

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: An Ordinance Concerning Downtown Public Safety Zone; Amending Section 4.874 of the Eugene Code, 1971; and Providing a Sunset Date

Meeting Date: January 25, 2012
Department: Eugene Police
www.eugene-or.gov

Agenda Item Number: A
Staff Contact: Pete Kerns, Chief of Police
Contact Telephone Number: 541-682-5102

ISSUE STATEMENT

This is an opportunity for the City Council to discuss the option of extending or eliminating the sunset date for the Downtown Public Safety Zone.

BACKGROUND

The City Council adopted the Downtown Public Safety Zone (DPSZ) Ordinance No. 20419 in August 2008. The original ordinance established a sunset date of August 2010, and required that the City's Police Commission hold a public forum and make recommendations related to the ordinance. That forum was held, and the Police Commission recommended that the DPSZ be continued and proposed several modifications based on the community input received, which were considered by the City Council. In December 2010, the City Council adopted Ordinance No. 20467, which extended the sunset date to April 30, 2012, and also made amendments to other provisions of the original ordinance.

In December 2009, the Downtown Safety Task Team prepared a list of recommendations they believed would improve downtown safety and make the downtown a more welcoming place. Subsequently, the 12-Point Downtown Safety Improvement Plan was adopted by the City Council in January 2010. Inherent in the recommendation was the understanding that the lack of jail beds as a sanction remains a critical component to the persistent problems occurring downtown. The civil exclusion process is a tool to offset the lack of jail sanctions, to create an alternative to incarceration for chronic violators, and to improve the perception of safety in the downtown core.

As long as there is inadequate jail bed capacity to meet the demand, the Downtown Public Safety Zone functions as a necessary stop-gap measure, to hold offenders accountable, and reduce the number of re-offenders in the downtown core. To address public safety, the community must have at minimum three equally important functions. First, there must be appropriate rules and laws to govern behavior. Second, there must be an enforcement emphasis to cite offenders. Last, there must be adequate consequences to hold offenders accountable for their actions. Other services to support individuals in crisis like CAHOOTS, youth services, and perhaps what is produced by the Mayor's recently formed task group on homelessness will also be critical to improving safety downtown.

Regardless, these three components are critical. Eugene has adequate laws governing behavior, and increased funding for downtown enforcement has strengthened the Police Department's ability to

provide enforcement in the downtown core. However, with Lane County's critical jail bed capacity issues (down this last July from 280 to 196 beds and likely to decrease further in FY13), without the Downtown Public Safety Zone, the community lacks adequate consequences to hold offenders accountable and to reduce recidivism. For this reason, the Police Department has requested that the City Council discuss removing the sunset provision to the Downtown Public Safety Zone ordinance.

To provide the City Council with additional community perspective and comments, the City's Police Commission held a public forum on December 15, 2011. A brief report was made available prior to the community forum. It has been updated to include more recent information, and is included as Attachment A. The Police Commission discussed the input received at the forum at its meeting January 12. A summary of the written and oral comments received at the forum, via email, and at the subsequent Police Commission meeting is included as Attachment B.

At the conclusion of the discussion at its January 12 meeting, the Police Commission voted to recommend to the City Council that the Downtown Public Safety Zone be continued, and that the sunset provision be eliminated. This was approved in a vote of 9-1, with two members absent.

This item is scheduled for a public hearing on February 21, with council action scheduled February 27, 2012.

RELATED CITY POLICIES

This topic relates to the Safe Community Vision: A community where people feel safe, valued and welcome, and increased downtown development, as well as support for small and local businesses.

COUNCIL OPTIONS

No formal action is required. A public hearing is scheduled for February 21, 2012.

CITY MANAGER'S RECOMMENDATION

This item is scheduled for work session only. No recommendation is being made at this time.

SUGGESTED MOTION

No motion is proposed for the work session.

ATTACHMENTS

- A. Status Report on Downtown Public Safety Zone
- B. Public Comments Received

FOR MORE INFORMATION

Staff Contact: Lieutenant Sam Kamkar
Telephone: 541-682-5436
Staff E-Mail: sam.s.kamkar@ci.eugene.or.us

Eugene Police Department

**DOWNTOWN PUBLIC SAFETY ZONE
PROGRAM UPDATE**



January 10, 2012

Downtown Public Safety Zone – Program Update

Introduction

In August 2008, the Eugene City Council adopted Ordinance 20419, creating a Downtown Public Safety Zone, (DPSZ) and allowing Municipal Court judges to issue exclusion orders for certain offenders in and from the Downtown Public Safety Zone. The ordinance created a 20-block area in downtown Eugene where officers could request that the courts issue a temporary civil exclusion for persons arrested for certain offenses committed in this area. In September 2010, the Police Commission held a public forum and from that input, offered recommendations to the City Council. Addressing several of the recommendations, the City Council adopted Ordinance 20467 in December 2010. They voted to extend the Downtown Public Safety Zone until April 30, 2012, at which time the Ordinance will sunset.

When the City sought the April 30, 2012 extension, it anticipated the increased police patrol resources dedicated to downtown and increased jail bed capacity would ameliorate the need for the Downtown Public Safety Zone. However, the recent budget crisis has resulted in a reduction in jail beds to a point lower than in August 2008. Additionally, the increased patrol presence downtown has revealed greater problems, as indicated by increased citations. The use of exclusion for chronic offenders in the downtown core was identified as one step to reduce the incidence of adult predators harming more vulnerable populations, such as youth and people who are homeless (un-housed) and chronically inebriated adults.

The boundaries of the DPSZ are from Lincoln to Pearl Street between 7th and 11th Avenue, excluding the Lane County Courthouse block and extending to Lawrence Street between 7th and 8th Avenue. The area includes the Eugene Library, LTD Transit Station, WOW Hall, the downtown core and the park blocks.

From January 1, 2011 through November 30, 2011, 73 civil exclusions for 90-day and one-year were issued by the Eugene Municipal Court. In total, since the beginning of the DPSZ exclusion program in October 2008, through November 30, 2011, a total of 185, 90-day and one-year exclusions were issued. (Ordinance No. 20419, adopted in August 2008, was implemented in October 2008.) The 185 exclusions granted by the court and shown in Figure 2, represent 3.3 percent of the 5,632 total offenses that occurred in the three-year period following the adoption of the DPSZ ordinance. These are the offenses listed in Table 1, that occurred within the DPSZ geographic boundaries.

With the adoption of Ordinance No. 20467 in December 2010, a requirement was added to the notices to show cause, which are issued by police officers, to provide information that the person has the right to use the City's advocacy program at no cost. This notice must also provide contact information for the advocacy program. The Municipal Court established the program, printed the flyer providing information about the DPSZ Ordinance, exclusions, variances, and the advocacy program. To date, no one issued a notice to show cause has contacted the advocate program.

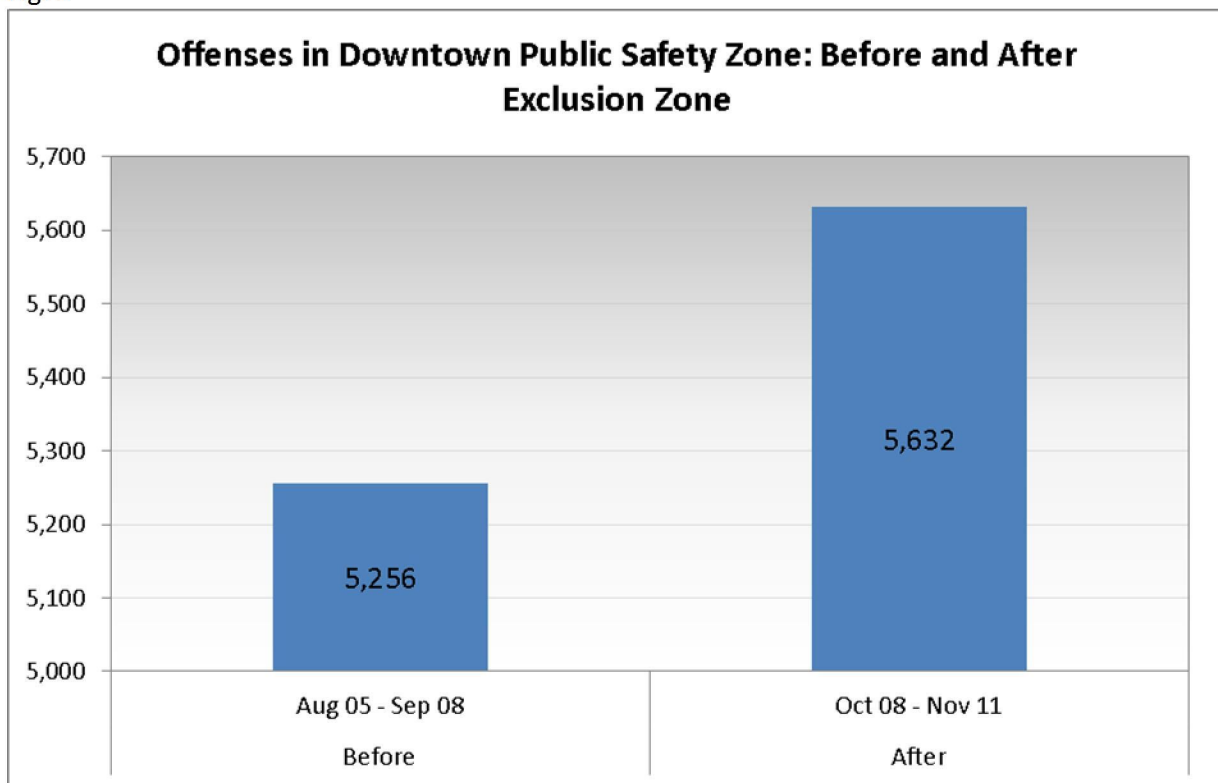
Quantitative Data

Overall, arrests and citations have increased in the DPSZ since Ordinance No. 20419 was implemented in October of 2008. The total number of arrests and citations for the three-year period before the implementation of the DPSZ was 4,487. In the three-year period following the start of the DPSZ program, arrests and citations occurring within the boundaries of the DPSZ increased to 5,493; an increase of 22

percent. There was a marked increase in 2011, which coincided with the increased staffing levels of the downtown bicycle team.

The use of the Downtown Public Safety Zone was one of the steps in the City’s Downtown 12-Point Safety Improvement Plan adopted and funded by the City Council to contribute to the community’s efforts to enhance and improve the livability of downtown. Another tool that has been introduced is the downtown bicycle team, with additional resources allocated by Council to be directed to the downtown area. For each of the past three years, the size of the team, days of operation and length of assignment has gradually been increased as new police officers were hired and completed their training. Consistent with the findings in the Downtown Public Safety Zone Activity Report dated August 17, 2010, arrests and citations occurring in the DPSZ have increased along with the increased EPD presence in the downtown area.

