

# Policy Topic Referral: Review of Code of Ordinances

HOUSING, SAFETY & COMMUNITY COMMITTEE

OCTOBER 2, 2023

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## Discussion Outline

- 1. Policy referral summary**
- 2. Summary of public listening session**
- 3. Summary of CMPD ordinance enforcement**
- 4. Potential next steps**
- 5. Committee discussion and action (if desired)**

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## Policy Referral Summary

### ◀ Background

- In early 2022, Council restored criminal enforcement as an option for violation of certain city ordinances
- Based on recent community feedback, Council needs to review concerns associated with ordinance enforcement, and assess other strategies available to serve Charlotte's unhoused population and address perceived safety and quality of life concerns

### ◀ Policy Question

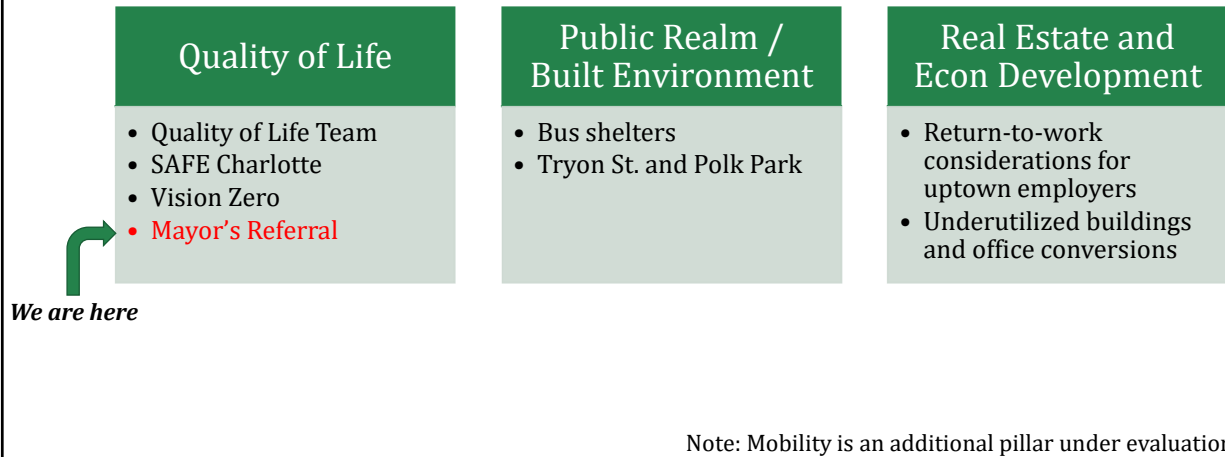
- What effective strategies can the city employ to collaborate with Mecklenburg County, United Way, and Charlotte Center City Partners to holistically address perceived safety concerns in Center City and surrounding areas?
  1. What are community concerns and feedback related to our unhoused population?
  2. Are there updates or revisions to the City Code of Ordinances that are currently enforced only by civil penalties, but legally have the option for criminal enforcement that should be considered to better help our neighborhoods and businesses across the city to thrive?
  3. How can these strategies take into account the needs of our unhoused population while optimizing public safety resources?

## Policy Referral Summary

### ◀ Committee Charge

- Conduct a comprehensive review, including a listening session for residents, business owners, and/or non-profit organizations, of the existing concerns, calls for service data, and available resources
- Work with Charlotte Center City Partners, United Way, Housing & Neighborhood Services Department, CMPD, City Attorney's Office, and Mecklenburg County to examine the impact of potential solutions on the unhoused population, the allocation of public safety resources, and service providers
- Propose for consideration of full City Council any recommended strategies and/or revisions to the City Code that would align with the concerns and best interests of the various stakeholders

## Public Safety & Quality of Life: Key Pillars



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## Public Listening Session

### ◀ Background

- Listening session held September 27<sup>th</sup>, open to the public
- Approximately 90 guests attended the session: primarily uptown residents, with some representation from local business community and non-profit sector
- Format include facilitated table discussions with table report-outs to conclude the session

### ◀ Key Themes

1. Vast majority of residents at the session support the restoration of criminal penalties for certain ordinances, but also believe that holistic solutions (including supportive services) are necessary to address root causes
2. General perception that safety conditions have worsened in past few years
3. Safety concerns among residents are typically very specific to geography and time of day
4. Recognition that illegal/indecent behaviors are committed by both housed and unhoused residents
5. Based on a survey (conducted by Hearts for the Invisible, Roof Above and Salvation Army) of 25 unhoused residents, a need exists for greater access to public restrooms (i.e., more restrooms, and restrooms that are open 24/7)

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## CMPD Ordinance Enforcement Prior to 2021

### ◀ Enforcement took place through:

- Compliance
- Verbal warning
- Written citation
- Arrest



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## CMPD Ordinance Enforcement Changes

### ◀ Enforcement after ordinances were de-criminalized:

- Compliance
- Verbal warning
- Written civil citation --- usually \$50 for the offense
  - *Not written often as citing a civil penalty to a subject in crisis or addiction goes unpaid*
  - *Observed unchanged behavior*

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## City Ordinance Criminal Enforcement

### ◀ Benefits:

- Compliance
- Additional tool on the toolbelt
- Deterrent
- Behavior changer



## CMPD Ordinance Enforcement Data

### ◀ Background

- More context provided regarding certain service call, citation and arrest charge data.
- Data that follows was queried based on charge or call descriptions.

