

Citizens for a Loring Park Community (CLPC)

Livability Committee Meeting
Wednesday, September 15th, 2004
6:30-8:00 p.m.
@ Loring Park Shelter

Attendance: Jana L. Metge (staff), Inspector Rob Allen (Commander, First Precinct), Lt. Mike Kjos (First Precinct, Sector 1 Lt.), Jan Sandberg (Loring Green East), Dick Sandberg (Loring Green East, CLPC Board), Jim Bullock (Oak Grove), Mary Turner (1225 LaSalle), John Van Heel (110 W. Grant St., CLPC Board), Barbara Hager (Mpls Fine Arts & Tech College), Craig Vos (Adult Probation), Anne Suplee (410 Oak Grove, Restorative Justice), Robert Hansen (1355 Nicollet), Judge Lucy Wieland (4th District), Judge Kevin Burke (4th District), Neil Carlson (Summit House), Jim Krahn (15 East Grant), Lois Conroy (City Attorney), Elizabeth Amel (LaSalle Avenue).

Agenda

I. 6:30 _ Welcome & Introductions _ Dick Sandberg

Dick led a round of introductions of those in attendance. Dick moved Item IV. up for discussion.

IV. 7:45-8:00 Update on the Downtown Camera Project & Use of L-Copp office on LaSalle & 15th St. Inspector Rob Allen/Jana L. Metge

Insp. Allen reported that the Police Dept. approached downtown residents, including CLPC, when the camera project was first proposed. This discussion led to a very open policy on the use of the camera--the public may view the videos for 30 days (except for anything being held for evidence) to ensure that the public has adequate oversight. The data are stored digitally for 30 days and then written over and essentially destroyed. The public cannot control the cameras, which can be rotated and aimed to a certain extent. The system is wireless and was very challenging technically, the largest such system in the country, and came in at a much higher cost than expected, paid for by Target and a few other downtown businesses. Added costs included rewiring some light poles to provide 24-hour electricity. There are seven cameras operating to date. There will be 30 cameras up in the targeted area (approximately Nicollet and Hennepin, 12th to Washington). The cameras are not very conspicuous, basketball size, and exist in a sea of other cameras, many privately owned. The Police Department has made about six arrests so far for narcotics violations based on evidence from the cameras.

The L-Copp office on 15th and LaSalle has been mostly donated for the last few years by Werner Development, who recently contacted Jana about the possibly of renting it to the public. Insp. Allen feels that it is not used a lot. He prefers that police spend their down time at certain intersections, not indoors. Also, the police have computers in their cars that have essentially replaced the need for this space. Another use in the future may be for the CLPC office.

II. 6:45 7:30 Request by CCNP/Restorative Justice Program Restorative Justice Staff/Chief Judge Lucy Wieland/Judge Kevin Burke/Craig Vos, Adult Probation

Jana explained that the CCNP Restorative Justice Program had asked for CLPC's support in requesting that the Bench return into the Court System seven offenses presently classified as payables/ticketable offenses (public urination, minor consumption, public drinking, noise, litter, drug paraphernalia, and open bottle). Restorative Justice staff were unable to attend, and CCNP had already sent the letter.

Judge Weiland said that this issue arose last summer in discussions with Restorative Justice—there was frustration that cases that should be in court did not make it there, including many of the seven offenses. If the offender is given a citation, and pays it, the offender does not have to come to court. There is a higher payment response to these citations than to other types of offenses. This is not a new process. A further complication is that some of these offenses, such as minor consumption, may be on the state payable list (approved by the Conference of Chief Judges) and cannot be changed unilaterally. There is still an incentive for the offender to come to Restorative Justice because participation can keep the offense off the offender's record. Some offenses, such as a public urination, can be charged as indecent conduct, and these require a court appearance. There are potentially problems with the numbers actually arrested (rather than simply ticketed, especially if they are trying to hold people on bail.

Judge Burke, in response to a question about the efficacy of the fine preventing certain behavior, said that most of the people on the payable offenses do not have a prior offense so it is difficult to say. Several years ago the Legislature authorized the Conference of Chief Judges to set up the list of payable offenses to clear cases out of the system and allow the judges to focus on the more serious offenses. There has been a trend to add offenses to the list, and few have been removed from the list. If you require the person to be held, you raise the possibility that the person will be eligible to be seen/processed by the Public Defender (adding to an already high caseload) even if they get to Restorative Justice the same day.

Lois Conroy added that the numbers referred to Restorative Justice have declined over the past year. While the list has not changed, other things have. The public urination and drug paraphernalia ordinances were recently created by the City Council to better describe the nature of the case (public urination) and make a crime easier to prosecute (drug paraphernalia). (There was some discussion about the statutory nature of the drug paraphernalia offense.) The City Attorney's office was willing to put these seven offenses (of the twelve that Restorative Justice conferences) that are considered important by the community, back into court. However, the office is sensitive to the issue of judicial caseload, and Lois is working with the Second Precinct to try to get some of these offenders into Restorative Justice at the beginning of the process.