Fig. 1



Offenses	Before	After	Difference	% Change
	Aug 05 - Sep 08	Oct 08 - Nov 11		
Actual	5,256	5,632	376	7.2%

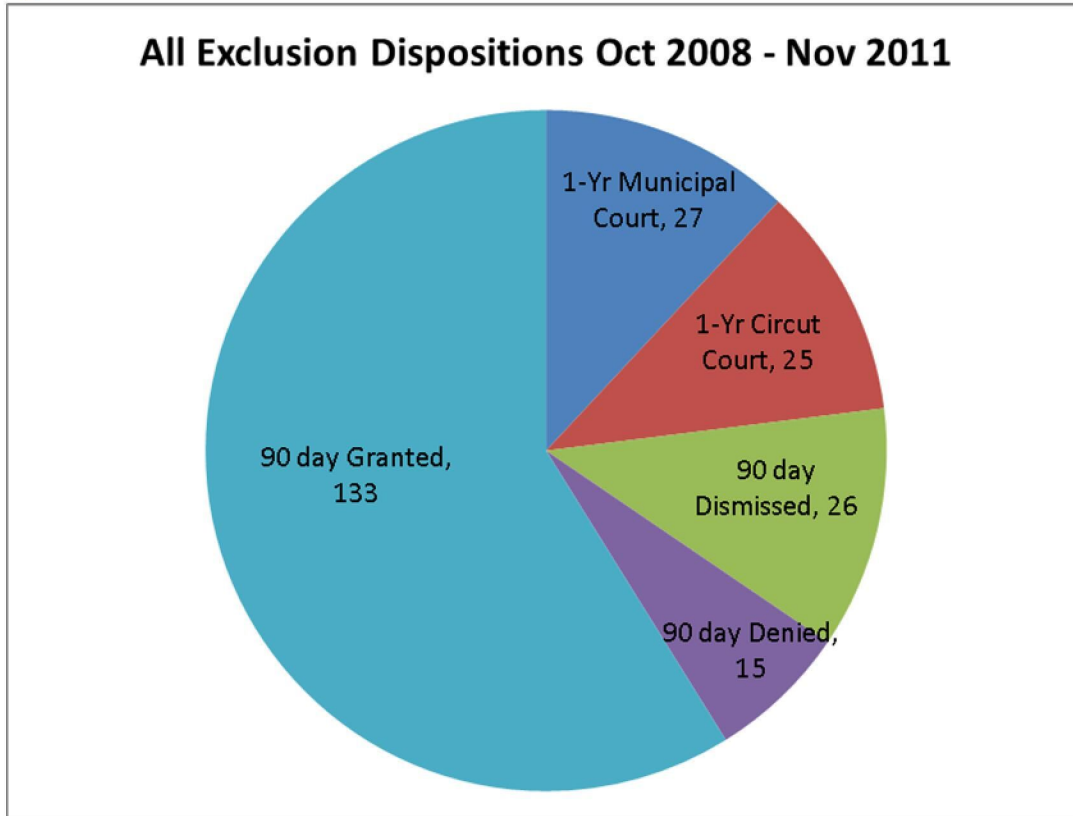
A correlation between the increase in visible police presence and a decrease in property crimes has been identified in other jurisdictions in their analysis of crime data. The increased staffing of the Eugene Police downtown bike patrol team can be credited with contributions to the property crimes decrease in downtown Eugene.

Table 1. **Offense Detail in Downtown Public Safety Zone: Before and After Exclusion Zone**

Offenses	Before	After	Difference	% Change
	Aug 2005 – Sep 2008	Oct 2008 - Nov 2011		
ARSON	4	0	-4	-100%
ASSAULT	132	132	0	0%
BURGLARY	17	7	-10	-59%
CRIMINAL MISCHIEF	167	130	-37	-22%
CURFEW	7	13	6	86%
DISORDERLY	264	457	193	73%
DRUGS	827	1,003	176	21%
DUII	0	0	0	n/a
FAMILY OFFENSE	17	10	-7	-41%
FORGERY	23	6	-17	-74%
FRAUD	18	27	9	50%
KIDNAPPING	4	0	-4	-100%
LIQUOR VIOLATION	1,394	1,270	-124	-9%
OFFICER ASSULT	0	0	0	n/a
OTHER ASSAULT	130	215	85	65%
OTHER CRIME	1,988	2,067	79	4%
PROSTITUTION	0	0	0	n/a
ROBBERY	19	42	23	121%
SEX OFFENSE	15	24	9	60%
STOLEN PROPERTY	34	21	-13	-38%
THEFT	111	113	2	2%
VEHICLE THEFT	7	2	-5	-71%
WEAPONS	78	93	15	19%
Total	5,256	5,632	376	7.2%

The number of exclusions varies by month and year. Looking at 2011 (January 1 – November 30), 18 total exclusions were granted in the month of September, compared to 9 in 2010 and 7 in 2009. Three exclusions occurred in March of 2011, (the lowest of any month in the period), compared to 5 in 2010 and 1 in 2009. Throughout the three-years the DPSZ ordinance has been in effect, the use of exclusion orders for chronic, repeat offenders has been applied sparingly.

Fig. 2

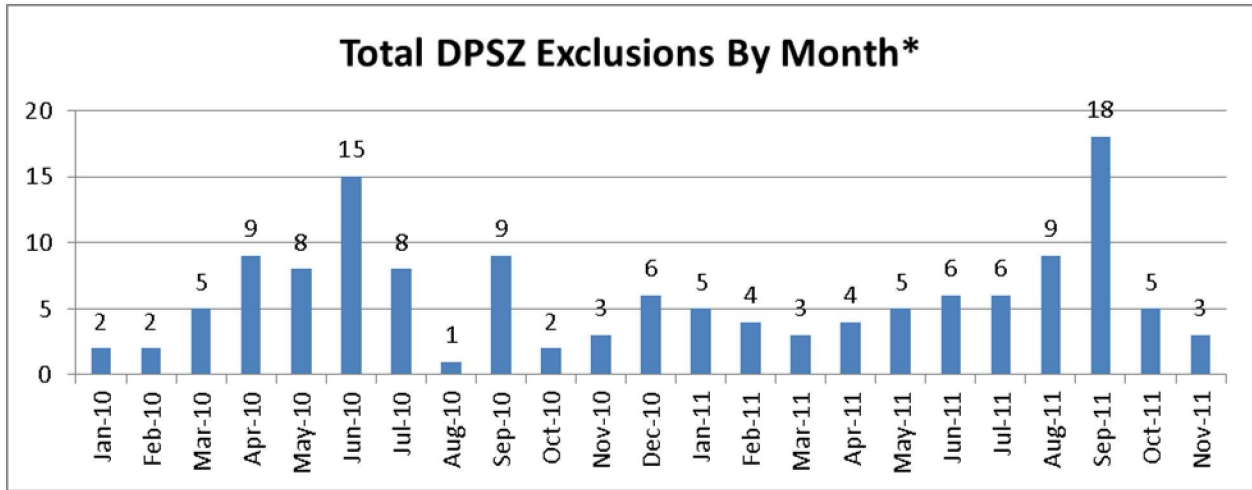


Category	Number	%
1-Yr Municipal Court	27	12%
1-Yr Circuit Court	25	11%
90 day Dismissed	26	12%
90 day Denied	15	7%
90 day Granted	133	59%
Total	226	100%

One exclusion was dismissed by the judge in 2008. Eight were dismissed in 2009, with one noted as having a charge that was not eligible. In 2010, 14 exclusions were dismissed; one with the charge not eligible, one wrong date, and one received after the appropriate date without specific reasons noted. In 2011, two exclusions were dismissed by the judge; specific reasons were not noted by the Courts.

The 185 exclusions granted by the court and shown in Figure 2, represent 3.3 percent of the 5,632 offenses that occurred in the three-year period following the adoption of the DPSZ ordinance. These are the offenses listed in Table 1 that occurred within the DPSZ geographic boundaries.

Fig. 3

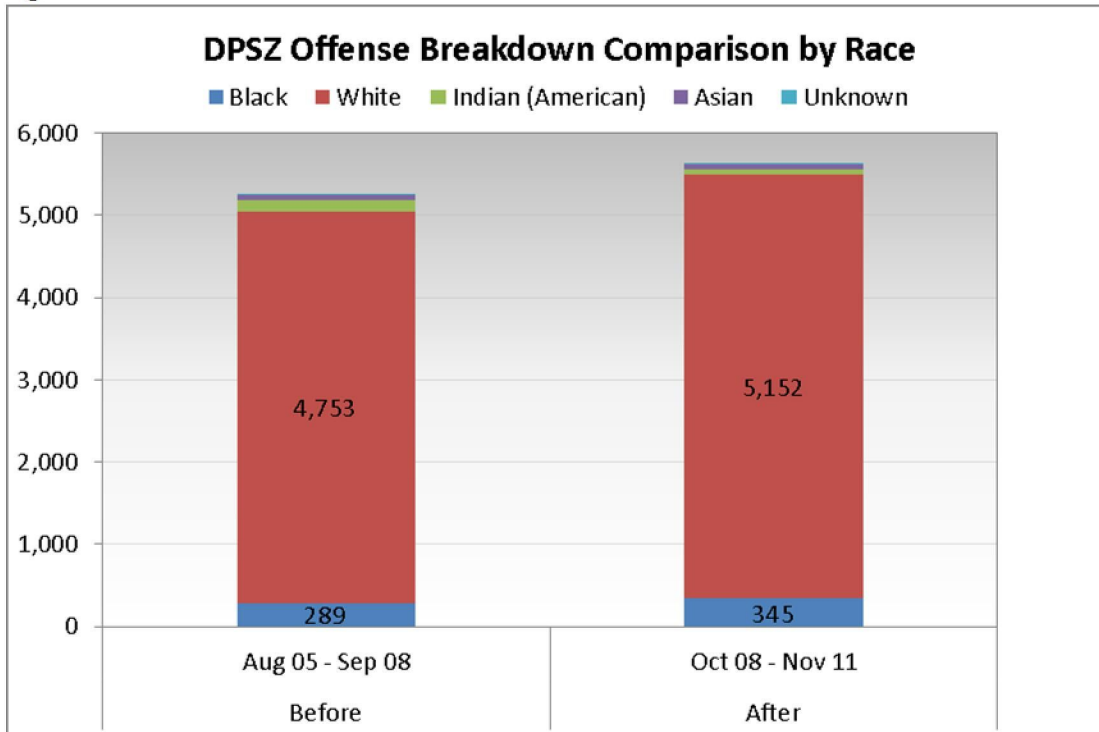


* Includes all cases including dismissed

Demographics

Using the implementation of the DPSZ as a mid-point, a three-year period before and after was reviewed to identify any significant difference in activity in within the boundaries of the zone. Gender, race and age were all analyzed. Despite the increased number of offenses following the adoption of the DPSZ Ordinance, there has not been a disproportionate impact on the gender of the offenders. Males, who committed 82.5 percent of all offenses in the DPSZ, increased by 6.6 percent the number of offenses they committed in the three-year period after the start of the program. Females increased by 10.4 percent the number of offenses they committed after the start of the program.

