



American Prosecutors  
Research Institute

*The Response of  
Multnomah County  
to Neighborhood  
Crime: 1990–2005*

**National District Attorneys Association  
American Prosecutors Research Institute**

99 Canal Center Plaza, Suite 510  
Alexandria, VA 22314  
[www.ndaa.org](http://www.ndaa.org)

**Thomas J. Charron**

President

**Roger Floren**

Chief of Staff

**Steven Jansen**

Director, National Center for Community Prosecution

**David LaBahn**

Director, NDAA Research and Development Division

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*July 2007*

*Barbara Boland*

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# FOREWORD

This monograph details the Multnomah County (Portland, OR) District Attorney's community prosecution unit and provides statistical data to support the argument that the implementation of community prosecution in Portland contributed to the decline in crime.

The author of this monograph, Barbara Boland, has studied issues of urban crime control for 30 years with the last ten years devoted to community prosecution. In the 1970s she co-authored, with James Q. Wilson, a series of statistical studies on the effect of deterrence and incapacitation on crime. Between 1994 and 2001, she completed two Visiting Fellowships with the National Institute of Justice, U.S. Department of Justice and worked in residence with the U.S. Attorney's Office for the District of Columbia on a Department of Justice funded study of the U.S. attorneys' community prosecution pilot project.

Previously, Ms. Boland worked at Washington based research firms including the Urban Institute, the Institute for Law and Social Research, and Abt Associates. She is published extensively in the field of criminal justice utilizing a variety of quantitative and qualitative methodologies.

Steven Jansen, Director, National Center for Community Prosecution  
National District Attorneys Association

# INTRODUCTION

This monograph describes the work of deputy district attorneys assigned to the Multnomah County (Portland, OR) district attorney's community prosecution unit. It explains what they do and illustrates how their work is changing the function of the district attorney's (DA's) office. The central theses of the report are: first, 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 second, that the legal skill required to address low-level public order behaviors is fundamentally different from prosecutors' traditional task of adversarial litigation.<sup>1</sup>

Studies of police order maintenance, mostly published in the 1960s and 1970s, 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). James Q. Wilson and George Kelling, in their frequently cited "Broken Windows" article published in 1982, were the first to suggest that paying attention to low-level disorderly behaviors prevents crime. Still they 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 the police had no choice but, "In the words of one officer, '[to] kick ass'" (Wilson and Kelling 1982, p.35).

We now know there are constitutional solutions to the situation Wilson and Kelling described. Over the last 15 years local prosecutors across the country have moved out of courtrooms and into direct contact with citizens in neighborhoods. As these community prosecutors become familiar with citizen complaints and the street behaviors that generate low-level "quality-of-life crime" (the popular term for order maintenance), they are

able to craft enforcement solutions that conform to established legal principles. Most use existing law. The work of community prosecutors differs significantly from that of traditional adversarial litigation in which the punishment of the accused is the end goal. The goal in dealing with low-level quality-of-life crime is typically not punishment but compliance.

Skilled police officers 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* 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 prosecutors, who have replaced lower court magistrates and citizen-prosecutors as the gatekeepers to official court action.<sup>2</sup> Not only do citizens regain a voice in invoking the legal power of the court, the legal solutions community prosecutors devise enable police officers under the law and within the constitution to respond to the low-level crime problems that citizens want addressed.

Among known community prosecution initiatives, the Portland Neighborhood District Attorney (NBDA) unit is unique in its assignment of eight deputy district attorneys to work full time (for almost ten years) on citizen-identified quality-of-life issues. Attention to quality-of-life crime is the single most common characteristic (after working with citizens) among known initiatives, if not always the exclusive or full time focus.<sup>3</sup> The Portland experience thus affords a unique opportunity to understand how citizen involvement and the application of the law are transforming the police order maintenance function and reducing crime. To this end, this monograph describes the citizen driven genesis of the NBDA unit, the geography of the drug and public order problem that was important to its impetus, and the events in one neighborhood over the course of a decade to exemplify the essential features of the organizational changes that emerged slowly over time. Specifically, what has emerged in Portland as a result of the work of the NBDAs is a *legal capacity to intervene with and thereby check low-level problem behaviors, without rou-*

## INTRODUCTION

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*tinely invoking the highly formalized procedural machinery of the adversary process and the punishments that are its end goal.* Statistical data are presented to support the argument that this institutional change is contributing to a decline in crime.<sup>4</sup>

## THE PROBLEM: DRUGS AND QUALITY-OF-LIFE CRIME

Like other American cities, Portland's predominant crime problem since the mid 1980s has been drugs. For most of the 1990s drug cases comprised 45 to 50 percent of the district attorney's felony caseload. The city's two open air drug markets generated the majority of these crimes. One open air market was a crack market in Portland's Inner Northeast neighborhoods, which began with connections to Los Angeles gangs and resulted in local gangs and gang violence. The second was a heroin market in downtown's Old Town, a neighborhood that once was the city's skid row and home to Portland's historic Chinatown. The heroin market in Old Town was introduced and controlled by Mexican crime organizations from the mid 1980s to the end of the 1990s (US Attorney, 1993). There are other drug problems in Portland, but these two areas of the city were the most seriously impacted by the quality-of-life problems that accompanied the sharp increase in drug crime in the mid 1980s. A third neighborhood, the Lloyd District (a developing business area between Inner Northeast and Old Town), in the mid 1980s was experiencing an increase in highly visible quality-of-life behaviors. Lloyd District citizens and business owners feared the migration of drug and gang crime from Old Town and Inner Northeast.

