
1993	2	385	299	235	3408	351	4729
1994	2	301	255	305	3483	367	4746
1995	2	391	257	266	3736	454	5142
1996	1	380	294	336	3998	399	5473
1997	2	364	215	303	3879	333	5154
1998	3	327	225	285	2754	326	3977
89-98 % Chg	n/a	-27%	-27%	-47%	-37%	-43%	-37%
1999	1	306	199	261	2726	201	3763

## Sources and Notes

Data for Tables 3 and 4 are from published PPB annual reports which since 1987 have routinely published Part 1 crimes by neighborhood

\*Reporting procedures for Larceny changed in 1989.

\*\* Arson and rape included in total.

1999 preliminary data. Includes Neighborhood Association areas only.

Table 4

Portland Citywide  
UCR Part 1 Crime Trends

	Murder	Aggravated Assault	Robbery	Burglary	Larceny	Auto Theft	Total**	Population (000)
1987	65	4623	3719	15298	35940	5403	65934	(423)
1988	44	4637	3666	15352	35935	8417	68955	(429)
1989	38	4932	2699	12476	27209*	7190	55518*	(432)
1990	29	4838	2556	9027	26192	5948	49570	(437)
1991	50	4881	2746	9569	26493	6593	51262	(453)
1992	46	5167	2706	8806	26754	8087	52595	(458)
1993	54	5603	2323	7895	27180	8663	52801	(471)
1994	50	6014	2367	8070	28522	9779	55804	(495)
1995	45	6066	2320	7882	29716	9310	56251	(497)
1996	46	5325	2070	7214	28966	6667	51189	(503)
1997	48	5250	1961	7445	30916	7475	54000	(508)
1998	28	4681	1641	6768	26730	6123	46788	(509)
89-98 % Chg	--	-5%	-39%	-46%	-2%	-15%	-16%	(+18%)
1999	36	4224	1360	6016	23519	4705	46,881	

Sources and Notes

Data for Tables 3 and 4 are from published PPB annual reports which since 1987 have routinely published Part 1 crimes by neighborhood.

\*Reporting procedures for Larceny changed in 1989.

\*\* Arson and rape included in total.

1999 preliminary data. Includes Neighborhood Association areas only.

**Table 5**  
**Patterns of Decline in**  
**Aggravated Assault, Theft from Auto, Auto Theft, and Shoplifting**  
**In Central Downtown and Old Town**

**Central Downtown**

	Agg. Assault	Theft/ Auto	Auto Theft	Shoplifting
1990	317	1712	438	887
1991	299	1353	366	792
1992	296	1559	335	607
1993	305	1330	313	781
1994	253 (-20%)	1298 (-24%)	337 (-23%)	856 (-3%)
1995	347	1458	419	840
1996	308	1780	349	843
1997	288	1491	297	974
1998	244	1132	278	565
1999	252	1014	168	551
%Chg	-20%	-40%	-59%	-38%

**Old Town**

	Agg. Assault	Theft/ Auto	Auto Theft	Shoplifting
1990	164	268	89	21
1991	157	196	91	9
1992	86	190	42	5
1993	80	132	38	5
1994	48 (-71%)	95 (-65%)	30 (-66%)	10 (-52%)
1995	44	98	35	9
1996	72	113	50	19
1997	76	131	36	16
1998	83	71	48	7
1999	54	97	33	10
%Chg	-67%	-65%	-63%	-52%

Sources : Data for Aggravated Assault and Auto Theft are from PPB Annual reports. Theft- from- Auto and Shoplifting (sub categories of Larceny) are from special PPB tabulations.

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