Fig. 4



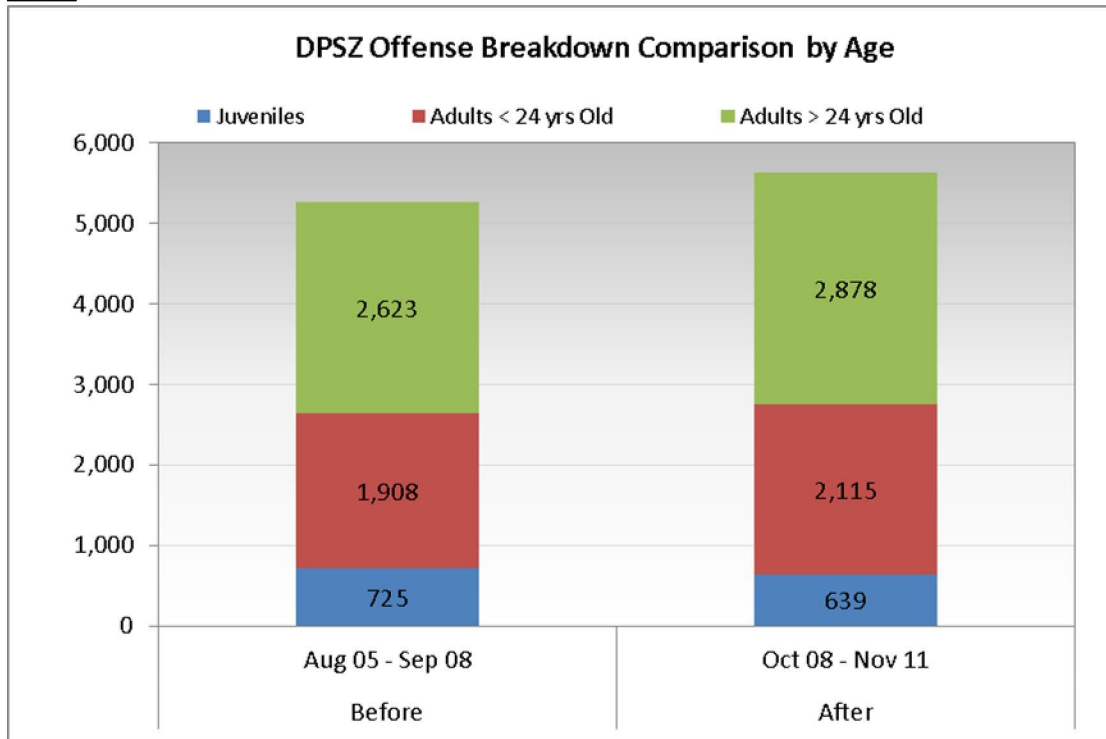
Whites and Blacks/African Americans are over-represented when compared to the US Census data for Eugene. Hispanics are considered an ethnicity by the US Census and are primarily represented in the “White” category.

Table 2. Downtown Public Safety Zone Offenses by Race

Race	2005-2008	%	2008-2011	%	2011 Census	%
White	4,041	90%	5,034	92%	134,018	86%
Native / Indian	125	3%	68	1%	3,720	2%
Black/Afr. Am	263	6%	336	6%	3,227	2%
Asian	56	1%	49	1%	8,685	6%
Other/ Unkn	2	0%	6	0%	6,535	4%
Total	4,487	100%	5,493	100%	156,185	

Fewer juveniles have committed offenses in the area of the DPSZ in the three year period after the program began. The largest group of offenders is adults, 24 years and older. The DPSZ exclusion ordinance does not apply to juveniles.

Fig. 5



Age Group	Before	After	Difference	% Change
	Aug 2005 - Sep 2008	Oct 2008 - Nov 2011		
Juveniles	725	639	-86	-11.9%
Adults < 24 yrs Old	1,908	2,115	207	10.8%
Adults > 24 yrs Old	2,623	2,878	255	9.7%
Total	5,256	5,632	376	7.2%

Qualitative Data

Looking at data from the 2008 and 2010 Community Survey, the public perception of downtown is improving. The percentage of people indicating they are “somewhat or very satisfied in Downtown Eugene the way it is”, has increased from 33 to 37 percent. More striking is the percentage of people who are somewhat or very dissatisfied, which has dropped from 64 to 54 percent. There has been a statistically significant reduction in the dissatisfaction in the perception of Downtown Eugene. It is a reasonable conclusion that the law enforcement elements of the City’s larger 12-Point Downtown Plan, including enhanced police presence and the Downtown Public Safety Zone, as well as the numerous construction projects currently underway have contributed to the improved perception of Eugene’s downtown by survey respondents.

Summary

As long as there is inadequate jail bed capacity to meet the demand, the Downtown Public Safety Zone functions as a necessary stop-gap measure, to hold offenders accountable, and reduce the number of re-offenders in the downtown core. To address public safety, our community must have at minimum three equally important functions. First, there must be appropriate rules and laws to govern behavior. Second, there must be an enforcement emphasis to cite offenders. Last, there must be adequate consequences to hold offenders accountable for their actions. Other services to support individuals in crisis such as CAHOOTS, youth services, and perhaps what is produced by the Mayor’s recently formed task group on homelessness will also be critical to improving safety downtown.

Eugene has adequate laws governing behavior, and increased funding for the downtown bicycle team has strengthened the Police Department’s ability to provide enforcement and other services in the city’s downtown core. However, with Lane County’s critical jail bed capacity issues (down this last July from 280 to 196 beds and likely to decrease further in FY13), the Eugene community lacks adequate consequences to hold offenders accountable and to reduce recidivism. For these reasons, the Police Department has requested that City Council discuss removing the sunset provision to the Downtown Public Safety Zone ordinance.

APPENDIX A – Eugene Municipal Code – Downtown Public Safety Zone

DOWNTOWN PUBLIC SAFETY ZONE

- 4.873 Downtown Public Safety Zone
 - Boundaries
- 4.874 - Civil Exclusion
- 4.875 - Issuance of Notice to Show Cause
- 4.876 - Exclusion Orders - Procedure
- 4.877 - Variances
- 4.878 - Variances – Application/Revocation Procedure
- 4.879 Violation of Downtown Public Safety Zone Restrictions

4.870 Downtown Activity Zone – Purpose.

- (1) Eugene's downtown activity zone has been developed to renew, preserve, and enhance the economic and aesthetic value of the city's central business district and to provide facilities conducive to a harmonious blend of civic, social, cultural, residential, and economic pursuits. Streets, sidewalks and public areas are designed and constructed in a manner to encourage pedestrian oriented activities, including economic and commercial activities, and to provide a pleasant place for civic and cultural events, a public market, and an urban park. One significant purpose of the downtown activity zone is to enhance the economic vitality of adjacent property. For that reason, the former downtown mall has been reopened to vehicular traffic, and a larger area has been defined. This area is intended to encourage private investment in the downtown area and to enhance the value of such investments by encouraging pedestrians to come to the area. The multiple uses of the public pedestrian areas in the downtown activity zone are to be accommodated by reserving different areas (1) as visual amenities designed for everyone's enjoyment, (2) for pedestrian uses, (3) for use by abutting merchants, (4) for uses by other commercial pursuits and (5) for public events. When compatible, such uses may also occupy the same areas of the downtown activity zone.
- (2) Within the downtown activity zone, a core area has been identified as requiring additional regulation. This core area includes a concentration of public facilities (including urban parks and plazas, a transit station and a new public library) as well as the area where the former downtown mall was located. It has traditionally received a high demand for multiple public uses, and that demand is expected to continue and increase in the future. Because of recent changes to the area, this downtown core area requires greater protection to preserve and enhance its unique qualities and uses, and additional duties and responsibilities are therefore required of permittees and owners of property located within the boundaries of the area including, but not limited to, those set forth in section 3.344(4).

(Section 4.870 added by Ordinance No. 16614, enacted September 11, 1972; amended by Ordinance No. 19354, enacted September 18, 1985; Ordinance No. 19605, enacted February 27, 1989; Ordinance No. 20196, enacted May 8, 2000, effective June 7, 2000; and Ordinance No. 20303, enacted November 24, 2003, effective December 24, 2003.)

4.871 Downtown Activity Zone - Definitions. For purposes of sections 4.870 to 4.872 of this chapter, the following words shall have the meanings ascribed to them by this section:

Admission. A monetary fee charged for the privilege of attending, observing, or participating in an activity, event, or performance occurring in or upon public pedestrian areas in the downtown activity zone. "Admission" includes a monetary fee charged on a fixed basis or a donation basis. The charging of "admission" prevents those persons who have not paid the monetary fee from accessing the area in which the activity, event, or performance is occurring. Where access to the area is not restricted, "admission" does not include soliciting donations during an activity, event, or performance.

Authorized activity. Any activity for which a downtown activity permit has been issued or a city-sponsored activity.

City manager. The city manager or the city manager's designee.

City-sponsored event. An activity carried out by a city employee in the performance of assigned duties or an activity authorized by the city manager or city council to use the city's name.

Commercial pursuits. Any activity related to or connected with trade, commerce or fund raising involving the receipt of money or property, such as, but not limited to: advertising, displaying, distributing, selling, taking orders or offering to sell or take orders for goods or services; providing a place for customers to sit; fund raising activities; activities, events, and performances for which admission is charged; activities related to construction or demolition on abutting private premises.

Display. Visual portrayals or physical objects affixed to or standing upon public property within the downtown activity zone, including but not limited to signs, pictures, markers, inscriptions, and objects that are inanimate or mechanically or electronically animated but which remain stationary in location.

Downtown activity permit. A permit applied for and issued in accordance with section 3.341 of this code.

Downtown activity zone. Publicly-owned property and rights-of-way located within the area bounded by the centerlines of Sixth Avenue, Lincoln Street, Eleventh Avenue, and High Street, including all public improvements located therein.

Downtown core. Publicly-owned property and rights-of-way located within the area bounded by a line that runs from the intersection of 10th Avenue and Pearl Street, north to 8th Avenue, west on 8th Avenue to Lincoln Street, south on Lincoln Street to 10th Avenue, east on 10th Avenue to Charnelton Street, south on Charnelton Street to 11th Avenue, east on 11th Avenue to Willamette Street, north on Willamette Street to 10th Avenue, and east on 10th Avenue to Pearl Street, including sidewalks on both sides of the streets and avenues that define the area and all public improvements located therein.

Fund raising. Actions which directly or indirectly request anything of value from persons with whom the requestor has not been previously associated as a family member, friend or companion, and the resulting proceeds are given to a person, entity or organization other than the person engaged in the fund raising activity. "Fund raising" does not include personal solicitation.

Impede. To prevent progress or movement, or to engage in an activity that would deter a reasonable person from progressing or moving in the area of the activity.

Interferes with. A person "interferes with" an authorized activity if that person does one or more of the following:

- (a) Enters in or upon and uses an area of the downtown activity zone which has been reserved for an authorized activity for a purpose other than in accordance with the authorized use;
- (b) Engages in conduct which imminently threatens to cause or causes a speaker or performer to cease speaking or performing or threatens to cause or causes an audience to be unable to hear the speaker or performer(s);
- (c) Except when viewing or participating in an authorized activity, engages in conduct within 20 feet of an authorized activity which prevents reasonable people with normal sensitivities participating in the properly authorized activity from carrying on a normal conversation.

Newspaper dispenser. A box or other vending device that displays, holds or dispenses newspapers, flyers, brochures, pamphlets, newsletters or other written materials to the public, with or without requiring payment, and is intended to remain stationary in location.

Noise disturbance. A noise disturbance which is plainly audible to two or more persons who are located within a room with all windows and doors to the outside shut which is in a building open for business and is located within the boundaries of or is abutting the downtown core. The definitions of section 4.080(1) of this code shall apply to this definition.