The NBDA's were a direct response by Multnomah County District Attorney, Michael Schrunk, to citizen and business groups in these three neighborhoods, who mobilized to combat the threat to public safety that intensified with the drug trade.<sup>5</sup> In late 1990, Schrunk detailed Deputy DA Wayne Pearson to work on a pilot project in the Lloyd District. A year later he assigned a second NBDA to work with the citizens in Inner Northeast, and in January 1993 a third NBDA was assigned to work downtown.<sup>6</sup> The Portland NBDA's quickly discovered the problem Wilson and Kelling had articulated in *Broken Windows*: citizens in neighborhoods are just as concerned about low-level quality-of-life crimes as the serious crimes that dominate the work of the downtown courts. Pearson recognized that while citizens may be able to articulate the problem, they and police lack the legal authority to do much about resolving it. Since 1992, Pearson and the NBDA unit have collaborated with

citizens to develop solutions to quality-of-life crime, including building a strong legal foundation, which provides enduring and consistent responses to negative street behaviors.

The work of the NBDAs in downtown and Old Town is characteristic of how all NBDAs in Portland work. The primary difference from other neighborhoods is that drug dealing and classic quality-of-life behaviors are more intensely concentrated in downtown and Old Town than in any other part of the city. This concentration made it possible to identify the variety of legal responses required to address low-level criminal behaviors. Once identified, it was possible to document how step-by-step initiatives culminated in legal responses that did not previously exist, and to observe how this new legal authority, in combination with other activities, reduced crime.

# NBDA AND CITIZENS MOBILIZE TO RECLAIM NEIGHBORHOOD

## *Identify Problems: Drugs, Theft, and Quality-of-Life Crime*

Laurie Abraham, in her first month as the downtown NBDA, identified three citizen priorities—drug dealing, petty theft, and classic quality-of-life crimes—that have changed little since she began work in 1993. In 1993, downtown drug dealing involved the open air heroin market in Old Town, north of the business and shopping district. Thefts (specifically thefts of property from autos and shoplifting) concentrated in the shopping district in the heart of downtown. Panhandling, street drinking, illegal camping, trespassing, and nuisance loitering (blocking sidewalks, in particular) have always been chronic problems downtown, and to a significant degree, correlate with three social service populations: street alcoholics, mentally ill transients, and runaway youths who live in downtown shelters.<sup>7</sup> In 1993 the runaways and other youths hung out in the downtown parks and the city's central Pioneer Square. Alcoholic and mentally ill transients concentrated in Old Town, but were a visible presence throughout downtown, particularly alcoholic panhandlers. Each of these problems has distinct characteristics, but each also interacts with and facilitates the others (for example, 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 other youths to avoid attracting attention).

## *NBDA Partners with Downtown and Old Town Associations*

When Abraham started work in 1993, a number of organized public safety initiatives were already in place. In 1988, the Association for Portland Progress (APP), a downtown business association, had initiated one of the country's first Business Improvement Districts (BIDs). Since 1989, APP Vice-President Rob Degraff had been working with the Portland Police Bureau (PPB) to hire a security firm to enhance police enforcement in the BID area. By the early 1990s, a long term effort by Portland's Central City Concern, a non-profit agency that provides sober housing for street alcoholics, was reaching a critical mass.<sup>8</sup> And in 1990 a citizen-police

steering committee (one of PPB's first community policing projects) was formed to address the drug dealing in Old Town. Since then Abraham has worked with these and other organized efforts on a steady stream of specific drug and quality-of-life problems. Problem identification flows out of direct engagement with citizens. Implementation of solutions virtually always requires working with citizens and police. Other collaborators depend on the specifics of particular problems.<sup>9</sup> The unique contribution Abraham and other NBDAs bring to collective efforts is *access to the law in helping to figure out how legally to intervene with and thereby stop problem behaviors*, especially in situations where existing legal remedies are proving ineffective.

## DRUG TRADE IN OLD TOWN

In 1993 the number one priority downtown was the illegal drug trade in Old Town, an area known as a rowdy neighborhood. From the founding of the city in 1851 until well into the 20th century, its single room occupancy hotels, labor exchanges, gospel missions, Chinese restaurants, and saloons served a transient labor force of sailors, railroad workers, loggers and farm hands. After World War II, as the need for transient labor declined, single male pensioners, alcoholics, and social service agencies moved into Old Town's low rent buildings. Burnside Street, which separates Old Town from central downtown, was the city's skid row. In 1958 the character of Old Town began to change when William Naito (the son of Japanese immigrants) located the family's wholesale-retail business there. Naito invested in Old Town's historic buildings and for 40 years, until his death in 1996, relentlessly promoted economic development. More than any other individual, Portlanders credit Naito with Old Town's gradual transformation to a mixed-use commercial, entertainment, and residential area (including social service populations). In the 1980s, Naito's vision of a diverse Old Town, commercially linked to downtown, stalled with the arrival of drug dealers from Mexico.

In the early 1980s, a new transient labor force, migrant workers mostly from Mexico, arrived in Old Town to work on farms outside Portland, at about the same time Mexican drug dealers introduced Mexican tar heroin into Oregon. Official accounts indicate that the arrival of Mexican tar heroin in 1984 virtually eliminated all other sources of heroin in Oregon (U.S. Attorney 1993). Mexican heroin dealers mixed with the migrant workers in Old Town.

