

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Discussion Concerning Downtown Public Safety Zone

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

Agenda Item Number: C
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 options around the Downtown Public Safety Zone, which is scheduled to sunset November 30, 2012.

BACKGROUND

The City Council adopted the Downtown Public Safety Zone (DPSZ) Ordinance No. 20419 in August 2008. Most recently, the City Council extended the ordinance until November 30, 2012. This discussion is intended to provide an opportunity to update the City Council on the status of the use of the tool since the last City Council report in February, to outline possible options moving forward, and to ascertain how the council wishes to proceed.

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 safety in the downtown core.

As long as there is inadequate jail bed capacity to meet the demand, the Downtown Public Safety Zone has functioned as a stop-gap measure, to hold offenders accountable, and reduce the number of re-offenders in the downtown core. Other services to support individuals in crisis like CAHOOTS and youth services are also critical to improving safety downtown.

Data Available

Since the last council discussion about the Downtown Public Safety Zone, staff have implemented several measures to improve timely and thorough access to data for all new cases since March. Additionally, staff is working backwards to hand-tabulate this information prior to March 2012. Currently, this additional data is available for all cases since January 2012.

Eugene Downtown Public Safety Zone Data: January 2012 through July 14, 2012

Information about Disposition

Total number of notices issued:	39
Number of hearings yet to occur (disposition currently unknown)	5
Number of notices where disposition is known	34
Known Disposition – Number of notices withdrawn or never filed by EPD:	5 (15%)
Known Disposition - Number of notices dismissed:	7 (21%)
Known Disposition - Number of 90-day exclusions imposed:	17 (50%)
Known Disposition - Number of one-year exclusions imposed:	5 (15%)

Information about Hearings and Advocacy

Number of hearings requested:	21
Number of those who request a hearing who appear for hearing:	6 (29%)
Number of requests to meet advocate:	0

Information about People Receiving Notices

Number of people issued exclusion notices:	33
Number who report no address:	21 (64%)
Race (self-reported or officer-identified) - Caucasian:	30 (91%)
Average number of police contacts per person:	42 (range: 4-238)
Number who have violated DPSZ order:	6

During this period, there were seven dismissals. Additionally, there were five notices that were withdrawn at the request of the Police Department, because upon review the cases were deemed inconsistent with the new guidelines released by Operations Command (attached). Of the notices dismissed, four were dismissed due to judicial discretion, and two were dismissed because the underlying charge was not eligible for the noticed exclusion, and one was dismissed because the underlying charge was not prosecuted due to a lack of resources.

One of the significant concerns raised in February involved the perception that there is insufficient due process for people receiving a 90-day exclusion. Currently, upon receiving a “notice to show cause” which explains the potential of being excluded from the Downtown Public Safety Zone, a person is given court appearance date and time within three to five business days. This serves as their first opportunity of due process. However, only 19 percent of the people cited take advantage of this opportunity by requesting a hearing and appearing at the hearing. The others (81 percent) either do not request a hearing, or fail to appear for the hearing. This most often results in the exclusion being upheld by the judge after reviewing the reports, records, and other information. The result of this is that many individuals are excluded without taking advantage of the first opportunity for due process. Another criticism of the 90-day exclusion is that it is issued as the result of an underlying charge, which is not adjudicated when the 90-day exclusion is imposed. To address these concerns, staff is developing an alternative for council consideration to eliminate the 90-day exclusion; while this tool has helped to reduce repeat offenses by excluded persons in the downtown core, it has also resulted in numerous complaints.

At the July 25 work session, staff is requesting additional guidance about the City Council’s preferred options, and any additional data and analysis the council would seek, to prepare for the September 10 work session when this topic is tentatively scheduled to be discussed again. Several options are listed

below, to provide a starting place for the City Council to discuss possible options, and to help staff focus on developing analysis and options which reflect the council's direction.

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

There are several options the council may pursue. Outlined below are three options:

1. Extend the existing Downtown Public Safety Zone until _____. The police still frequently use this tool to stop repeat illegal behavior in the downtown core, and would continue to use this tool if available.
2. Direct staff to modify Downtown Public Safety Zone ordinance to eliminate the 90-day exclusion. This would leave the one-year exclusion, which is instituted upon conviction of the underlying charge.
3. Allow Downtown Public Safety Zone to sunset effective November 30, 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. New Guidelines for Use of Downtown Public Safety Zone

FOR MORE INFORMATION

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

Guidelines Distributed to Eugene Police Officers

Subject: Guidelines for Application of the Downtown Public Safety

Zone Exclusions

MISSION/PURPOSE

The purpose of the Downtown Public Safety Zone (DPSZ) and our application of the ordinance is to reduce crime and disorder, and the fear of crime downtown by excluding those individuals who engage in repeated and/or serious criminal behaviors in downtown.

CONDITIONS IN WHICH OFFICERS SHOULD CONSIDER THE DPSZ EXCLUSION

- 1) Persons who engage in repeated criminal behavior in the DPSZ area.
- 2) Persons with extensive and/or serious criminal histories unrelated to downtown, but who commit a serious or felony crime in the DPSZ area.
- 3) Persons who may not have any criminal history, but who engage in serious criminal acts such as; UDCS, Felony Assault, Rape, etc.

REPORT WRITING

Officers should review the ordinance prior to requesting a DPSZ exclusion. Any time a DPSZ exclusion is requested or recommended, the officer **must** include a preamble under the AI/ marginal heading. The preamble should include all pertinent facts as to why the requested exclusion is appropriate such as;

- 1) Type of crime.
- 2) Criminal history of the suspect (both inside and out of the DPSZ).
- 3) Special location or problems (chronic drug use in the parks, City sponsored event, or near a public school).
- 4) Gang affiliation.
- 5) Drug/alcohol abuse or mental health history.
- 6) Special status of victim or witness' (age or disability).
- 7) Special knowledge of suspect (threats to LE, sex offender, etc.)
- 8) Anything else that will aid the court in its decision