Permittee. Includes any person designated as the applicant in the application for the downtown activity permit and any employee, agent, representative or volunteer assisting with an authorized activity.

Public pedestrian area. Any public sidewalk, alley, plaza, and park, excluding public areas under the primary control of entities other than the city. It also includes public streets during the time streets are closed to vehicular traffic for a city-sponsored or permitted event.

Street entertainment. The conducting of, presenting, or participating in musical, theatrical, cinematic, choreographic or athletic performances for which no admission is charged, and no specific area of public property is reserved for its use.

Written material. Any literature, pamphlet, packaging or similar material intended to communicate any message through writing.

(Section 4.871 added by Ordinance No. 16614, enacted September 11, 1972; amended by Ordinance No. 19354, enacted September 18, 1985; Ordinance No. 19605, enacted February 27, 1989; Ordinance No. 19914, enacted April 26, 1993, effective May 26, 1993; administratively amended by Ordinance No. 20113, enacted April 6, 1998, effective May 6, 1998; amended by Ordinance No. 20196, enacted May 8, 2000, effective June 8, 2000; Ordinance No. 20303, enacted November 24, 2003, effective December 24, 2003; and Ordinance No. 20322, enacted May 25, 2004, effective June 24, 2004.)

4.872 Downtown Activity Zone - Prohibited Acts.

- (1) Except when approved as part of an authorized activity, the following acts are prohibited in the public pedestrian areas within the downtown activity zone:
- (a) Interfering with an authorized activity.
 - (b) Impeding access to any public pedestrian area or to any public or private building adjacent to the public pedestrian area.
 - (c) Engaging in a commercial pursuit, except for personal solicitation and street entertainment.
 - (d) Placing a display.
 - (e) Placing a newspaper dispenser:
 - 1. Within ten feet of a street corner;
 - 2. Within one foot of a street curb;
 - 3. Within one foot of, or connected or affixed by any means to, a sidewalk fixture, such as a light pole, bicycle rack, planter, bench or art work;
 - 4. Except with the permission of the person in charge of the building, between the central traveled portion of the adjacent sidewalk and any window abutting a public pedestrian area; or
 - 5. Within the central traveled portion of the sidewalk or in any other location likely to impede pedestrian traffic.
 - (f) Setting up or operating a public address system or other amplified sound equipment.
- (2) In addition to the acts prohibited in subsection (1) of this section, except when approved as part of an authorized activity, the following acts are prohibited in the public pedestrian areas in the downtown core:
- (a) Climbing any tree.
 - (b) Except for stairways, climbing any structure that is more than six feet in height on any side.
 - (c) Climbing any structure in such a manner as to create a danger of personal injury or property damage.
 - (d) Leaving a dog or other animal unattended, whether leashed or unleashed.
 - (e) Creating or continuing a noise disturbance.
 - (f) Entering into a landscaped planting area or acting in a manner harmful to any plant life, including walking, lying or sitting in a landscaped planting area. A "landscaped planting area" is any public area set aside for planting of trees, shrubs, flowers or other vegetation, except grass.
 - (g) Setting up any temporary structures or enclosures, including but not limited to canopies, tents or tables, or restricting access to any portion of the public pedestrian area so that other persons may not freely enter such area.
 - (h) Picking or cutting flowers or other vegetation from landscaped planting areas.
 - (i) Allowing a child who is in one's charge and is under 12 years old to violate any provision of this section or of section 3.344.

(Section 4.872 added by Ordinance No. 16614, enacted September 11, 1972; amended by Ordinance No. 19354, enacted September 18, 1985; Ordinance No. 19605, enacted February 27, 1989; Ordinance No. 19841, enacted April 15, 1992, effective May 19, 1992; administratively amended by Ordinance No. 19914, enacted April 28, 1993, effective May 28, 1993; amended by Ordinance No. 19969, enacted July 21, 1994; Ordinance No. 20196, enacted May 8, 2000, effective June 8, 2000; Ordinance No. 20303, enacted November 24, 2003, effective December 24, 2003; Ordinance No. 20322, enacted May 25, 2004, effective June 24, 2004; and administratively amended September 9, 2004.)

DOWNTOWN PUBLIC SAFETY ZONE

4.873 **Downtown Public Safety Zone - Boundaries.** For purposes of sections 4.874 through 4.879 of this code, the downtown public safety zone includes that area generally bounded on the north by, and including, the south sidewalk of 7th Avenue, then south along, and including, the east sidewalk of Lawrence Street, then east along, and including, the south sidewalk of 8th Avenue, then south along, and including the west sidewalk of Lincoln Street, then east along, and including, the south sidewalk of 11th Avenue, then north along, and including, the east sidewalk of Pearl Street, then west along, and including, the south sidewalk of 8th Avenue, then north along, and including, the west sidewalk of Oak Street to the south sidewalk of 7th Avenue.

(Section 4.873 added by Ordinance No. 20419, enacted August 11, 2008, effective September 13, 2008; and unless extended by the City Council, to sunset and be repealed August 11, 2010; sunset date extended to January 8, 2011, by Ordinance No. 20462 enacted August 9, 2010, effective August 11, 2010; sunset date extended to April 30, 2012, by Ordinance No. 20467, enacted December 8, 2010, effective January 8, 2011.)

4.874 **Downtown Public Safety Zone - Civil Exclusion.**

- (1) The municipal court may exclude a person pursuant to subsections (1), (3), or (4) of section 4.876 for violation of any of the provisions in sections 4.110(2), 4.230, 4.240, 4.726, 4.729, 4.730, 4.731, 4.770, 4.780 and 4.782 of this code, and for violation of any of the provisions of ORS 163.160, ORS 163.165, ORS 163.175, ORS 163.185, ORS 163.190, ORS 163.275, ORS 163.355, ORS 163.365, ORS 163.375, ORS 163.385, ORS 163.395, ORS 163.405, ORS 163.408, ORS 163.411, ORS 163.415, ORS 163.425, ORS 163.427, ORS 163.435, ORS 163.575, ORS 164.345, ORS 164.354, ORS 164.365, ORS 166.065, ORS 166.155, ORS 166.165, ORS 167.012, ORS 167.017, ORS 167.262, ORS 167.808, ORS 471.475, ORS 475.840, ORS 475.846 through ORS 475.894, ORS 475.904, and ORS 475.906.
- (2) The municipal court may exclude a person pursuant to subsection (5) of section 4.876 of this code for violation of any of the provisions in sections 4.080, 4.115, 4.190, 4.230, 4.240, 4.685, 4.705, 4.707, 4.725, 4.726, 4.728, 4.729, 4.730, 4.731, 4.755, 4.760, 4.770, 4.780, 4.782, 4.806, 4.807, 4.808, 4.809, 4.822, 4.882, 4.887, 4.888, 4.930, and 4.977, of this code, and for violation of any of the provisions of ORS 163.160, ORS 163.165, ORS 163.175, ORS 163.185, ORS 163.190, ORS 163.195, ORS 163.275, ORS 163.355, ORS 163.365, ORS 163.375, ORS 163.385, ORS 163.395, ORS 163.405, ORS 163.408, ORS 163.411, ORS 163.415, ORS 163.425, ORS 163.427, ORS 163.435, ORS 163.465, ORS 163.575, ORS 164.043, ORS 164.045, ORS 164.055, ORS 164.125, ORS 164.245, ORS 164.255, ORS 164.265, ORS 164.272, ORS 164.345, ORS 164.354, ORS 164.365, ORS 164.395, ORS 164.405, ORS 164.415, ORS 166.025, ORS 166.065, ORS 166.115, ORS 166.155, ORS 166.165, ORS 166.170, ORS 166.220, ORS 166.240, ORS 166.250, ORS 167.012, ORS 167.017, 167.262, ORS 167.808, ORS 471.430, ORS 475.840, ORS 475.846 – ORS 475.894, ORS 475.904, and ORS 475.906. In addition, persons who attempt, as defined in section 4.015 of this code or ORS 161.405, to commit offenses listed in this section are subject to exclusion pursuant to section 4.876 of this code.
- (3) The municipal court may exclude a person from the public parks and public streets, alleys, sidewalks and other public ways in the downtown public safety zone for a period of one (1) year from the date of conviction if the person is convicted of any of the offenses enumerated in subsection (2) of this section and the person committed the offense while in the downtown public safety zone.
- (4) Except as allowed under section 4.878 of this code, a person excluded under authority of this section may not enter the downtown public safety zone except to:
 - (a) Attend a meeting with an attorney;
 - (b) Attend a scheduled meeting with a medical or social service provider;
 - (c) Comply with court- or corrections-ordered obligations or appearances;
 - (d) Contact criminal justice personnel at a criminal justice facility;
 - (e) Attend any administrative or judicial hearing relating to an appeal of:
 1. The person's notice of exclusion; or
 2. The denial, revocation or amendment of the person's variance; or
 - (f) Travel through the downtown public safety zone on a Lane Transit District vehicle. Travel on a Lane Transit District vehicle includes reasonable time spent waiting to transfer to another Lane Transit District vehicle.
- (5) While in the downtown public safety zone, a person who is otherwise excluded but enters the zone pursuant to subsections (4)(a) - (f) of this section may only travel directly to and from the purposes enumerated in subsections (4)(a) - (f) of this section.

- (6) If an excluded person is in the downtown public safety zone in violation of the exclusion during the exclusion period, that person is subject to immediate arrest for violation of downtown public safety zone restrictions pursuant to section 4.879 of this code.

(Section 4.874 added by Ordinance No. 20419, enacted August 11, 2008, effective September 13, 2008; and unless extended by the City Council, to sunset and be repealed August 11, 2010; administratively corrected Section (5) January 20, 2009; amended by Ordinance No. 20446, enacted December 14, 2009, effective January 1, 2010; sunset date adopted by Ordinance No. 20419 extended to January 8, 2011, by Ordinance No. 20462 enacted August 9, 2010, effective August 11, 2010; amended, and sunset date extended to April 30, 2012, by Ordinance No. 20467, enacted December 8, 2010, effective January 8, 2011.)

4.875 **Downtown Public Safety Zone - Issuance of Notice to Show Cause.** When a peace officer arrests a person or issues a citation for any of the offenses enumerated in subsection (1) of section 4.874 of this code, the officer shall also issue to the person being arrested or cited a notice to show cause. The notice shall require the person to appear at municipal court at a designated time within three (3) to five (5) business days, at which time the court will set a date and time for the hearing for the person to show cause why the person should not be excluded from the downtown public safety zone. The notice shall contain:

- (a) The date, time and place the person is to appear;
- (b) The name of person ordered to appear;
- (c) The name of the peace officer issuing the notice;
- (d) A brief explanation of the purpose of and procedure for the court appearance;
- (e) The following statement: "If you fail to appear at Municipal Court at the date and time set forth above, the Municipal Court may enter an order excluding you for ninety days from the Downtown Public Safety Zone, shown on the attached map;"
- (f) A statement that the person has the right to utilize the city's advocacy program, at no expense to the person, and a statement providing advocate contact information;
- (g) A statement that the person has the right to be represented by an attorney, at the person's own expense, at the hearing.
- (h) A statement that, if the person is convicted of the offense for which the person was arrested or cited, the person may be excluded from the downtown public safety zone for an additional period of one year from the date of conviction;
- (i) A map showing boundaries of the downtown public safety zone; and
- (j) A brief description of the reasons for which the court may grant a variance and the procedure for requesting a variance.