Two additional shifts in the Mexican drug trade in the 1980s significantly altered drug trafficking in Portland and Old Town. First, as a result of the successful prosecution of several Mexican tar heroin traffickers in federal court in the mid to late 1980s, Mexican crime families shifted importation and street dealing to non-family members (mostly illegal aliens) 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>10</sup>

By 1990 Old Town was an established open-air market for Mexican tar heroin, with powder cocaine also available. Non-resident Mexican crime families controlled dealing in Old Town from importation down to the low-level street dealers recruited in Mexico. Restaurant owner Al Jasper 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 1980s remember a sudden explosion in drug dealing around 1986 and 1987 (about the same time crack-cocaine arrived in Inner Northeast) with street dealers blocking sidewalks and street corners.<sup>11</sup> 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 community policing project that included Pearson as a legal advisor.

### ***The Need for a Non-Traditional Approach***

When traditional police undercover missions failed to diminish the dealing, a city council member personally came to Jasper, Old Town's leading anti-drug activist, with a proposal to start a community-policing project. In the summer of 1990, the PPB central precinct commander convened a small group of citizens including Jasper, Naito, a representative from Central City Concern, APP's DeGraff, and Pearson, who then headed the DA's intake unit. In February 1991 the group (formally known as the Old Town Steering Committee) issued a nine page Action Plan with six priorities. Only one priority dealt directly with drugs. None called for prison as a solution. Two priorities confronted the issue of getting diverse interests (specifically social service agencies, businesses, and Hispanic advocates) to define a common vision for the neighborhood so that problem solving could proceed. Two priorities dealt with the behaviors of chronic street alcoholics and the mentally ill. Public inebriates, in particular, were providing a screen for the drug dealing. One priority focused on business promotion of positive activities to counter negative street behaviors. The final priority 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.

In 1990, Noelle had begun shifting the focus of drug enforcement from ad hoc undercover missions to routine patrol. He accomplished this by changing officer assignments to create geographic continuity, and by working with Old Town social service agencies to bar drug dealers from their premises. Noelle knew that to be effective his officers had to know who the dealers were. Moreover, he realized that he needed the help of social service agencies to keep dealers out of buildings where officers were prohibited entry without warrants. Noelle knew from experience that dealers quickly adjust their behavior to avoid arrest, and thought that officers could disrupt (and thereby diminish) the drug dealing if dealers feared that they could be arrested and temporarily removed at any time. His officers succeeded in arresting the dealers, but the strategy failed. 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 finished their arrest reports.

A member of the steering committee suggested officers exclude arrested dealers from Old Town, similar to the way officers dealt with quality-of-life behaviors in city parks. The Portland Police Bureau, by city ordinance, had for years excluded persons arrested for low level offenses in city parks from coming back for 30 days. If violators came back, officers could on-site arrest for trespass. Noelle turned to Pearson and the city attorney to figure out how legally to make it work. Pearson thought officers could constitutionally impose exclusions, if they could show the area was impacted. The Portland Police Bureau ran the data and mapped the drug problem. The city attorney drafted a drug free zone ordinance. Committee members spent a year explaining the ordinance to community groups. City Council passed it in 1992.

### ***Thinking Outside the Box: Drug Free Zones***

The Drug Free Zone (DFZ) ordinance legally enabled the tactical disruption of the street-level dealing that Noelle needed to achieve. The

ordinance gave officers an immediate legal justification for intervening with known dealers because it clearly defined “dealers” 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 who returned to the DFZ for trespass. The ordinance shifted enforcement focus to recidivist non-compliers (i.e. those who did not comply with the exclusion order and came back). When 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. It had not 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 voted to write a second action plan and to bring in a larger number of participants. The participants in the second plan included the police, the DA’s office, the sheriff, the U.S. Immigration and Naturalization Service (INS), and representatives of 11 community organizations including two Hispanic advocacy groups.<sup>12</sup> With the DFZ in place, the central enforcement issue shifted to the illegal alien problem.

### ***NBDA Drafts Immigration and Naturalization Service Referral Procedures***

Most committee members agreed (representatives of the Hispanic community were the important exception) that deportation of illegal alien dealers had to be pursued 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). Initiating deportation procedures required the active participation of the INS and the support of Hispanic advocates. A prior PPB-INS effort to establish deportation procedures 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 subcommit-

tee 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 directs INS officials to promptly determine whether or not to detain for deportation hearings an alien arrested by local law enforcement for any offense relating to controlled substances, if local law enforcement has reason to believe that the alien is not lawfully present in the United States (8 USC §1357(d)). Legal grounds for deportation are much broader. All aliens (not just illegal aliens arrested for drug offenses) are subject to deportation when convicted of state felony crimes and even in some cases misdemeanors (8 USC §1227(a)(2)). This means in Oregon a legal alien could be deported for getting in a fistfight with a friend (Assault IV). Given the potential reach of this legal scheme, 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 (revised 2003)) 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 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 charged with drug offenses in Multnomah County was being referred to INS by any local agency. Convicted illegal 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 groundwork 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 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 INS referral procedures were not simple. The Portland Police Bureau 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, had to be expeditious. The procedures drafted and approved by the steering committee in the fall of 1993 for review by INS, DA, PPB, court, and jail officials were not implemented as standard operating procedure for another two years. In the interim, the procedures were used to back up two PPB-FBI drug missions that with hindsight were a critical turning point in the Old Town anti-drug effort.

