



## Rod Underhill, District Attorney

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### MEMORANDUM

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**To:** Rod Underhill  
**From:** Traci Anderson  
**cc:** Don Rees  
**Date:** April 18, 2013  
**Subject:** Eighteen Month Drug Impact Area Report

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The Drug Impact Area (DIA) program completed its eighteenth month of operation in December. Since the start of the DIA program, 1202 criminal cases (861 felonies and 341 misdemeanors) have been issued involving the unlawful delivery or possession of heroin, cocaine, and marijuana that occurred in one of the three Drug Impact Areas: Heroin (Downtown, Old Town, and Holladay Park), Cocaine (Old Town and Holladay Park) and Marijuana (Downtown and Old Town).

Of the 1202 drug related criminal cases issued that occurred in one of the DIAs, 268 involved the unlawful delivery of heroin, cocaine, or marijuana (113 unlawful delivery of heroin, 90 unlawful delivery of cocaine and 65 unlawful delivery of marijuana cases).

In comparison, over the same period 2503 criminal cases involving the unlawful delivery or possession of cocaine, heroin, and marijuana were issued countywide outside one of the three DIAs. Regardless of whether the incident occurred inside or outside one of three DIAs, defendants convicted of unlawful delivery or possession of heroin, cocaine or marijuana are subject to an exclusion from the DIA for the particular drug upon which the conviction is based. For example, defendants convicted of a drug crimes involving heroin are subject to exclusion from the Heroin DIA, whether or not the incident occurred within the Heroin DIA. The same applies to defendants convicted of drug crimes involving cocaine and marijuana. Imposition of the DIA exclusion is requested after conviction for those

defendants who are sentenced to a term of probation. DIA exclusions are not requested for defendants sentenced to prison.

As of December 26, 2012, there were 503 distinct defendants under a current exclusion from the DIAs as a condition of probation. Of these exclusions, 70 were for unlawful delivery of heroin, 21 were for unlawful delivery of cocaine, and 80 were for unlawful delivery of marijuana. The other 390 DIA exclusions were ordered in cases where the defendant was convicted of crimes involving the unlawful possession of heroin, cocaine and marijuana. The number of currently excluded defendants will fluctuate up and down as defendants either successfully complete or are terminated unsuccessfully from probation.

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

With the creation of the DIA program, the Service Coordination Team (SCT) agreed to screen each defendant who received a DIA exclusion. The SCT program identifies the most chronic offenders, providing them with intensive, focused drug treatment, housing, and services. 40% of defendants screened were eligible for SCT services. Additionally, defendants convicted under the revised residue policy qualify for services through the Service Coordination Team. Prior to the DIA program, these defendants would have been convicted of a violation and simply fined. Because of the DIA program, these defendants are eligible for intensive focused drug treatment and housing. To date the DIA program has caused 517 drug offenders to be referred to the SCT of whom 287 have been accepted for service. Despite the extension criminal histories of participants, the SCT reports that only 9% of graduates reoffend.

An essential component of the DIA program was the creation of a DIA deputy district attorney position. The assigned deputy district attorney acts as the liaison between the District Attorney's Office, Portland Police Bureau, Department of Community Justice, the court, and community members. As part of the community engagement part of the job the assigned DDA will continue to make presentations regarding the DIA program to several business and neighborhood associations including the Old Town/Chinatown Neighborhood Association, the Portland Downtown Neighborhood Association, the Central Precinct Public Safety Action Committee, the Old Town/Chinatown Business Association, and the Pearl District Livability Committee and board.

We continue to hear from neighbors, business leaders, and other stakeholders in the Old Town area that the program has been a great success. A particular marker of this success is that at a recent neighborhood meeting residents expressed a greater feeling of safety walking in Old Town than prior to the inception of the program. Of course there still remains much progress to be made: in the quarter ending in December 2012 Old Town accounted for 32.6% of the felony drug cases handled by this office.

The post-conviction structure of the DIA program ensures racially neutral implementation and application, a key concern for those responsible for overseeing it. Once a DIA exclusion has been issued, police officers who contact offenders in violation of the DIA have no discretion to arrest or not: they must place a probation violation detainer. The breakdown of arrests in the DIA over the last quarter by race and by drug of choice in the attached report speaks for itself.

In sum, we are pleased with the results to date from the DIA program and hope to continue building on the successes we have already achieved.

## Data Appendix

Except where specifically noted otherwise, all data presented here were provided by the District Attorney's office from its internal database used for charging and tracking cases.

### 1. Racial breakdown of the cases arising in the Drug Impact Areas for which charges were filed for 4<sup>th</sup> Quarter 2012.

	White	Black	Other
Heroin	94%	1%	4%
Cocaine	17%	81%	2%
Marijuana	73%	27%	0%

During this period 29% more heroin cases (126) were issued than cocaine cases (98).

### 2. Drug related criminal cases issued between 6/1/11 and 12/31/12 occurring within one of the three Drug Impact Areas

Total cases issued: 1202 (861 felonies, 341 misdemeanors)

	White	Black	Hispanic	Other
Felony Cases Issued	486 (59.4%)	294 (35.9%)	26 (3.2%)	12 (1.5%)

Total charges issued: 1085 (some cases have multiple drug charges)

Unlawful Delivery of Heroin	113
Unlawful Possession of Heroin	395
Unlawful Delivery of Cocaine	90
Unlawful Possession of Cocaine	370
Unlawful Delivery of Marijuana	65
Unlawful Possession of Marijuana	52

### 3. Drug related criminal cases issued between 6/1/11 and 12/31/12 occurring outside the three Drug Impact Areas

Total cases issued: 2845 (2503 felonies, 342 misdemeanors)

	White	Black	Hispanic	Other
Felony Cases Issued	1511 (60.4%)	688 (27.5%)	244 (9.8%)	60 (2.4%)

Total charges issued: 3498 (some cases have multiple drug charges)

Unlawful Delivery of Heroin	417
Unlawful Possession of Heroin	1084
Unlawful Delivery of Cocaine	279
Unlawful Possession of Cocaine	890
Unlawful Delivery of Marijuana	257
Unlawful Possession of Marijuana	571

**4. Arrests made for violations of the Drug Impact Area conditions of probation between 6/1/11 and 12/31/12.<sup>1</sup>**

Total excluded defendants (as of 12/31/12): 503

	<b>White</b>	<b>Black</b>	<b>Hispanic</b>	<b>Other</b>	<b>Total</b>
Arrested violating the DIA (total)	49 (43.4%)	62 (54.8%)	2 (1.8%)	-	113
Arrested violating the DIA (4 <sup>th</sup> Qtr 2012)	13 (43.3%)	17 (56.7%)	-	-	30

*This table counts individual violators not number of violations; if a defendant was arrested six times in any particular quarter, this would count as a single entry.*

% of excluded defendants who violated any DIA this quarter: 16.8%

	<b>Heroin DIA</b>	<b>Cocaine DIA</b>	<b>Marijuana DIA</b>
Location of DIA violation (total)	62 (29.1%)	147 (69.0%)	4 (1.88%)
Location of DIA violation (4 <sup>th</sup> Qtr 2012)	10 (27.0%)	25 (67.6%)	2 (5.4%)

*This table counts total violations. If a defendant was arrested six times in any particular quarter, this would count as six separate violations.*

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<sup>1</sup> Data provided by the Portland Police Bureau