(Section 4.875 added by Ordinance No. 20419, enacted August 11, 2008, effective September 13, 2008; and unless extended by the City Council, to sunset and be repealed August 11, 2010; sunset date extended to January 8, 2011, by Ordinance No. 20462 enacted August 9, 2010, effective August 11, 2010; amended, and sunset date extended to April 30, 2012, by Ordinance No. 20467, enacted December 8, 2010, effective January 8, 2011.)

4.876 **Downtown Public Safety Zone - Exclusion Orders - Procedure.**

- (1) At the date and time set forth in the notice described in section 4.875 of this code, if the person appears, the court shall set a date and time for the show cause hearing, which shall be not less than five (5) nor more than fourteen (14) calendar days from the date the person was required to appear under section 4.875 of this code. If the person does not appear, the court shall not schedule a show cause hearing and if, based on a police report or affidavit from a witness, the court finds by a preponderance of the evidence that the person committed an offense enumerated in subsection (1) of section 4.874 of this code while in the downtown public safety zone, the court may enter an order excluding the person from the downtown public safety zone for a period of ninety (90) calendar days, effective at 12:01 a.m. the next day.
- (2) At the show cause hearing, the person shall have the opportunity to show cause why the person should not be excluded from the downtown public safety zone.
- (3) If the court at the show cause hearing finds by a preponderance of the evidence that the person committed an offense enumerated in subsection (1) of section 4.874 of this code while in the downtown public safety zone, the court may enter an order excluding the person from the downtown public safety zone for a period of ninety (90) calendar days effective at 12:01 a.m. the next day.
- (4) If the person does not appear at the show cause hearing, and, based on a police report or an affidavit from a witness, the court finds by a preponderance of the evidence that the person committed an offense enumerated in subsection (1) of section 4.874 of this code while in the downtown public safety zone, the court may enter an order of exclusion as described in subsection (1) of this section.

- (5) Upon receipt of a copy of the conviction for an offense enumerated in subsection (2) of section 4.874 of this code and based on information in a police report or an affidavit from a witness that the conduct supporting the conviction occurred in the downtown public safety zone, the municipal court may enter an order excluding the convicted person from the downtown public safety zone for one (1) year from the date of conviction. The person shall be informed of the exclusion order by first-class mail sent to the person's last-known address. The excluded person may request a hearing on the exclusion. The only issues at such hearing shall be whether the person was convicted of an offense enumerated in subsection (2) of section 4.874 of this code and whether the conduct supporting the conviction occurred in the downtown public safety zone. A certified copy of the conviction shall be conclusive evidence of the conviction.
- (6) A person subject to an exclusion order under subsection (1), (3), (4) or (5) of this section may apply for a variance pursuant to section 4.878 of this code.
- (7) An exclusion ordered by the court pursuant to subsections (1), (3) or (4) of this section shall terminate upon acquittal, dismissal of charges, or failure to prosecute.

(Section 4.876 added by Ordinance No. 20419, enacted August 11, 2008, effective September 13, 2008; and unless extended by the City Council, to sunset and be repealed August 11, 2010; sunset date extended to January 8, 2011, by Ordinance No. 20462 enacted August 9, 2010, effective August 11, 2010; amended, and sunset date extended to April 30, 2012, by Ordinance No. 20467, enacted December 8, 2010, effective January 8, 2011.)

4.877 **Downtown Public Safety Zone - Variances.** Variances shall be granted, denied or revoked in accordance with section 4.878 of this code. All variances shall be in writing; shall be valid for a specific period of time and shall only accommodate a specific purpose, all of which shall be stated on the variance. The purpose of the variance is to allow travel to and from locations within the downtown public safety zone according to the terms of the variance. In order for the variance to be effective, the excluded person must carry the variance on his or her person while in the downtown public safety zone and must present the variance to a police officer upon request. In the event a person who has been granted a variance is found in the downtown public safety zone in violation of the terms of the variance, that person is subject to immediate arrest for violation of downtown public safety zone restrictions pursuant to section 4.879 of this code.

(Section 4.877 added by Ordinance No. 20419, enacted August 11, 2008, effective September 13, 2008; and unless extended by the City Council, to sunset and be repealed August 11, 2010; sunset date extended to January 8, 2011, by Ordinance No. 20462 enacted August 9, 2010, effective August 11, 2010; sunset date extended to April 30, 2012, by Ordinance No. 20467, enacted December 8, 2010, effective January 8, 2011.)

4.878 **Downtown Public Safety Zone - Variances - Application/Revocation Procedure.**

- (1) At any time after an order of exclusion is entered against a person, the person may apply in writing to the municipal court for a variance from the exclusion. The application shall be made on forms provided by the court. A variance granted under this subsection allows travel in the downtown public safety zone only according to the terms specified in the variance.
 - (a) **General Variance.** The municipal court may for any reason grant a variance from an exclusion at any time during an exclusion period.
 - (b) **Residential Variance.** The court shall grant a residential variance to an excluded person if the person certifies:
 - 1. That the person lived in the downtown public safety zone, other than transient occupancy in a hotel or motel, when excluded; and
 - 2. Continues to live in the downtown public safety zone.
 - (c) **Essential Needs Variance.** The court may grant an essential needs variance to an excluded person if the excluded person certifies:
 - 1. That the excluded person possesses a residential variance;
 - 2. That the excluded person must access a public or private place within the downtown public safety zone that fulfills an essential need; and
 - 3. That the essential need sought by the excluded person cannot reasonably be accessed by the excluded person without violating the downtown public safety zone exclusion.
 - (d) **Employment Variance.**
 - 1. The court shall grant an employment variance to an excluded person if the excluded person certifies that the person is an owner, principal, agent or employee of a place of lawful employment located in a downtown public safety zone.
 - 2. The court may grant an employment variance to an excluded person to allow travel within the downtown public safety zone in accordance with the terms of the variance if the excluded person certifies:
 - a. That the person is an owner, principal, agent or employee of a place of lawful employment; and

- b. The excluded person will be required to perform employment-related services in the downtown public safety zone.
 - (e) Social Services Variance. The court may grant a social services variance to an excluded person if the excluded person certifies:
 - 1. That the person is in need of social services located in the downtown public safety zone;
 - 2. The social services are sought for reasons relating to the health or well-being of the excluded person; and
 - 3. The social services agency has written rules and regulations prohibiting the unlawful use and sale of controlled substances by their clients.
 - (f) Educational Variance.
 - 1. The court shall grant an educational variance to an excluded person if the excluded person certifies:
 - a. That the person was enrolled as a student at an educational facility located within the downtown public safety zone when excluded; and
 - b. Is currently enrolled as a student at the same educational facility.
 - 2. The court may grant an educational variance to an excluded person if the excluded person certifies that the person will be enrolled at an educational facility within the downtown public safety zone if the variance is granted.
- (2) Revocation of Variances. Variances may be revoked in accordance with the following provisions:
 - (a) The grounds for revocation of any variance other than a residential variance are as follows:
 - 1. The applicant provided false information in order to obtain the variance;
 - 2. The person is arrested or cited for any of the offenses enumerated in subsection (2) of section 4.874 of this code in the downtown public safety zone subsequent to the issuance of the variance; or
 - 3. The circumstances giving rise to the issuance of the variance no longer support a continuation of the variance.
 - (b) Residential Variance Exception. A residential variance may be revoked only:
 - 1. If the applicant provided false residential information in order to obtain the variance; or
 - 2. If the circumstances giving rise to the issuance of the variance no longer support a continuation of the issuance of the variance.
- (3) Revocation Procedure.
 - (a) A peace officer who has probable cause to believe a person who has been granted a variance has violated its terms or conditions may issue to the person a notice to show cause that requires the person to appear at municipal court at a specified date and time, at which time the court will set a date and time for a show cause hearing.
 - (b) If the person fails to appear at the time and date specified in the notice, the court may revoke or modify the variance. If the person does appear, the court shall set a time for a hearing, at which the person shall have the opportunity to show cause why the variance should not be revoked or modified. At the hearing, the city shall have the burden to prove by a preponderance of the evidence that the person violated the terms or conditions of the variance. If the court finds that the city proved by a preponderance of the evidence that the person violated the terms or conditions of the variance, the court may revoke or modify the variance.
- (4) Definitions.
 - (a) Arrest. As used in this section and sections 4.874, 4.875, and 4.877, of this code, "arrest" includes taking a person under 18 years of age into custody as defined in ORS 419C.080(1)(a).
 - (b) Essential Needs. As used in this section, "essential needs" means food, physical care and medical attention for both physical and mental conditions.
 - (c) Travel. As used in this section and section 4.874 of this code, travel means the movement on foot or within or upon a vehicle within the downtown public safety zone from one point to another without delay other than to obey traffic control devices.

(Section 4.878 added by Ordinance No. 20419, enacted August 11, 2008, effective September 13, 2008; and unless extended by the City Council, to sunset and be repealed August 11, 2010; sunset date extended to January 8, 2011, by Ordinance No. 20462 enacted August 9, 2010, effective August 11, 2010; sunset date extended to April 30, 2012, by Ordinance No. 20467, enacted December 8, 2010, effective January 8, 2011.)

4.879 Violation of Downtown Public Safety Zone Restrictions.

- (1)** A person commits the crime of violation of downtown public safety zone restrictions if the person enters or remains unlawfully in or upon premises in the downtown public safety zone.
- (2)** The term “enter and remain unlawfully” shall have the meaning provided in section 4.805 of this code. For purposes of this section, “premises” means the public parks and public streets, alleys, sidewalks and other public ways in the downtown public safety zone.

(Section 4.879 added by Ordinance No. 20419, enacted August 11, 2008, effective September 13, 2008; and unless extended by the City Council, to sunset and be repealed August 11, 2010; sunset date extended to January 8, 2011, by Ordinance No. 20462 enacted August 9, 2010, effective August 11, 2010; sunset date extended to April 30, 2012, by Ordinance No. 20467, enacted December 8, 2010, effective January 8, 2011.)

Summary of Eugene Police Commission Discussion of Downtown Public Safety Zone January 12, 2012

Bernadette Conover – A copy of the brochure that's handed out to people who are cited should be included in the information provided to the City Council. There was a great deal of discussion at the public forum about the brochures and the information contained. With the brochure in hand, the Councilors can respond to any public comments that arise about the brochure. One comment we received is that the brochure isn't being distributed to people cited. I believe it is, but the brochure is not just about the advocacy program, and people may be thinking they're getting a brochure about the advocacy program.

Kaitlyn Lange – How does our exclusion zone differ from other ordinances throughout the Country, and what are the criticisms of exclusion zones?

Chief Kerns – Our ordinance has been examined pretty closely by the city attorneys who feel that the ordinance is constitutionally defensible. It hasn't been challenged on constitutional grounds. We also have the advocacy program, although we may be able to find a better term for the program, if there is concern over the use of the word "advocate". In the view of some people, there's an abundance of due process, and in the view of others, there's not enough due process, considering we're restricting someone from public space. The most consistent criticism is that without a criminal due process, where a person has the right to be represented by an attorney, people are forbidden to be in public space. In American jurisprudence, it's unusual to tell a person who's lawfully in a community that they can't be in a place that all other community members can travel through.