Judge Weiland said that one way to deal with the declining numbers would be for Restorative Justice to expand the list of crimes that they would be willing to conference. Some of the crimes that the court would consider livability might belong there.

Craig Vos said that he worked with the Powderhorn Restorative Justice group (they use a panel method rather than conferencing process) and they have also relied on the court appearance to get the case, but there are other options. Also, Restorative Justice could be a useful place to handle community disputes. As to the Public Urination ordinance—he noticed that someone who would not care about having “Public Urination” on his record would feel differently about having “Indecent Conduct” on his record. The offender needs an incentive and this may account for some of the drop off. Judge Hopper is interested in exploring a wider variety of cases through the Community Court. This would require a neighborhood discussion to determine how the neighborhood feels.

Judge Weiland said that the bottom line is that these offenses cannot be returned to the court system. Judge Burke noted that the drug paraphernalia issue is interesting—there seems to be a problem with the drug policy of the county. For example, DWI offenders get a chemical assessment on first offense, but drug offenders get no assessment until it escalates to a felony,

even though the chances are good that the DWI offenders will not re-offend. For loitering, the re-offense rate is much higher but many more get dismissed. There may be an opportunity for a pilot project, rather than dumping a lot of cases into the system. Lois Conroy said that the drug policy problem is an issue. If the offense is payable, it won't get into court and there can be no treatment option. Working with Restorative Justice can be a sort of middle ground. Judge Burke added that possession of a small amount of marijuana is not a crime (it is a petty offense) so then how can the possession of the paraphernalia (roach clip, pipe) to use it be a crime—there is a logical disconnect. Other disconnects—possession of a pipe is illegal, but the sale is not.

Mary Turner noted that CCNP covers a specific area and this creates more paperwork up front to determine the correct which program should get an offender. Perhaps this should be done differently. The program may need to be adjusted. Craig Vos said that the Bar Association has raised an equity issue—Restorative Justice is not available in all neighborhoods. The biggest barrier to expanding may be the issue of funding.

Jana raised the issue of trying to reduce caseloads in some way that would allow the judges to have more time for certain offenders. Judge Wieland said that the focus would be on community court, with time to address chronic offenders and the release practices. Restorative Justice needs to expand or get in on the front end for those offenses. Jim Krahn said that the police, Restorative Justice, and courts need to identify the mutuality of interests or there will be conflicts.

Neil Carlson said that sometimes it seems that Restorative Justice is a solution in the search of the problem--would it be better to use its funding to hire another judge? Jim Krahn said that Restorative Justice does help reduce caseloads, crime, and recidivism for some types of crime. Lois Conroy added that she is a convert and believes that the program is helpful and can make a difference.

III. 7:30-7:45 Jail Bail Policy discussion Chief Judge Lucy Wieland

Judge Wieland reviewed some of the history of the bail issue, including the sheriff's policy for the release of those in for misdemeanors, and the existing bail policy. The issue came up because those arrested for a tab violation (tab charge) are not being held—the sheriff does not have the deputies and probation does not have staff to do the work. The rules of criminal procedure are clear that there are supposed to be very few arrests for misdemeanor tab offenses. Judge Wieland discovered that there are many people being arrested on payables, many of color, including such offenses as driving without insurance, and this may be a problem. The involved parties (judges, sheriffs, and probation) need to determine how to proceed. They have determined that if there is a warrant, those offenders will be held for court. Also, the Community Court has moved to the Public Safety building and can therefore see cases very quickly—this has made an impact. There was some disagreement about the reasons for the increased number of tab charges. Judge Burke noted that the numbers were way up, but Lois said that she thought the police were reluctant to tab charge.

Judge Wieland said that there is some interaction with the Mental Health Court—Judge Hopper can see a person in Community Court and quickly refer to Mental Health Court. Also, the police know who the chronic offenders are and can arrest them. But there are still too many persons being arrested for driving offenses.

In response to a question, Judge Wieland said it helped for the community groups to coordinate with the police, city attorney, and the courts. She said that the group needs to identify the key crime issues and communicate to and work with the police. Judge Burke added that there needs to be a monitored meds program—people who can live in the community if they take their meds. They need to find a solution to the revolving door of the mentally ill in the courts solution. This may require pressure on the county to ensure community-based support or risk having more of the mentally ill pushed into the community.

Announcements:

None

Adjourned at 8:02 p.m.

Items For Future Agendas:

- Structure and accountability of CCNP Restorative Justice and the relationship with CLPC
- Representative of Mental Health Court and Meds issue.
- Charles Decker, Judge Hopper's Probation Officer
- Super America on Grant & LaSalle for Will Pike or others
- Call Center statistics
- Invite representatives of Public Defenders Office (Leonardo Castro) to discuss Restorative Justice.
- 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