### ***Effective Drug Missions in Old Town***

In the summer of 1993, Lieutenant Ed May, previously a PPB narcotics officer, 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 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 undercover followed dealers until they were stopped by uniformed bike patrol. Bike patrol officers conducted consent interviews, obtained photos, and took fingerprints. 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 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 reentry charges and 101 for state drug distribution charges. Of the total 124 persons indicted, 121 were determined by the INS to be illegal aliens. The tactic was repeated in March and April of 1994. 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 the PPB-FBI missions was more 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, although a long term solution did not emerge for another two years.

## QUALITY-OF-LIFE ISSUES DOWNTOWN

At the same time Abraham worked with the Old Town Steering Committee on the Old Town drug problem, she worked with police and a larger number of downtown groups (particularly security providers for retail stores, Pioneer Square, and the Association for Portland Progress Business Improvement District) on downtown's classic quality-of-life problems. In 1994 she assumed routine screening and filing of all non-custody misdemeanor and ordinance arrests for security officers and police. But, as with drugs, her most important contribution was in figuring out how to use the law to address citizen complaints for which there was no existing solution.

In 1993 the most intractable and long-standing quality-of-life problem downtown and in Old Town involved the behaviors of chronic street drinkers. Alcoholic transients facilitated the drug trade in Old Town. In the central shopping and business district they blocked sidewalks, urinated in public, panhandled, and trespassed on private property. Two of the most common complaints associated with the drinkers, trespassing and panhandling, were not being addressed for lack of clear legal rules on what officers could do.

The trespassers mostly drank and slept in stairwells and doorways of commercial properties at night. Neighbors called police, but officers could not enforce trespass laws on private property without direct complaints from owners, who were not present at night. 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. Citizens 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.

### ***NBDA Drafts Chronic Violator Procedure***

A related problem involved chronic ordinance violators (mostly drinkers) who ignored police requests and citations. Mounted police officers (who work exclusively on quality-of-life issues downtown) attributed the problem to a lack of attention in court. In Oregon most low-level street crimes 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. In court 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. No-show violators received default judgments and fines, but civil judgments did not give officers the authority to arrest no-show violators. For the chronic no-shows, officers needed misdemeanor charges and bench warrants, giving them authority to follow up with a custody arrest. Addressing the chronic violators required a change in court processing. Abraham had officers provide special documentation of these chronic offenders so DA intake attorneys would know to treat these cases initially as misdemeanors and then ask judges to reduce charges to violations when defendants appeared in court.

### ***The Use of Ordinances to Gain Compliance***

These kinds of legal solutions do not require new laws, although minor adjustments to wording of ordinances are 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 minutiae in place so the law could work, however, required 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 the ordinances; making sure operational procedures were in place so the rest of

the system would not fail to validate legitimate police action by getting non-compliers in front of a judge. The goal was not traditional punishment. The bother of having to show up in court or a lecture from the judge was usually sufficient to gain compliance,<sup>13</sup> but even if some restrictive sanction was 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 NBDA, 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 had been drafted. Getting all the actors, whose work had to be coordinated, to do their part, however, did 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' use in enforcing an ordinance prohibiting the sale of alcohol to obviously inebriated customers, were not being accepted by intake attorneys. Dramatic changes in quality-of-life enforcement finally occurred in 1997, simultaneously with a renewed assault on drugs.

## OPERATION NORTH STAR: OBSERVABLE RESULTS

**B**y 1996 street drug dealing (after the calm of 1994 and early 1995) 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 the city's public transportation system. The mall's design readily accommodates loitering (the primary activity of street drug dealers as well as transit riders) and at the time was outside the DFZ.

The low-level dealers who returned were still predominantly illegal Hispanics, but they were no longer all from Mexico. Mexican drug organizations now recruited young men from other Latin American countries, smuggled them into the U.S. to Los Angeles and then sent them to other cities. In Portland these young men, mostly Hondurans, were housed in suburbs on the Max line, a light rail system in Portland, taught how to ride the trains, and sent downtown to sell drugs. By the end of 1995, the PPB had again begun joint missions with the INS, and the NBDAs 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. Old Town 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 a year, vented at a public forum with the mayor in October 1996. Abraham and Lt. Ed May, who had recently returned to central precinct as commander, met with committee members to renew the problem solving goals of the steering committee. 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 1,257 drug arrests (double the rate of the previous year), referred 456 cases to the INS for deportation, and sent ten cases to the U.S. attorney for prosecution on federal illegal reentry 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 District Attorney’s Office handled as civil violations. May also introduced broad based quality-of-life enforcement (continued under subsequent commanders) that intensified enforcement of DFZ trespass violations as well as classic quality-of-life behaviors. From 1995 to 1997 DFZ trespass violations increased almost five fold (from 310 in 1995 to 1436 in 1997). (Table 1) Enforcement of quality-of-life behaviors rose by a proportionate amount.

In 1994 when Abraham began screening downtown misdemeanor and ordinance 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 nine per month to over 36 and continued to rise through 1997. APP security citations increased in 1998 when May retired from PPB and assumed the APP security contract. (Table 2) In 1997 and 1998 PPB and APP officers combined referred to Abraham close to 1000 citations per year. When citations from retail security agencies are added, total citations numbered well over 2,000.