Tim Mueller - I took three things from the public forum. One person who spoke said that she supported the ban because several people came into her shop and made her and her customers and employees and uncomfortable. One thing I've learned in my experience working with the community of people with developmental disabilities is that people with developmental disabilities can make you uncomfortable. They can talk loud, can look funny, walk funny, and behave socially inappropriately. In my work, I help people be less uncomfortable with behavior they don't think is normal. This exclusion zone encourages people to not do that. If I could talk to the shop owner or anyone else, I would encourage them to allow behavior to occur that maybe they're not comfortable with. Another thing I took was from the Downtown Eugene Incorporated. He commented that the organization spent 80% of their funding on the red-hats and security. In view of this homeless task force and my general philosophy, public safety or general enforcement is just one arm of how to deal with people with addiction and mental health issues or who are homeless. Maybe their organization could spend some of that money on services that would help the people with some kind of outreach or services, rather than with punishment, enforcement or exclusion. The third thing I took related to the Neil Van Steenberg, who was instrumental in starting the Police Commission, and currently works with the advocacy program. It was great that he was there. His comments were focused on the advocacy program, and he suggested that instead of changing the term "advocacy" for these advocates, the work they do should be changed to function like real advocates. Perhaps we could move ahead with that somehow.

Chief Kerns – While a speaker may support the ordinance so it can be used to exclude people who make her uncomfortable, that's not what the ordinance would allow the Police Department to do. It only applies to people that commit crimes and our officers know the people are who are committing dangerous crimes. If you look at those who have been excluded, you'd see a pattern of people who are not able to behave in a safe way in the downtown area. Regarding the advocates, they work in a very specific way, worked out with attorneys to assure that the advocates are not inappropriately practicing law or giving legal advice. It's probably worthwhile that we look at the advocacy program to assure it's achieving what we'd hoped.

Bob Walker - I found it telling that none of the speakers at the public forum asked for the Commission to discontinue the Downtown Public Safety Zone. One woman who works with Looking Glass and the ACLU said she is concerned about the word "exclusion" because some juveniles feel excluded from many things already. Another person from the Downtown Neighborhood Association spoke in support of the ordinance, but felt that the police shouldn't be doing other things like locking bikes around downtown. He agreed that the Downtown Public Safety Zone was a good idea. Regarding the shop owner, I heard something different than Mr. Mueller. I heard that sometimes people came in with menacing behavior. They weren't interested in buying anything and it affected the customers. She thought that the Downtown Public Safety Zone would help business owners. We need to continue with this program.

Kitty Piercy – Portland did have a Drug and Prostitution Exclusion Zone. It lasted for 15 years and ended in 2007. It was a very different kind of exclusion zone than we have. It ended because officials found the exclusion zone was ineffective at deterring crime and data analysis showed discrimination against African Americans in enforcement. I had a lot of misgivings about this proposal originally, but I have been convinced by the reports of the judges and others that have been involved that the Downtown Public Safety Zone has been used very carefully. It is not used to keep people from coming in but to keep repeat offenders from returning downtown to prey on the people who should be in downtown. I think it has been carefully used. I'm saying this as someone who feels strongly about freedoms. I also know that one of the biggest problems downtown is not keeping kids out, but it's keeping kids from being preyed on by people who specifically go there to do that. I think we need to keep our eyes on this ordinance and its application, so it doesn't change into something we don't want. It doesn't get used very frequently. I would like to call it a "safety zone" rather than an "exclusion zone". I like the positive, rather than the negative.

Jim Garner - Out of all the offenses that could result in an exclusion, less than 4% do. That's a very small number. The officers are trying very hard to eliminate the repeat crime offenders. It affects very few people. I think the tool is being used appropriately.

Mike Clark - I agree with the Mayor. I brought this up with the Council originally, because we had a serious problem of people being harassed in downtown. There was menacing behavior and people breaking windows. With the few number of jail beds if a person was arrested, they'd be out in 15 minutes. There was no way to hold people accountable for their actions. As a result of their fear, several business owners started carrying guns. I asked an officer what other tools could be used. The officer responded that within the city-owned park blocks, the City could exclude someone. It's a little different because that is property that the City owns, but this is largely based on that concept. The Downtown Public Safety Zone has been used judiciously. I am going to support this.

Kaitlyn Lange – Why was this tool selected, and don't people just move to another neighborhood?

Chief Kerns – One successful way to prevent people from repeatedly committing crimes is to incarcerate them once convicted. In our case, there isn't sufficient jail bed capacity for that to be a successful strategy. As an example, the case that the Civilian Review Board reviewed this month, the offender has been arrested by the department over 400 times, and that's not an unusual record. Incarceration isn't a viable option. The Downtown Public Safety Zone gives this neighborhood a relief from their behavior, that cannot be found with incarceration.

Yes, sometimes the result of an exclusion is that the person cited moves. This tool is part of a multi-component strategy to help the downtown become more vital and viable. There are neighborhoods where the illegal behavior won't be as harmful. It's hard to have a thriving business when customers are afraid to walk through the front door because of people sitting outside committing crimes outside. If they commit those same crimes in a park, it's not going to cause the same problem. We don't want illegal behavior anywhere, and we're trying to give this unique neighborhood a relief, so the downtown can be economically successful and a good place for everyone in Eugene to visit.

Kaitlyn Lange – I took a Race, Politics & Law class, and these types of zones are far more impacting to people of color, particularly African Americans as well as mentally ill or mentally challenged. This was the experience in Portland. I know you run the department a specific way, but I don't want others to come in and use this exclusion inappropriately, as it has been used in Portland.

Chief Kerns – A significant difference between our ordinance and Portland's is that the officers not only cite, but they make the decision on the exclusion, so the police officer is judge and jury. In our process, only a judge can make that decision. You are probably correct that this ordinance disproportionately affects people who are mentally ill; the whole criminal justice system does that.

Tamara Miller – I support the motion because of the lack of jail beds. I didn't hear in the public forum or see in the statistics that this ordinance is being used in a way that is abusive. It is narrowly crafted and judiciously applied, and could be reviewed at any time in the future by the City Council. My hope is that this would be periodically reviewed, and the way it is used is consistent with what we've heard and seen.

Tim Mueller – The reason this has a good response at the forum is because of the strength of the Mayor who states we need to monitor this, the strength of the police department that is monitoring this, and the realization that there not enough jail beds. When there are adequate jail beds, perhaps this regulation this won't be needed. We need to monitor this so we don't let 15 years go by and then determine we're disproportionately affecting people of color. I do think it would be good to review the advocacy program, and I think that rather than changing the title "advocate", consideration should be given to change what the advocates are allowed to do. It is also important that we spend more money on mental health treatment, which is something this community needs to do.

Kitty Piercy – The Planning Department and Police Department worked together to develop a multi-faceted plan to revitalize downtown. There is a whole range of things intended to replace

bad activity with good activity. This Downtown Public Safety Zone is just one component of that strategy. Sometimes we talk about it as if this is the only tool used, but we need and use other tools as well. Regarding the Red Hats, the intent is that they supplement the work done by the Police. They're helping to stretch the public safety capacity downtown. They also receive training on crisis intervention

Jesse Lohrke – While it is a civil remedy, if you violate it, it is a crime. As far as the jail bed issue, there is a big problem with the county, and the city rents beds for its people. If you are told to a certain amount of days in jail, you will do those days. And as far as the judge making the decision, the police officer makes the decision to cite the person, the officer decides the person is excluded if the judge okays it. The person has to go court in a few days, and if they don't appear, they are automatically cited. If they do go to court, they have to disprove that they committed a crime. The police officer makes the decision, because they are the ones who initially write the citation. The judge will likely support the officer's recommendation if there is a preponderance of evidence that the person committed a crime.

Mike Clark – There used to be three different citations. The first was that the officer had the capacity to temporarily exclude until the issue reaches a judge, but that was eliminated. The officer does not have the ability to exclude someone; the decision is made by a judge.

Bernadette Conover – The citation to show up is no different than any other citation for open container, or trespassing, where the defendant has to show up for court. If they don't show up in court, the officer has to show enough evidence for the judge to determine if it meets the standard for the downtown exclusion zone. If the person is present or not, it doesn't mean the exclusion is automatically granted. It is still a civil remedy. If someone violates the exclusion zone, they're violating a court order and that might result in a fine or jail.

Bob Walker – There has been no evidence that this has been badly used, and there's no record of complaints to the Auditor about this either. There's \$84 million of development underway downtown. We have a responsibility to make our downtown viable.

James Manning – This tool is no different than things used in military installations or throughout the country. This isn't unique to Eugene. It's designed to shape behavior, and I support it.

Tim Mueller – I think people with mental health issues do have a difficult time understanding the process and getting to court, so they end up going to jail when what they need is treatment. We spend the money on jails, because we won't spend the money on treatment or other services. If you think of this as taking advantage of a person's weakness, this isn't the best thing. That's why I support the advocacy program, so defendants have the opportunity to stand up for themselves.

Bob Walker - I move that the Police Commission recommends to the City Council that the Downtown Public Safety Zone be continued and that the sunset provision be eliminated. The motion was seconded by James Manning, and approved 9-1 (Lohrke voting nay).

Police Commission Downtown Public Safety Zone Public Forum

December 13, 2011 5:30 – 8:30 p.m.

Members in attendance: Juan Carlos Valle, Tamara Miller, Bernadette Conover, Bob Walker, Jim Garner, Jesse Lohrke, Tim Mueller, James Manning

The meeting convened at 5:35.

Mr. Valle explained that everyone would have the opportunity to speak. He announced that everyone wishing to speak would be offered two rounds, the first lasting 3 minutes and the second round lasting two minutes.

Lt. Doug Mozan was introduced and offered background and history of the Downtown Public Safety Zone (DPSZ), and its origin, which was provided in a written report. Sgt. Terry Fitzpatrick offered a more detailed explanation of how the decision making occurs regarding issuing a Downtown Public Safety Zone citation.

The Commissioners asked clarifying questions.

Mr. Lohrke asked about the provision in the ordinance that states that the police "shall" issue citations, and whether the intent was to require the Police to enforce this in all circumstances. Lt. Mozan explained that this was not the department's intent, and that the City Attorney and Prosecutor advised that the department was meeting the spirit and intent of the law by using discretion in the enforcement of the DPSZ.

Public comments were accepted.

Carol Berg-Caldwell - She expressed concerns about the advocacy program. She said that of the people she's talked with, no one has ever been notified that there was an advocacy program or received a brochure. She inquired whether the officers are carrying the brochures about the advocacy program and was assured by officers and court staff that the police are carrying and distributing the brochures. She stated there is no good reason to not implement the advocacy program.

