

Citizens for a Loring Park Community (CLPC)

Livability Committee Meeting

Wednesday, May 19th, 2004

6:30-8:00 p.m.

@ Loring Park Shelter

Attendance: Dick Sandberg (CLPC board), Jan Sandberg (local resident), Jana Metge (CLPC Coordinator), Luther Krueger (1st Precinct CCP/SAFE), Lois Conroy (Minneapolis City Attorney office), John Van Heel (CLPC Board), Anne Supplee (CLPC Rep. to Restorative Justice), Mary Turner (CLPC Board), Bob Hanson (local resident), Ed Smith (Basilica of St. Mary, CLPC Board), Craig Williams (1st Precinct CCP/SAFE), Neil Carlson (CLPC Board), Mike Madaras (local resident)

Guests: Sarah McKenzie (Skyway News), Kerri Pearce Ruch (Hennepin County Commissioner Gail Dorfman's office), Hillary Freeman (4th Precinct Court Watch & Faith-Based Initiative).

Agenda

I. 6:30 Welcome & Introductions Richard Sandberg

Minutes from April 21, 2004. Motion to accept the minutes by Mary Turner, seconded by John van Heel.

Passed unanimously.

II. 6:45 7:50 Livability Issues Discussion

(15 minutes) Update on Begging Ordinance

Lois Conroy, Assistant City Attorney/Downtown Community Prosecutor updated the committee on the "Begging Ordinance." Her office began work on a new ordinance as soon as they heard about the judge's ruling. It is designed to both protect free speech issues and protect community members from aggressive panhandling. The downtown business community had the flexibility to quickly review the proposal and several business owners testified at the hearing held today describing problems that they have had with solicitation on their premises. Councilwoman Lisa Goodman provided excellent testimony, identifying council members that such behavior in other neighborhoods would not be tolerated. Because the City Attorney's office moved so quickly to draft a new ordinance, they were unable to get it to our committee before the hearing. The draft passed out of committee without amendments. Legal Aid has some issues but did not oppose the draft ordinance. It will be before the Council within a few weeks. Note that the ordinance identifies several locations where panhandling is not allowed, typically locations that someone might feel trapped. This ordinance differs from the disorderly conduct because prosecution of that ordinance requires the victim to come in and testify that his or her peace and quiet was disturbed.

Motion by Jan Sandberg, seconded by Mary Turner, to endorse the draft solicitation ordinance and authorize a representative speak at the City Council meeting.

Passed unanimously.

The amended loitering ordinance includes a list of specific circumstances pertinent to loitering for the purpose of engaging in prostitution and another set specific to loitering for the purpose of distributing illegal drugs. Jana reminded us of the study done by Stephanie Nelson and a Humphrey Institute class identifying problems with the working of some ordinances such as the loitering ordinance. This revision follows from some of the work done by CCP/SAFE.

Lois reminded the group that these misdemeanor offenses often progress to more severe crimes.

Motion by Jan Sandberg, seconded by Mary Turner, to endorse the draft loitering ordinance and authorize a representative speak at the City Council meeting.

Passed unanimously.

(15 minutes) Hillary Freeman Fourth Precinct Court Watch Initiative

Lois Freeman discussed the electronic Court Watch in the fourth precinct—loitering with intent issues arise frequently but it is difficult to enforce, in part because the criteria are so nebulous. For misdemeanors, they identified a small area with large number of arrests—they focus on three issues, review cases in the precinct to determine if they meet criteria, review in SIPS to determine if they are chronic offenders, send out a request for impact statements, attach the community standards, and report back to the community on how the judge has handled the offenses. Last year they tracked 91 cases of which only 7 were dismissed. The system is slightly modified for felonies. Because they are faith-based, they recruit participants from that community to become trained as mentors and required those who wish to be mentored to participate in a 12-week program while in jail.

(30 minutes) Judge Richard Hopper — Livability Court Initiative

Judge Hopper told the group about what is currently happening and what is planned for the immediate future. Several years ago they began a Community Court that today primary deals with prostitution in the third precinct. This gave the court experience dealing with chronic offenders who have multiple social problems and continue to offend. They learned that short-term and long-term jail sentences do not change behavior. Community Court offers offenders the opportunity to work with social services, using jail as an opportunity to isolate them and punish, with the social services accompanied by intense supervision.

The court now incorporates mental health issues, more broadly defined than typically to include TBI, developmental disabilities, personality disorders, and mental illness combined with substance abuse. There is a voluntary calendar, elected by defendants who are willing to work with the court. They have a mental health screener on loan from DHS (Matonna Moran)—cases are referred from the lawyers and other information comes from nursing staff or others. In a perfect world the referral would come from the police (in Milwaukee, everyone entering jail is screened for mental health issues). The screener assesses the defendant that is used to develop a plan to manage behavior to keep the person out of the criminal justice system. Some of the persons are already receiving services from the county, and the court must find the case manager and try to get the person back on medication or make other changes that will help with the behavioral issues. For example, a defendant might be released if he agrees to live at Harbor Lights shelter, continue to take meds, and comply in other ways. Failure to comply would result in the issuance of a warrant for the defendant's arrest. This has been very successful. Case managers from mental health have welcomed the program and tried to get their clients into the mental health court.

Once a person is stabilized, the court needs to identify a disposition that meets the needs of the offender and society. Some people may need to be put in the workhouse until he or she accepts the need to follow the court's rules. Once it appears that the disposition has been accepted, the court follows up with the case manager.