**Table 1**  
Drug and Quality of Life  
Street Enforcement Downtown

	Drug Cases	DFZ Trespass	Qual/Life Citations	DFZ + Qual/Life	Total
1990	1235	—	—	—	1235
1991	1245	—	—	—	1245
1992	1428	—	—	—	1428
1993	1662	205	—	205	1867
1994	1150	321	180	501	1651
1995	1104	310	144	455	1558
1996	1797	599	468	1067	2864
1997	2797	1436	1104	2540	5337
1998	2151	1276	948	2224	4375
1999	1904	1775	972	2747	4651

\*Includes PPB and APP BID and Pioneer Square Security citations.

**Table 2**  
Store Security and Quality of Life Citations\  
Downtown

	Monthly Average by Enforcement Agency				All Agencies
	Store Security	Street Enforcement Agencies			Annual Total
		PPB	APP*	Total	
1994	60	9	6	15	900
1995	51	9	3	12	756
1996	55	36	3	39	1128
1997	60	88	4	92	1824
1998	39	60	19	79	1416
1999	46	62	19	81	1524

\*APP includes both APP BID and Pioneer Square Security

Sources and Notes: See Technical Appendix

(Table 2) In other words, the legal work of the NBDAs (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 criminal 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 (arrests and citations) with drug and quality-of-life behaviors downtown numbered over 5,000 compared to 1,558 in 1995. Fifty-five percent of this increase involved lesser trespass and quality-of-life violations. Seventy-four percent of the increase involved trespass, quality-of-life violations, and attempt PCS cases (700 of the 2,797 drug cases). None of these charges requires 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 was primarily punishment to those whose goal was compliance.

In the North Star operation itself, all the NBDAs 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). The new DFZ ordinance 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 drug cases began to fall, but DFZ and quality-of-life enforcement remained high. In summer of 2000 the absence of Hispanic dealers from corners in Old Town and the Bus Mall corridor was noticeable.<sup>14</sup> The evening sergeant then was using a low arrest strategy with tactical variations that mirrored the changes in street life through the evening.<sup>15</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 its 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>16</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—was arguably the most significant improvement in public order in downtown Portland between 1990 and 2000. But it was not the only one. Problems associated with chronic street drinkers, another seemingly intractable problem, also noticeably and measurably improved. Police generated admissions to alcohol detox from Central Precinct have dropped from over 3000 annually in the early 1990s 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 itself another story.

By the end of the decade, quality-of-life enforcement also began to generate arrests for serious crime. When APP enforcement intensified in 1998, security officers 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 who stole property from autos but 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 (three convictions in five months) responsible for felony level property damage.

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All of the efforts described here plus numerous others (which are documented but not reported) 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 1990s that, except for robbery and burglary, differ from the rest of the city. Tables 3.1 and 3.2 show the trends for murder, robbery, burglary, aggravated assault, larceny, and auto theft for downtown (including Old Town) and all of Portland for the years 1987 through 1999.

Since 1987 robberies and burglaries have declined dramatically both downtown and citywide. Generally, interviews failed to elicit an explanation. 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>17</sup> The patterns of decline for aggravated assault, larceny, and auto theft in downtown clearly differ from the rest of the city. For these crimes the downtown declines began in 1990 or 1991 at roughly the same time the APP security and Old Town Steering Committee projects started and Commander Noelle shifted drug enforcement from ad hoc overtime missions to a sustained patrol effort. Between 1990 and 1995 aggravated assaults, auto thefts, and larcenies in downtown and Old Town had fallen by 19%, 14%, and 12%, respectively. In the rest of the city, aggravated assaults rose 25% between 1990 and 1995 (population increased 14%) 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 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. (Table 3.1) Comparable declines citywide were 5%, 2%, and 15%. (Table 3.2) All of Portland now benefits from the kinds of activities described in this narrative for downtown. The efforts in downtown began earlier than in the rest of the city and were highly focused on a small geographic area

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with the most concentrated drug and disorder problem in the city, making results easier to track and observe. The difference in the patterns of decline, between downtown and the rest of the city over the ten-year period between 1989 and 1998 suggest that the improvements observed downtown cannot be attributed to other factors (such as the economy or demographics) without some explanation of why one neighborhood might be affected but not others. Specific patterns in the crime decline downtown in timing, location, and crime type further support the argument that specific enforcement actions were important contributors.

**Table 3.1**  
Downtown and Old Town  
UCR Part 1 Crime Trends

	Murder	Aggravated 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
1999	1	306	199	261	2726	201	3763
% Change 1989-1998	n/a	-27%	-27%	-47%	-37%	-43%	-37%

\*Reporting procedures for Larceny changed in 1989.

\*\*Arson and rape included in total.

Sources and Notes: See Technical Appendix

**Table 3.2**  
Portland Citywide  
UCR Part 1 Crime Trends

	Murder	Aggravated Assault	Robbery	Burglary	Larceny	Auto Theft	Total**	Population
1987	65	4623	3719	15298	35940	5403	65934	423000
1988	44	4637	3666	15352	35935	8417	68955	429000
1989	38	4932	2699	12476	27209*	7190	55518*	432000
1990	29	4838	2556	9027	26192	5948	49570	437000
1991	50	4881	2746	9569	26493	6593	51262	453000
1992	46	5167	2706	8806	26754	8087	52595	458000
1993	54	5603	2323	7895	27180	8663	52801	471000
1994	50	6014	2367	8070	28522	9779	55804	495000
1995	45	6066	2320	7882	29716	9310	56251	497000
1996	46	5325	2070	7214	28966	6667	51189	503000
1997	48	5250	1961	7445	30916	7475	54000	508000
1998	28	4681	1641	6768	26730	6123	46788	509000
1999	36	4224	1360	6016	23519	4708	41134	510000
% Change 1989-1998n/a		-5%	-39%	-46%	-2%	-15%	-16%	18%

\*Reporting procedures for Larceny changed in 1989.