Dave Hauser - Represents Downtown Eugene Incorporated. He stated it is important not to overstate or minimize the DPSZ because it is an important tool, although it is not the sole tool. DPSZ provides an alternative to incarceration, and is a tool that has been implemented responsibly. There has been no evidence that it has been used badly, with no complaints made to the Auditor. He stated his support to extend the sunset on the regulations. Extending this program gives the community the opportunity to assess the positive impact of \$84 million in new construction. While the DPSZ is not a perfect solution, the funding constraints on the criminal justice and social service systems preclude a perfect solution. The DPSZ represents something good that can be done now.

David Mandelblatt- Chair of Downtown Neighborhood Association (DNA). He received input from members of the DNA steering committee, and is confident that he speaks on behalf of the DNA. He stated the tool should only be used when it is truly needed. No one on the steering committee spoke in opposition to the DPSZ. He asked if it is applied fairly and consistently, or are whether some people singled out for special enforcement. He asked why one person would be cited and another is not. He also expressed concern about a bench that was removed on Broadway without public input. He stated they want the neighborhood to be safe and inviting. Creating that environment is excellent. Creating an environment of arbitrary enforcement is not.

Melissa Ruhl - Volunteers at New Roads Drop-in Center, a part of Looking Glass, and also is a board member of the ACLU. She supports the goal of safety downtown, but questions what is being sacrificed. Exclusion is a strong word and can cause people, especially juveniles, to feel targeted and not welcome. With so many excluded under 24, this is troubling. An alternative would be to consider alternatives, such as the effectiveness of mural programs. Youth want to have pride in their community.

Lisa Lindquist - Owns business in Exclusion Zone. She talked about several specific individuals who come into her shop, and make her, her customers and employees uncomfortable. She expressed her support for the ban.

Lt. Mozan offered additional data. Since January 1, 2011 there have been 56 civil exclusions, and 42 notices to show cause issued by officers.

Neil Van Steenbergen - He did not want to talk about the DPSZ but rather about the advocacy program. He is one of two advocates contracted by the City. As he sees the program, the program is not an advocacy program. They are only supposed to give people directions. He stated an advocate is someone who supports a person and tries to meet their needs. By contract, the advocates associated with the DPSZ are not allowed to walk the client to court because it might appear that they are providing legal assistance or advice. He has a great deal of history with the City.

Carol Berg-Caldwell - In response to peoples' comments that there have been no complaints to the auditor, she said that the people receiving these notices are on the margins, and that faith in the system is pretty low. They wouldn't know to go to the Auditor, or necessarily even trust the system to go to the Auditor. She encouraged everyone to take time to observe municipal court to see the people who are targeted by this program.

Mr. Van Steenbergen concurred with Ms. Berg-Caldwell that everyone should try to go to court to see these people, and better understand the people and the issues.

In response to a question from Ms. Berg-Caldwell, Sgt. Fitzpatrick responded that everyone who is given a notice to show cause gets a brochure. She followed up and asked why Sgt. Fitzpatrick believes no one has pursued the advocacy program. He believes the brochure is clear about the person's rights, and perhaps they don't feel they need to see an advocate.

Ms. Conover suggested that for the Commission meeting, it would be helpful to have a report from the Auditor about any questions they have received, and also to get information from the

judges who issue these citations. The judges are best equipped to comment about whether this is applied appropriately across the board.

Leia Pitcher, Deputy Police Auditor, responded that the Auditor's Office has not received any formal complaints, although they don't collect data in that format. An individual did come into their office who was concerned about accessing the bank. The Police Auditor accompanied the person to the bank. Ms. Pitcher also stated they might defer complaints to the judicial system, since the citations are issued in court.

Mr. Walker asked about the where the brochure is required in ordinance.

Ms. Berg-Caldwell responded that she'd checked with Jeff Perry, Court Administrator, who checked with the police department and received great assurances that police staff are carrying the brochures and handing them out, although she is concerned about whether this is really happening.

Mr. Walker thought the term "advocate" was broader than the scope in this program, and perhaps the Council would want to revise the term to more accurately reflect the actual scope of the program.

Mr. Van Steenberg suggested that rather than changing the term, the concept of what the advocates could do should be expanded to incorporate true advocacy.

Mr. Mueller asked Mr. Hauser if he believed the DPSZ would be needed a long time, given the lack of adequate resources for criminal justice, mental health, substance abuse and other social services. He also asked if there is something Mr. Hauser's organization would be interested in providing. Mr. Hauser responded that his organization provides certified private security in the downtown area. He believes that the DPSZ may not be necessary forever, however April is not a time to remove this important tool, and he'd recommend extending the sunset date.

In response to a question from Ms. Miller, Linda Phelps, EPD Staff responded that the brochure is intended to supplement the legal notice to show cause and that distributing the information is required in the ordinance.

Mr. Van Steenberg commented that the previous human rights advocacy program received 100 complaints per year, of which 28% were related to the police department. As a result of those high numbers, a committee was formed that put a measure on the ballot to create a police auditor. The proposal passed the second time on the ballot. After the first effort failed, the committee recommended that a community-based advisory body be formed, which ultimately became the Police Commission.

Ms. Miller noted that Claire Syrett was unable to attend, but that she provided written comments which will be provided to the Police Commission.

Mr. Valle asked if the Police Department had conducted any outreach about the ordinance to social service agencies or businesses in and around downtown. Lt. Mozan stated he was unaware of any such outreach efforts. Mr. Valle asked what sort of training occurs regarding the

ordinance. Lt. Mozan responded the officers are given in-service training, with additional training provided by the City Prosecutor and the department's legal trainer when the ordinance was last amended.

Ms. Phelps commented the courts were required to draft and release the brochure, and Police staff provided assistance and support, but that the City Council was clear that the brochure should originate and be distributed by the Courts.

Mr. Mueller asked if the effect of the DPSZ is to move the behavior to other locations. He also noted that African Americans are disproportionately represented, accounting for only 2% of the population but 6% of the arrests. Sgt. Fitzpatrick responded the current gang-involvement, particularly from a group attempting to lay claim to downtown was largely responsible. Several of the people in that gang were African American. Sgt. Fitzpatrick also noted that Caucasians are also disproportionately represented when comparing their percentage of the population to the percentage of citations. He stated the downtown officers focus on the illegal behaviors, regardless of the color of the offender.

Mr. Lohrke suggested that the brochure should more clearly lay out the standards for obtaining a variance. He also suggested that the hearing date could be set for the same time as the arraignment date.

In response to a question from Mr. Walker, Lt. Mozan responded that offenders are issued an exclusion citation as well as a citation for the underlying behavior that caused the exclusion citation.

In response to a question from Mr. Valle, Lt. Mozan responded that if someone is coming to access government services, they are allowed to travel through the exclusion zone.

Ms. Miller suggested that unless there were additional public comments, the public forum should be concluded and the discussion continued at the next Police Commission meeting. Ms. Conover concurred.

Mr. Mueller asked how many people who have been excluded who are downtown and also asked what happens if someone has a legitimate reason to be downtown. Sgt. Fitzpatrick responded that officers investigate the reasons, and that considerations are made for people with legitimate reasons.

Ms. Berg-Caldwell commented that frequently the charges are reduced to a misdemeanor, which eliminates the possibility of jail time, but also eliminates court-appointed attorneys. She asked whether court-appointed attorneys could be afforded to these people. She also asked what outreach has taken place to public defenders. Finally, she asked if the police explain that the show cause notice permits the person to continue to be downtown. Too often, she's seen examples where people believe they've been excluded and they haven't even been to court.

Mr. Valle closed public forum.

The meeting adjourned at 7:50pm.

HAWLEY Carter R

From: Kayla Schott-Bresler <k.schott.bresler@gmail.com>
Sent: Monday, January 09, 2012 7:27 PM
To: HAWLEY Carter R
Subject: Public Comment on Downtown Public Safety Zone

January 9, 2011

To Whom it May Concern:

As a member of the ACLU of Oregon Lane County Chapter Board and Downtown Eugene resident, I am writing to express my opposition to the Downtown Public Safety Zone (DPSZ).

As is, the DPSZ program represents a violation of due process and unfairly discriminates against those in our community unable to understand the complexities of the exclusion process.

I would encourage the Council to consider alternative measures that do not result in violations of due process. I cannot support this program in its current state.

Sincerely,

Kayla Schott-Bresler

Eugene, Oregon 97401
k.schott.bresler@gmail.com
(415) 847-7611

ACLU of Oregon Public Comment re: Downtown Public Safety Zone

Submitted to City of Eugene Police Commission

December 14, 2011

The ACLU of Oregon has opposed the Downtown Public Safety Zone ordinance since it was first introduced to the city council for consideration in 2008. It is our position that the program authorized by this ordinance undermines the right to due process of law. Even with the minor changes made during the last renewal, the program is flawed and should be ended.

Excluding a person from our public places and curtailing their right to access parts of our community is a serious sanction that should not be imposed without full due process of law. This means that a person has a clear understand of the charges against them, the sanction they face, the right to counsel, the right to a judge or jury, a judicial hearing and judicial oversight.

The program currently in place circumvents these processes by creating a separate civil procedure by which someone can be excluded; a process that affords defendants fewer protections than they would have in a criminal proceeding. There is no requirement that the court provide defendants with an attorney if they cannot afford their own. In addition the threshold for finding guilt is much lower requiring only that there be a preponderance of evidence that a person is guilty, not that it be beyond a reasonable doubt. Yet these hearings may result in the defendant being banned from downtown and denied a basic civil right to travel freely in public places.

Without access to a lawyer, many people do not fully understand how quickly they need to act, and what they must do to protect their rights to challenge an exclusion order. Many of the people who receive these orders might not be able to understand what the exclusion order says, what it means and how to access and understand the system to defend themselves. Some have little or no education, some have serious disabilities or mental health hurdles that have nothing to do with any criminal activity. The fact that a person receives a citation for an offense and an additional citation under the ordinance creates confusion for defendants. It is reasonable to assume that some number of those cited simply chose to leave downtown rather than appear in court believing that they have been already banned or that they have no hope for a fair hearing. Some of these people might have prevailed in having their exclusion dismissed.

The recent report provided by the Police Commission on the public safety zone does not provide a compelling case for the effectiveness of the zone. The data offered does not provide insight into which offenses resulted in exclusion citations nor does it reveal that exclusion citations led to a decrease in criminal or nuisance activity in the zone. What the data does reveal is that almost one quarter (23.5%) of all 90-day exclusion citations that went before a judge were dismissed or denied. This is a significant number that should raise concern about the manner in which the program is being administered by police. It

would be worth examining if an increase in patrol officers has led to an increase in exclusion citations which may or may not hold up under court scrutiny. Again we note that not all individuals given an exclusion citation challenge it before a judge. Our concern is that officers may be issuing citations that would fail to be sustained if they are challenged in court but individuals lacking knowledge or confidence in the system never get that opportunity. This would point to a glaring gap in fair process for those cited.

The ACLU of Oregon believes that we can have exclusion orders that uphold due process principles. Instead of an ordinance, we can use the current judicial system. Under that system, if a person is suspected of one of the crimes included in the exclusion ordinance, they can be arrested or cited and then must appear before a judge. At that time, if the person is going to remain or be released from custody before going to trial, the District Attorney can request the judge to issue an exclusion order as part of the release conditions. And if the person pleads guilty or goes to trial and is found guilty then at the time of sentencing, the judge can order the person excluded as part of the sentence.

