

Drug Free Zone / Prostitution Free Zone Ordinance

Changes have been made to the existing DFZ/PFZ code (see attached).

In addition to the code changes, an oversight committee that reports to the mayor will be created by council resolution. Committee members will serve at the will of the mayor with input from commissioners.

The Oversight Committee will commit to the areas of inquiry (see item 3 under safeguards) below.

Geographic Areas

1. Reduce the size of Central and North DFZ.
2. Establish a new zone on SE 82nd Avenue South to Crystal Springs.
3. Establish new west boundary and east PFZ area; and eliminate existing PFZ

Changes:

1. Link exclusions to prosecution by allowing officers to issue an exclusion only when they also initiate a prosecution by citing or making a custodial arrest
2. Require automatic Code Hearings Officer reviews of every exclusion
3. Eliminate any possibility that drug-free zone exclusion can be applied in response to mere use, or status as a user. Changes make clear exclusions can be based only on commission of a State drug crime.

Safeguards

1. Automatic review of all exclusions by Code Hearings Officers; those found not meeting probable cause will be voided
2. Modify Code and forms to make certain officers cannot impose, intentionally or inadvertently, exclusions that are more restrictive than authorized by Council
3. Create an oversight group with the following charge:
 - a. Review exclusion zone operations for discriminatory impact or abuse;
 - b. report to Council on effect of zones on crime, fear of crime, and livability;
 - c. report to council on effect of zone enforcement on excluded persons – impact on recidivism and rate of connection to social services, treatment, housing, etc;

- d. develop linkages between DFZ/PFZ enforcement, and social service/treatment efforts to address root causes of open air drug and prostitution crime;
- e. monitor the impact of open air drug and prostitution crime on City neighborhoods and recommend zone boundary changes when necessary; and
- f. recommend changes to DFZ/PFZ code.

Policy

1. Link zone code enforcement to the City's broader effort to address the root causes of recidivism, addiction, poverty and homelessness.
2. Adjust definitions to make certain that transient housing is considered a residence, and is outside exclusion
3. Reduce the scope of exclusions so that going to a residence, job, school, social service provider or essential needs provider does not require a variance-automatic or otherwise-it is simply not a prohibited activity under any circumstances
4. Eliminate requirement that excluded persons carry exclusion paperwork while in a zone
5. Add explicit defenses against prosecution for Violation of a Variance or Criminal Trespass per Judge Marcus' order in State v. Ingram

Public forum input was considered in the development of these recommendations. The purpose of the drug free/prostitution free zone ordinance is to increase public safety and livability; and to safeguard the public's civil liberties.

The Oversight Committee will report quarterly to the Chief of Police and annually to City Council on the effectiveness of the ordinance and to recommend needed changes.