\*\* Totals include arson and rape.

Sources and Notes: See Technical Appendix.

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 the PPB-FBI missions (Table 3.1). 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 4 presents crime trends within central downtown and Old Town separately for aggravated assault, auto theft, and two sub-categories of larceny (shoplifts and thefts of property 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

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and enforcement shifted into central downtown, the pattern was reversed. From 1995 to 1999 aggravated assaults in Old Town increased from 44 to 54. In downtown aggravated assaults rose when drug dealing moved into central downtown (from 253 in 1994 to 347 in 1995), and then fell with the intensification of enforcement (to 252 by 1999).

A similar geographic pattern is observed for theft of property from autos (theft-from-autos) and auto theft. 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.

**Table 4**  
 Patterns of Decline in Selected Crimes  
 In Central Downtown and Old Town  
 (Percentages in parentheses show changes 1990-94 and 1995-99)

**Central Downtown**

	Aggravated 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 (-27%)	1014 (-30%)	168 (-59%)	551 (-34%)
% Change	-20%	-40%	-62%	-38%

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**Old Town**

	Aggravated 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 (23%)	97 (-1%)	33 (-6%)	10 (11%)
% Change	-67%	-64%	-63%	-52%

Sources and Notes: See Technical Appendix

A sharp decline in theft-from-autos in both central downtown and Old Town in 1998 (25% versus a citywide decline of 8%) coincided 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) coincided with an undercover sting of downtown convenience stores running small time fencing operations where shoplifters sold stolen goods.<sup>18</sup>

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 the possible impact of enforcement 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 1990s—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. (U.S. Census Bureau) 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 was 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, 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 1990s there was no sign that demand for heroin in Portland or Oregon had 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.

# CONCLUSION

## INVOKING THE POWER OF THE DA'S OFFICE TO ADDRESS QUALITY-OF-LIFE CRIME

In summary, it is reasonable 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 behaviors on the street. But the police cannot reduce crime alone. In downtown both citizens and NBDAs 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 through the creation of the BID 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 City Council to pass the DFZ ordinance. Old Town businesses worked hard to promote physical improvements to attract outside visitors to Old Town to shift the balance from negative to positive behaviors in the area. 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 another committee (the Vision Committee). The committee wrote yet 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 NBDAs also brought a variety of skills to the collective effort, but their unique contribution 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 that degrade neighborhood quality of life. Unlike the serious predatory crimes of robbery and burglary that characterized the rise in urban crime in the 1960s and 1970s, drug and public order 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 NBDAs as lawyers are naturally led to those areas of the legal code that regulate (the mostly minor) offenses against the public peace in which the primary goal is compliance 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 what right the community has under the law to ask authorities 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 NBDAs who make 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.

## EPILOGUE

### 2000 TO 2005

Since the field work for this project was completed in the summer of 2000, two significant issues have impacted law enforcement capacity in Portland, in general, and drug and quality-of-life enforcement downtown, in particular. First, the national economic downturn that began in 2000 was particularly severe in Oregon, requiring both the city of Portland and Multnomah County to cut the budgets of most city and county agencies, including the Portland Police Bureau, the Multnomah County jail, the District Attorney's Office and the Multnomah County courts. In 2003 the DA's office lost nine attorney positions. At one point the courts operated only four days a week and the Office of Public Defense Services ran out of funds to appoint defense counsel. The public defender problem forced policy changes in prosecution including "reducing some low level felony charges to misdemeanors and reducing selected misdemeanor charges to violation status." (Schrunk) Although the number of NBDAs was cut only by one (from eight to seven attorneys), the unit assumed additional administrative duties to support traditional case-processing functions. Pearson again became head of the office intake unit, as well as head of the NBDA unit, and all NBDAs now screen non-custody misdemeanor cases (the majority of misdemeanors) for their respective geographic areas.

Second, in February 2002, the Oregon Court of Appeals ruled that Oregon's trespass statute did not apply in certain fact situations—one of those being violation of DFZ exclusions. In the spring and summer of 2002, the NBDAs trained PPB officers to use another statute, "Interfering with a Peace Officer," to arrest violators of DFZ exclusions who failed to obey an officer's lawful order to leave the zone. With this change, officers lost the ability to jail DFZ violators prior to court arraignment. Then, in the fall of 2002, a local court ruling found the DFZ ordinance unconstitutional and all prior exclusions were void. In December, the Portland City Council rewrote the ordinance, which to date has withstood all subsequent legal challenge. Still, as a result, DFZ violations were seriously disrupted in 2002 and early 2003.

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Despite these challenges to the effectiveness of law enforcement in Portland in general, and to street drug enforcement in particular, crime in Portland and downtown in 2004 is up slightly from 1998 and 1999. (See Appendix Tables 1-3) The total number of UCR, Part 1 offenses in Portland citywide reached a low of 41,062 in 2000 and then grew slowly to 45,417 (10%) by 2004, slightly faster than the rate of population growth (6%). (Appendix Table 3.2) Taking into account the growth of the city's population since 1989, the overall crime rate per 1000 residents in Portland dropped by 38% from 1989 to 2000 (from 128 crimes per 1000 residents to 80 crimes per 1000 residents) and from 2001 to 2004 increased modestly (to 83 crimes per 1000 residents). Virtually all of the increase occurred in burglary property crimes of larceny and auto theft. (Larceny reporting procedures again changed in 2002 and may account for some of the increase.) Aggravated assaults and robbery offenses continued to decline.