The ACLU of Oregon requests that the Police Commission recommend that this program be allowed to expire. The data provided by the city does not provide a compelling case for its effectiveness. The lack of data on those cited who did not challenge their citation leaves doubt about how the program can be administered fairly. We have a criminal justice system that can impose exclusion as part of a criminal sanction with in a fair process. The Downtown Public Safety Zone is a failed program that should be ended.

Claire Syrett
Field Director
ACLU of Oregon

HAWLEY Carter R

From: Northrup <blar3@juno.com>
Sent: Sunday, December 11, 2011 8:26 AM
To: HAWLEY Carter R
Subject: Downtown Exclusion Zone: Excluding Due Process from Downtown

To: The Eugene City Council,

In Care Of: Police Commission analyst Carter Hawley.

Subject: Public Comment regarding the Downtown Exclusion Law.

Message:

I remain concerned about the law. It deprives an unconvicted person of due process under our United States of America Constitution.

Whenever government and law enforcement abridge our bedrock rights, and indicate to us that they will only do so in a judicious manner, it greatly concerns me.

We can't wink at our constitution. This law doesn't give it even lip service because unless a person is convicted, they are to be treated as innocent. The exclusion allows them to be treated as guilty until otherwise determined.

This is a baby version of keeping detainees at Guantanamo without due process of law, just on a smaller scale. The reasons are all exactly the same: You're trying to keep us safe but find that our constitutionally protected bedrock liberties are just so much a bother.

You could make the case that any number of wrong police tactics could yield fruit to make our society "safer", but we have Miranda rights and many other things that we cannot go around.

In the end, when we abridge our laws for the worst offenders, we abridge them for all. Today's blatant problem persons are tomorrow's wrongful exclusion cases.

Suppose that your employment was downtown, or you had critical business downtown that your livelihood, mortgage payment and children's welfare depended on, but you were excluded when you would ultimately be found not guilty of any thing.

It is not fitting for the America people to grant to any governing authority the right to abridge and fore go the constitution under the idea that, hey, they'll do a good job with it. Last time I checked, government throughout history abridges bedrock rights. It is not be granted this authority.

It certainly isn't to grant itself this authority.

Yet this is what has happened.

The police want an abridgment of our U. S. Constitution. The Council colludes with it and makes an ordinance, as if that makes it right.

You can never do a right thing in a wrong way. You can't rob a Dutch Brother's Coffee and give it to your neighbor whose kid needs surgery and say that it works out in the end.

It appears to me this is a wrong thing in a wrong way. The intention is good, to protect, but it is wrong to treat people as criminals when not convicted and to make a law that directly ignores a higher authority, our bedrock U. S. Constitution, is certainly the wrong way. Therefore, this can't be right in any way shape or form.

There has to be a better way.

I don't know the details of this law very well. I know that we can hold people on bail pending a trial based on evidence. I understand there is nuance to this.

Can someone explain to me how this does not run afoul of our U.S. Constitution?

Remember, we'd rather let criminals go free than to put one innocent in jail. And, any right we abridge for the worst is a right abridged for the best. Mistakes will happen. Government will not always get it right. Putting in government hands at a lower level the authority to block any individuals access to their Constitutional rights should give us as much pause as possible.

Why? This is a baby Guantanamo. How so? Just trust the government to be doing what is right even though the law is clearly being abridged.

I need more information but from the beginning until now, it concerns me. I don't see any redress that could immediately stay such a thing before trial to grant equal rights to the accused.

It just doesn't seem right.

Our leaders have to answer first to how this meets our U. S. Constitutional Protections for Due Process under law. They then have to show how this is the least restrictive means the constitution allows for dealing with this. I would like a letter explaining this, or be directed to a web page where you have posted all of this for the purpose of informing the public to whom you are accountable to explain such things.

What if you were wrongly excluded and for 30 or 60 days couldn't get to someplace downtown you NEEDED to be and you had no recourse, no process of law? The government can speed up what it wants but not the people equally?

From today's paper, it sounds like the problem is the government isn't be quick in getting to trial, and that the government is not keeping people in jail for petty crimes (which would resolve most of this). Sounds like the government is taking away the people's rights as an administrative way of getting around tough budgets and other things.

Sounds like it has nothing to do with whether it is constitutional or ethical.

It's always well meaning to want to help the poor, but not if it means a hold-up to get the cash.

To me, this seems a hold-up where our constitution is robbed, and we the people are being asked to look the other way because, hey, it's not us (for now).

I need answers to why these actions are being taken that appear to strip people of due process of law. I felt it wrong back then and I feel it is wrong right now. If it is not wrong, you need to make the case why. For now, from what I've read, it doesn't at all pass muster of what meets the constitutional requirements for a law

affecting an American citizen, guilty or innocent. For that reason, terminate it until it meets due process requirements.

You can make better laws than this. You just need to be more creative in how you do it. Expediency is not an excuse. Any delay due to lack of expediency should be turned into energy to come up with something that meets all the good requirements that laws should meet. But, just like not being able to get them to trial quickly (government's fault) or not being able to hold them in jail long enough (government's fault), we now want to abridge U. S. Constitutional protections (government's fault). It sure is inconvenient to abide by the law -- for our our leaders sworn to uphold it.

You mean well in your end goal, but you do not at all well when you yourselves disobey some laws to support others. Does that make sense to you? It's not either we obey this one or that one, so long as we "get em". It's that we obey all laws while we "get em".

The good folk have to work harder to be smarter than the bad folk. Bad folk flout the law. Don't get bad people by skirting the law yourself. This seems like that and for that reason, I don't support it.

If you want to get me more information to convince me, give it to me. Post it on a website so all can read it. So far, what I've heard, with no insult intended: a middle schooler can discern this is a flouting of the Constitutional guarantees to due process. So what is our government doing?

I could be wrong. But I don't think so. Prove me otherwise or repeal this offense against our constitution. Keep us safe, but in a constitutional way. If our constitution ever gets in your way, ask us to amend it. DON'T ask us to give you the authority to bend it just where you need to. Don't ever ask that of me, for I will never give that. If we were to do that, we'd never have needed a constitution in the first place. But King Henry didn't do so well with it, and many elected leaders in our current generation have also been found corrupt. The civil rights movement is reason enough, and such things will continue.

That is why I continue to say: get back inside the bounds of the law, you have strayed, well-meaning or otherwise you have strayed. Please direct me to a website that shows this meets the constitutional provisions for due process. That is, that if the police can exclude without conviction, a person can overturn that exclusion without evidence as well, so that it would not take effect until due process of law has occurred.

If you can do this exclusion without due process, they need the right to opt out without waiting for a trial as well. Since that undermines your ability to even have a law, it should make sense that you don't make laws like that.

You don't undermine other people and block them from undermining you back. We shouldn't be undermining any laws.

It's worse to make a bad law and then make a bad complement to it in order to mitigate it. Make the law right and then we need just that law. Get the foundation right and we don't have to rebuild the house.

I know you mean well, but meaning well has to be done well. This doesn't seem to support our right to be treated as innocent until proven guilty.

If the evidence you have is not enough to keep them in jail pending a trial, then it is not enough to exclude them. It doesn't seem to be any simpler than this.

If you can't afford to keep them in jail, that's for you to fix, not for our constitution to be ignored about.

If you can't get a speedy trial, that's your problem to deal with.

Don't ignore our constitution to work around a fiscal issue.

Otherwise, anarchy and Machiavellian-ism is not rampant just within the criminal community but in law enforcement as well.

Why don't we solve the problems that are causing us to even want this law: speedier trials, more adequate jail space. Those are not reasons to abridge our constitution.

Again, direct me to any web postings that show how this gives full due process to those it has been or could be applied to. Absent that, you should have no choice but to terminate until you find a law that does.

I believe you never should have "tried it". It seems clear you know it doesn't meet due process and yet you did it anyway. That itself really concerns me.

It bothers me that folk I know are out to do us good are doing this in such a way that it doesn't support our constitution. I don't like being put in the position where I have to oppose the good folk with good hearts trying to do good for us.

Please, come up with something better and end this policy until you have one that meets due process. The sooner you do this, the better. IF you do this, you set a precedent that when bad laws are established, they can be repealed. If you do not do this, then you establish a policy that bad laws can be "tried out" and "continued" indefinitely. Hence, your own version of detainees in Guantanamo: no due process. Same problem, different location. It seems that way to me.

Downtown Exclusion Zone: Excluding Due Process from Downtown.

Those are some of the many thoughts and concerns that come to my mind.

Bill Northrup
939 Laurelhurst Drive
Eugene OR 97402

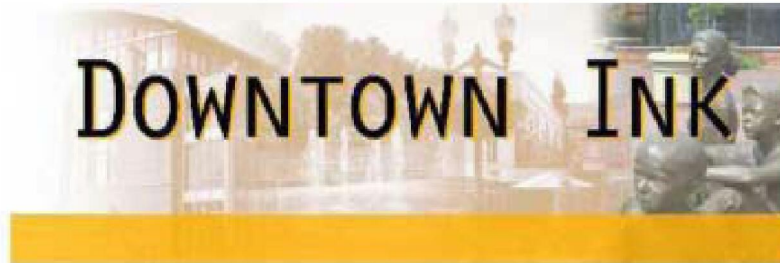
57 Year Old Mom Looks 27

Mom Reveals \$3 Wrinkle Trick Angering Doctors...
iconsumerknowledge.com

HAWLEY Carter R

From: HAWLEY Carter R
Sent: Friday, January 13, 2012 4:07 PM
To: HAWLEY Carter R
Subject: FW: Downtown Ink - DEI Special Issue

From: Downtown Eugene, Inc. [mailto:daveh@eugenechamber.com]
Sent: Tuesday, December 06, 2011 12:00 PM
To: Dave Hauser
Subject: Downtown Ink - DEI Special Issue



Your Feedback is Important at Upcoming Forum on Downtown Public Safety Zone

On **Wednesday, Dec. 14 at 5:30pm**, the Police Commission is holding a **public forum** in the **McNutt room at City Hall** to get feedback from the community about a proposal to extend the **Downtown Public Safety Zone**, which without City Council action to continue, will sunset in April 2012.

The Downtown Public Safety Zone (DPSZ) is an important piece of a long-term strategy for downtown safety. Created in 2008, the ordinance fashioned a 20-block area in downtown Eugene where officers could request a temporary civil exclusion for persons arrested for certain offenses committed in this area (map included in report linked below). In June 2010 the Eugene Police Department published a [DOWNTOWN PUBLIC SAFETY ZONE ACTIVITY REPORT](#), outlining the performance of the tool during its first few years. Later that year the Eugene City Council voted 5 to 3 to extend the DPSZ for 18 months until April 2012.

While many downtowns have their own public safety challenges, Eugene is unique in its challenges given the state of affairs of the public safety system in our city and county. Without the ability to see offenders sentenced to time in jail for violations and crime, the number of repeat and chronic offenders in the downtown would grow. The DPSZ is designed to provide an alternative to incarceration and to displace chronic violators from the downtown. Since the exclusion zone has been in place, there has been a sizable decrease in target crimes. Throughout the existence of the DPSZ, data suggests that the Eugene Police have been very sensible in using this tool.

It will be important for the Police Commission to hear from downtown public safety champions on December 14th.