

**TASK FORCE ON RACIAL OVER-REPRESENTATION
IN THE CRIMINAL JUSTICE SYSTEM**

TASK FORCE MEETING SUMMARY

June 28, 2001 Meeting

**Next Meeting: Thursday, September 27, 2001 (Location to be announced)
(No Task Force meetings in July and August)**

Task Force Members Present: Daniel Binns, Woody Broadmax, Hongsa Chanthavong, Robin Cole, Bill Feyerherm, Bernie Giusto, Art Hendricks, Roy Jay, Vera Katz, Mark Kroeker, Oscar Sweeten-Lopez, Ray Mathis, Dan Noelle, Tawna Sanchez, Preston Wong, Mike Schrunk and Ronald Williams.

Task Force Working Group Members Present: Charlotte Comito, Juanita Crawford, Chori Folkman, Janice Frater, Jim Hayden, Joe Hertzberg, Virginia Rush and Kathy Treb.

Task Force Staff Present: Christine Kirk, Lyman Louis and Peter Ozanne.

Members of the Audience Who Signed In: Erik Harper, Jamal Harvey, Anna Alansham, Skipper Osborne, Gregory Crawford, Howard Wolfe, Frances Worlfe, Jaquie Holmes, R. Lee Dean, Sylvester Williams, Shirley G. Sumpter, Leslie Kay, Derrick Foxworth, Kathrine Curry, Jo Ann Bowman, Kendia Rosser, Bruce Broussard, Marsha Hansen

The meeting was called to order by Task Force Co-Chairs Williams and Schrunk at 7:00 p.m.

I. Welcome and Orientation

Ronald Williams and Mike Schrunk welcomed those in attendance and explained the purpose of tonight's meeting. In addition to regular Task Force business outlined in tonight's Agenda, the purpose of this meeting is to gain a greater understanding of policies and practices relating to Portland's Drug Free Zone ordinance. That ordinance is an example of a popular public safety strategy that appears to be a cost-effective method of reducing "quality of life" crimes in local neighborhoods. However, the strategy also produces disparate impacts on minority offenders who engage in illegal drug activity and

who violate “no-trespass” exclusion orders imposed under the ordinance as a result of such activity.

The Task Force will hear presentations tonight from (a) a Deputy District Attorney involved in the administration of the Drug Free Zone ordinance and residents who live in the Zones and support the policy; (b) the Task Force’s Arrest Working Group, which has been investigating the operation and effects of Portland’s Drug Free Zone ordinance and considering remedies to reduce the disparate impact on minority offenders; and (c) the Task Force’s Outreach Working Group, which has been developing plans for a dialogue with local communities about the ordinance, as well as other aspects of citizen-police encounters that may disproportionately impact citizens of color.

Peter Ozanne reviewed the general purposes and concerns of the Task Force, the organization of the Task Force’s Working Groups, and those Groups’ overall progress thus far in addressing various issues of racial over-representation in the administration of Multnomah County’s criminal justice system.

As background for tonight’s presentation on Portland’s Drug Free Zones, Bill Feyerherm distributed and explained a written summary of the disparate impact on African American suspects of arrests for drug and trespass offenses in Portland, a copy of which is attached to the original of this Summary. Professor Feyerherm reported that, in 1998, African Americans represented 8 percent of Portland’s population, 24.5 percent of those arrested for any crime and 37.9 percent of those arrested for drug and trespass offenses.

II. Presentation on the Administration and Effects of Portland’s Drug Free Zone Ordinance

Deputy District Attorney Jim Hayden explained the history, purposes, operation and effects of Portland’s Drug Free Zone ordinance. (A copy of his power point presentation is attached to the original of this Meeting Summary.)

Jim Hayden guests, Richard Brown of the Black United Front, Anna Abraham, a resident of Old Town and Brad Ness, a resident of the Beech neighborhood, reported on their experiences with the administration of the Drug Free Zones and the positive effects of the ordinance on the health and safety of their neighborhoods.

III. Presentation of the Arrest Working Group

Bernie Giusto, chair of the Task Force’s Arrest Working Group, reported on the past six weeks of investigations and deliberations of the Working Group. Chief Giusto indicated that the Working Group has focused on Portland’s Drug Free Zone Ordinance as an example of a popular and effective strategy to combat quality-of-life crime—in this case, street-level drug dealing-- that has also contributed to racial over-representation as a result of Trespass II arrests. To reduce this byproduct of the Drug Free Zone policy, the Working Group is considering recommending (a) custodial options to jail for arresting police officers, such as work or treatment facilities and community court, and (b) police

responses other than Trespass II arrests within the Zones, such as warnings and escorting offenders out of the Zones.

Task Force members made the following comments in response to Chief Giusto's remarks:

- We need to define our objectives in terms of the racial balance we desire in the criminal justice system and then decide, in collaboration with the community, how to achieve those objectives;
- The cycle of arresting offenders for Trespass II, booking them in jail for four to six hours, releasing them and issuing warrants for failure-to-appear may not be cost-effective, when the jail, prosecution, judicial and corrections resources required to carry out the policy are factored in;
- We need to know the extent to which Trespass II offenders have been involved in drug treatment, how accessible treatment programs are for these offenders, and how effective these programs are for this offender population;
- Our criminal justice system may not be adequately responding to the underlying criminal and social problems. Rather than blaming the police for racial over-representation, the cause of racial over-representation relating to Drug Free Zones may be the availability and efficacy of correctional programs like drug treatment;
- Local drug courts for both juvenile and adult offenders may be the most cost-effective solution to the underlying drug problem, in comparison to the current strategy of repetitive jailing for Trespass II;
- Pre-release education programs in jail that inform offenders of the significance of failures-to-appear and available treatment options should be implemented;
- The Drug Free Zone ordinance is a good example of community policing in which neighborhoods and the police joined in partnership to address a widespread community problem, and which results in a lesser punishment for Trespass II offenders than the state prison sentences resulting from felony drug prosecutions of those offenders;
- The underlying problems of drug abuse and addiction are community issues that need to be addressed in partnership with communities. They are not just problems of offenders which can be resolved exclusively within the criminal justice system.

IV. Presentation of the Community Outreach Working Group

Art Hendricks, the chair of the Task Force's Community Outreach Working Group, reported on the progress of the Working Group's deliberations. The Group is recommending a series of Community Forums this Fall at meetings of community organizations throughout Multnomah County. The purpose of these Forums is to receive input from community-based organizations on the work of the Task Force and community feedback on the Task Force's proposals. The first Forum is likely to focus on

the Drug Free Zone ordinance. Task Force members concurred in this approach without additional suggestions.

V. Public Comment

Members of the audience had the following comments:

- Many Trespass II arrests in Drug Free Zones result in more punishment than simply a four to six hour stay in jail;
- Drug Free Zones have to be considered in light of the fact that a policy that works in one community may not work in another. It's up to each community to decide if such a policy fits its needs, rather than having a group like the Task Force decide for that community;
- A Drug Hotline may be useful in addressing the problems underlying Drug Free Zone arrests;
- The Task Force should examine conditions in Drug Free Zones before and after the policy's implementation in order to evaluate the policy's effectiveness;
- The remainder of the time for public comment was devoted to expressions of concern and complaints from parents, spouses and other relatives of suspects in a recent alleged assault of off-duty police officers. Law enforcement officials on the Task Force agreed to meet with these individuals after this meeting to discuss arrangements for the safe surrender and legal representation of these suspects on the pending criminal charges.

The meeting was adjourned at 9:20 p.m.