The crime trends downtown are similar. (Appendix Table 3.1) The lowest number of Part 1 offenses was recorded in 2000 (3,521), and since 2000 most of the increase in crime occurred in robbery and property crimes of larceny 18% and auto theft. One difference in the trends between downtown and the rest of the city is that the citywide trends show a gradual year-to-year rise. In downtown the increase was most pronounced in 2002, the year in which DFZ enforcement was disrupted. DFZ custody exclusion violations in downtown fell to just 345 in 2002 from 1343 in 2001, representing a 74% reduction. Total drug, DFZ, and quality-of-life arrests and citations downtown fell to 3419 in 2002, representing a 24% reduction from 2001 and a 39% reduction from 2000. (Appendix Table 1) Once the legal challenges to exclusion enforcement were resolved, DFZ and quality-of-life enforcement again increased to levels as high as or higher than at the height of North Star operations, with the emphasis of enforcement on DFZ and quality-of-life citations rather than conventional drug arrests, which have continued to decline. In other words, the shift in drug enforcement from laws whose aim is primarily punishment to those whose goal is compliance that occurred at the height of the North Star operations in 1997 has not changed.

Given the disruption to DFZ enforcement in 2002, it is not surprising

that by the fall of 2002, downtown and Old Town citizens again began to complain about increases in street dealing. Although the level of dealing is still far below what was observed in late 1980s and the first half of the 1990s, in early 2004 the mayor convened another problem solving committee that is currently working on the problem. The current drug dealing involves local dealers from Inner Northeast who have migrated downtown. As of the summer of 2005, the illegal alien dealers, who once blocked sidewalks and street corners, have not returned.<sup>19</sup>

## ENDNOTES

- <sup>1</sup> Order maintenance refers to the enforcement of minor criminal offenses like public drinking, aggressive panhandling, street prostitution, loitering to sell drugs, street harassment, and other similar disorderly street behaviors. In their book *Fixing Broken Windows* published in 1996, George Kelling and Catherine Coles define disorder: “In its broadest social sense disorder is incivility, boorish and threatening behavior that disturbs life, especially urban life.” (p. 14)
- <sup>2</sup> At one time lower court magistrates (not prosecutors) reviewed all cases presented to the court by citizens (not police). Magistrates simultaneously held serious matters for a higher court, summarily sanctioned petty offenders, and with citizen-complainants, solved the minor problems of neighborhood life (Steinberg 1989, Kross and Grossman 1937).
- <sup>3</sup> A survey of 27 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. See also M. Elaine Nugent, “What Does it Mean to Practice Community Prosecution?” 2004.
- <sup>4</sup> The information presented was collected over a period of seven years, beginning in March 1994 through July 2000, including twelve weeks on site. Follow-up data were collected in the Spring of 2005. The primary source of information was the attorneys, citizens, and police officers involved in the activities described. 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 the author’s related research in Manhattan, NY, Washington, DC, and eight other cities; and case studies by Catherine Coles of Harvard University in Boston, MA, Indianapolis, IN, Austin, TX, and Kansas City, MO.
- <sup>5</sup> The importance of citizen initiatives to the genesis of the NBDAs is documented in an earlier paper. (Boland, 1998)
- <sup>6</sup> By the end of the decade all areas of Multnomah County had an assigned NBDA.
- <sup>7</sup> Other street disorders like illegal vending, unregulated street music, reckless skate boarding, and cruising require attention but appear episodically and the perpetrators are usually not seriously troubled individuals.
- <sup>8</sup> 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 a program to aid recovery.

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- <sup>9</sup> In downtown federal law enforcement has been critical in addressing the drug dealing, and social service agencies have been critical in dealing with the social service populations.
- <sup>10</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 Colombia to U.S. markets west of the Mississippi. In Oregon, Mexican suppliers engaged in predatory pricing to undercut local dealers.
- <sup>11</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 drug dealers on street corners. He counted about 10 to 12 dealers on blocked street corners and 30 to 40 dealers per several blocks.
- <sup>12</sup> Other community groups included two representatives of the Chinese community, three business associations, three neighborhood associations, and one representative of Old Town social service agencies.
- <sup>13</sup> Malcolm Feeley made this point in his 1979 study of the lower courts: *The Process is The Punishment.* (Freeley, 1979)
- <sup>14</sup> The author observed street dealing conditions in Old Town in the summers of 1994, 1996, 1997, and 2000.
- <sup>15</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 to deter marginal dealers. The 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>16</sup> According to a special report by the *Seattle Post-Intelligencer* at least some went to Vancouver, B.C. (Teichroeb and Johnson 2000).
- <sup>17</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. UCR data for Seattle and Tacoma, WA, record similar declines for robbery and burglary suggesting this offending pattern was not unique to Portland.
- <sup>18</sup> Citywide figures reported here are from special tabulations prepared for (but not included in) Table 4.
- <sup>19</sup> Based on a site visit in summer of 2005 that included interviews with police, NBDAs, citizens, and street observation in Old Town and downtown.