There are three groups: (1) the willing (offer it and they will comply); (2) the unwilling (just offering it is not enough and services may be rejected) who may be converted to willing by involvement of the court; (3) the impossible. Judge Hopper finds himself spending half the time fighting with the system and half of the time fighting with defendants.

For example, an "impossible" offender is a repeat offender at the U of MN who is obsessed with the U of MN, fires attorneys, refuses to communicate with the court. This person was considered more of a nuisance by some because he was not dangerous. He will be committed and given medication to control his behavior. It took time to convince the doctors that his behavior was deteriorating.

Another example is "Speedy," poster boy for aggressive solicitation who aggressively panhandled and assaulted Insp. Allen. Because this was a more serious offense (because of the assault) the court had some leverage. The screener determined that he was not mentally impaired and chose to consider panhandling as a source of income. Judge Hopper offered to stay his sentence if he no longer panhandled but he was picked up four months later with the assault and his probation was revoked immediately (lesser burden of proof at that one hour hearing) so that he could be sent to the workhouse for a year.

The next step is to move the calendar to the jail making it both an in-custody and out-of-custody calendar, dealing more with chronic offenders. Judge Hopper believes that what they have been doing—immediacy of consequences, provide support services, intense supervision, have "teeth" available—is applicable to chronic offenders.

Another substantial group of chronic offenders are the loiterers with intent to buy or sell drugs—the criminal justice system has not dealt effectively with them in the past. The intent is to develop a program for them that focuses less on mental health services and more on (1) job school and work readiness, (2) more aggressive intervention with the lower level drug offenses (these can be gateway offenses), and (3) partnerships with Mad Dad and similar mentoring programs that require community involvement.

Other comments addressed "catch and release" and Judge Hopper's concerns that release sometimes happens for unknown reasons or because the jail released them despite orders on the warrants or because other judges let them out. The leadership of the bench is behind this and they recently had a meeting with sheriffs, probation, judges, and other staff about release problems and concluded that release could be unpredictable based on rules, law, or tradition—these practices need to be examined. There are other issues—he has no control over cases on the calendar, much of it is controlled by CIP and studies have shown that there are many (17) ways that an offender will be scheduled onto the calendar, and they need to get this chaotic system under control. All of the players in the system rotate people through. The city attorney's idea of neighborhood prosecutors is a good one. His approach is to start doing it.

Lois Conroy mentioned three issues and Judge Hopper followed up on the last of these.

- (1) That geographical restrictions are important. Those who do not live, work, or receive services in an area, should not be there.
- (2) There is some value to removing a person from the community and giving the community some relief.
- (3) There needs to be a bail schedule for livability offenses the way there is one for other offenses. Judge Hopper responded that there is a bail schedule but it is not followed for misdemeanor offenses, offenders are released if there is no bench warrant, even if the case is charged by complaint and it is signed with a bail requirement. This was done because of overcrowding and this condition may no longer exist although it may reflect the ebb and flow of the jail population. They are planning to study this—Judge Hopper believes that even minimal bail will make people show up to get their \$50. Also there is a duty judge over the weekend who only looks at felonies, not livability offenders. And some judges do let the out based on a personal philosophy.

Currently, Judge Hopper's position is funded from the State Court budget under assignment of the Chief Judge of Hennepin County.

Craig Williams pointed out that Charles Decker, Judge Hopper's parole officer, does a great job. When Judge Hopper came, Hennepin County was on the centralized reporting center system, then cutting edge, that turned out to not be workable with the type of offenders he had to work with. They are following a more old-fashioned approach, that requires getting out into the community, neighborhood officers that work with the police, working with neighbors. This community focused intensive supervision is essential for this type of offender.

If a person is diagnosed in jail, they cannot leave jail with any meds or a prescription and there is a disconnect here. They are setting up a reporting center within a methadone center that allows dispensing meds and tracking the person to ensure med compliance.

Kerri Pearce (from Commissioner Dorfman's office) commented later that the County is looking to some similar issues such as housing and work skills.

III. 7:50-8:00 CCP/SAFE Officer Update

Craig will be working 8 PM to 6 AM in the First Precinct for the summer. There is little expectation that he will be re-paired with CPS Luther Krueger after the summer. However, there is no expectation that SAFE will be eliminated, but the unique SAFE officer component may be lost. This issue moved very quickly and did not come out to the community groups in advance of city committee involvement. Jana distributed a copy of the Stevens Square letter concerning the effect of squeezing crime (attachment).

Craig discussed that there are two theories of policing—one specializes, the other cross-trains—and the chief seems to be going toward the cross-training model. More officers will have more experience working with the community. Not all city departments coordinate well but in other cities there are strong relationships between the police and departments like inspections.

The committee feels that the SAFE model in Loring Park is unique and has worked well. We strongly regret losing him as part of our SAFE unit.

Announcements:

Asset based community development seminar (handout) on Thursday, June 17, 8:30 am to 12:00 pm, Hamline University

Adjourned at 8:40 pm.

Items For Future Agendas:

- Invite Deputy Chief Sharon Lubinsky to discuss the new SAFE strategy
- Charles Decker, Judge Hopper's parole officer
- Invite representatives of Public Defenders Office (Leonardo Castro) to discuss Restorative Justice.
- Invite Judge Burke to a meeting to discuss bail policy
- Expand downtown fare zone for buses.
- Truancy and livability crimes
- Police reserves program information
- Quarterly report on hours used for Reserve Fund (end of June) for June/July meeting

Respectfully submitted, Jan Sandberg/JLM