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# TECHNICAL APPENDIX

Tables 1-3.2  
Updated with data for 2000-2004  
As reported in the Epilogue

Sources and Methodological Notes for  
Text and Appendix Tables

## APPENDIX

### Table 1

Drug and Quality of Life  
Street Enforcement Downtown

	Drug Cases	DFZ Violations	Quality of Life Citations*	Total
<b>1990-1999</b>				
1990	1235	—	—	1235
1991	1245	—	—	1245
1992	1428	—	—	1428
1993	1662	205	—	1867
1994	1150	321	180	1651
1995	1104	310	144	1558
1996	1797	599	468	2864
1997	2797	1436	1104	5337
1998	2151	1276	948	4375
1999	1904	1775	972	4651
<b>2000-2004</b>				
2000	2102	1833	1632	5567
2001	1603	1343	1476	4421
2002	1346	345	1728	3419
2003	1471	1584	2724	5779
2004	1258	2169	2832	6259

\*Includes PPB and Association for Portland Progress (APP) and Pioneer Square Security citations.

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**RESPONSE OF MULTNOMAH COUNTY TO NEIGHBORHOOD CRIME**

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## APPENDIX

Table 2

Store Security and Quality of Life Citations  
Downtown

	Store Security	Street Enforcement Agencies			Annual Total
		PPB	APP*	Total	
<b>1994-1999</b>					
1994	60	9	6	15	900
1995	51	9	3	12	756
1996	55	36	3	39	1128
1997	60	88	4	92	1824
1998	39	60	19	79	1416
1999	46	62	19	81	1524
<b>2000-2004</b>					
2000	42	112	24	136	2136
2001	38	88	35	123	1932
2002	63	119	25	144	2484
2003	56	188	39	227	3396
2004	51	161	75	236	3444

\*APP includes Association for Portland Progress (APP) and Pioneer Square Security.

TECHNICAL APPENDIX

APPENDIX  
Table 3.1  
Downtown UCR Part 1 Crime Trends

	Murder	Aggravated 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
1999	1	306	199	261	2726	201	3763
<b>1989-1998 % Change</b>	n/a	-27%	-27%	-47%	-37%	-43%	-37%
2000	2	311	178	279	2482	189	3521
2001	0	212	166	183	2755	194	3566
2002	3	257	166	200	2876	207	3809
2003	4	257	224	261	2769	244	3832
2004	4	209	210	262	2928	327	3999
<b>2000-2004 % Change</b>	n/a	-33%	18%	-6%	17%	73%	14%

\* Reporting procedures for Larceny changed in 1989.

\*\* Arson and Rape included in total.

**RESPONSE OF MULTNOMAH COUNTY TO NEIGHBORHOOD CRIME**

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APPENDIX

Table 3.2

Portland Citywide UCR Part 1 Crime Trends

	Aggravated					Auto	Population	
	Murder	Assault	Robbery	Burglary	Larceny	Theft	Total**	(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
1999	36	4224	1360	6016	23519	4708	41134	510
<b>1989-1998 % Change</b>	n/a	-5%	-39%	-46%	-2%	-15%	-16%	18%
2000	18	3710	1439	5542	24177	4802	41062	512
2001	22	2770	1212	5501	27508	4677	42759	513
2002	20	2679	1229	5616	27169	5154	43132	513
2003	26	2674	1361	6448	29049	5917	46513	538
2004	27	2307	1292	7143	27706	5939	45417	545
<b>2000-2004 % Change</b>	n/a	-38%	-10%	28%	15%	24%	11%	6%

\* Reporting procedure for Larceny changed in 1989.

\*\*Arson and Rape included in total.

**Sources and Methodological Notes for Text and Appendix tables:**

**Tables 1 and 2**

Drug Cases: PPB Planning and Support. The PPB 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. The Complaint Signer unit has been statistically tracking DFZ activity since 1993.

Disorder Citations: Downtown NBDA 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 NBDA data may include some double counting of DFZ trespass arrests (with the Complaint Signer's data) although the NBDA usually screens only non-custody DFZ arrests and the Complaint Signer screens custody DFZ arrests. Disorder citations for 1997 may include some double counting with drug cases during the period in which the NBDA screened attempt PCS cases for the North Star Operation. An analysis of the NBDA screening data by charge type suggests that in 1997 about 20% of the NBDA 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.

**Tables 3.1 and 3.2**

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

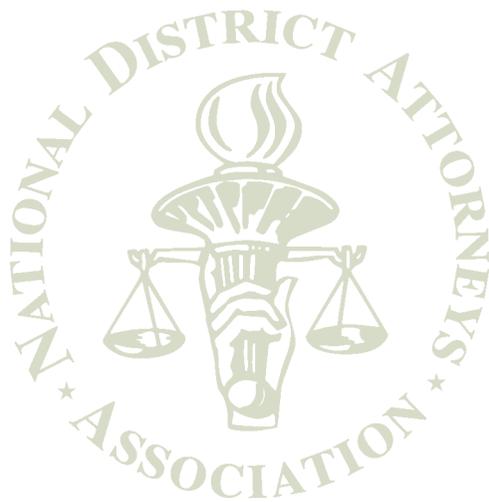
**Table 4**

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

## **RESPONSE OF MULTNOMAH COUNTY TO NEIGHBORHOOD CRIME**

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from special PPB tabulations. Theft-from-Auto refers to thefts of goods from inside or on automobiles as distinct from the theft of the automobile itself.



National District Attorneys Association  
American Prosecutors Research Institute  
99 Canal Center Plaza, Suite 510  
Alexandria, Virginia 22314  
Phone: (703) 549-9222  
Fax: (703) 836-3195  
<http://www.ndaa.org>

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