### ◀ Key Themes

- Call totals trended down over the last five years jurisdiction wide and in Central Division
  - *Call types including public intoxication, indecent exposure, loitering for money, loitering – alcohol and public urination*
- Increase in homeless calls for service over the last two years jurisdiction wide and in Central Division
- Citation totals trended down over the last five years jurisdiction wide. Division-level data unavailable.
- Arrests for the selected charge types trended down, with exception of public indecent exposure/public sex act

## CMPD Data – Central Division

Select CMPD Citizen and Officer Initiated Computer Aided Dispatch Events - By Year, By Call Type  
Central Division  
1/1/2018 - 8/31/2023

CALL TYPE	2018	2019	2020	2021	2022	2023*
ABC-INTOXICATED PERSON TOTAL	466	386	199	153	155	114
CITIZEN-INITIATED	419	320	166	138	141	102
OFFICER-INITIATED	47	66	33	15	14	12
HOMELESS PEOPLE TOTAL	393	444	366	313	341	358
CITIZEN-INITIATED	283	321	226	205	275	241
OFFICER-INITIATED	110	123	140	108	66	117
INDECENT EXPOSURE TOTAL	112	139	119	118	130	106
CITIZEN-INITIATED	107	134	114	117	128	105
OFFICER-INITIATED	5	5	5	1	2	1
LOITERING FOR MONEY TOTAL	532	564	340	206	251	82
CITIZEN-INITIATED	398	463	310	200	247	82
OFFICER-INITIATED	134	101	30	6	4	0
LOITERING-ALCOHOL TOTAL	173	131	93	54	52	30
CITIZEN-INITIATED	162	122	87	53	51	29
OFFICER-INITIATED	11	9	6	1	1	1
PUBLIC URINATION TOTAL	31	28	31	16	19	13
CITIZEN-INITIATED	22	22	24	14	18	13
OFFICER-INITIATED	9	6	7	2	1	0

\*Data for 2023: 1/1-8/31

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## CMPD Data – Central Division

Select Arrests by CMPD Officers - By Year, By Charge Type  
Central Division  
1/1/2018 - 8/31/2023

ARREST CHARGE	2018	2019	2020	2021	2022	2023*
BEGGING / PANHANDLING	5	7	1	0	0	0
OPEN CONTAINER / PUBLIC DRINKING	14	13	3	2	1	0
PUBLIC INDECENT EXPOSURE / PUBLIC SEX ACT	3	5	2	3	4	3
URINATE IN PUBLIC	5	0	0	1	1	0

\*Data for 2023: 1/1-8/31

Arrests based on charge code and keyword search of on-view charge descriptions. Charges are misdemeanor or infraction (not felonies). Select arrests may have additional charges associated with arrest.

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## Ordinances of Potential Relevance to Policy Referral

Chapter		
15-3	<b>Beer and wine consumption; possession of open container; disposal of containers</b>	← Public concern clearly established
15-7	Unauthorized persons in parking lots	
15-15	Public solicitation and begging regulated *	
15-23	Loitering for the purpose of engaging in drug-related activities *	
15-26	Camping and other activity prohibited on public property **	
15-81	Prostitution	
15-82	<b>Masturbation in public</b>	← Public concern clearly established
15-83	<b>Urination and defecation on certain property prohibited</b>	← Public concern clearly established

\* First amendment protections may limit enforcement options

\*\* Criminal enforcement reinstated in 2022

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## Committee Charge: Illustrative Example of Holistic Lens



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## Today's Discussion and Proposed Next Steps

### 1. Today

- a. Committee discussion and feedback on all items presented
- b. Committee decision whether to recommend criminal enforcement for certain ordinances at this time, leading to a required two-step process:
  1. *Introduce proposed amendments at one Council meeting*
  2. *Council adoption of specific criminal enforcement language at a subsequent meeting*

### 2. Near-Term Next Steps

- a. Continue to integrate this work with various other initiatives, such as Quality of Life Team and Economic Development Department stakeholder engagement
- b. Work with local stakeholders – such as Charlotte Center City Partners, Hearts for the Invisible, Mecklenburg County, Roof Above, and United Way – to identify non-enforcement strategies that are responsive to the Policy Questions and Committee Charge reflected in the referral
- c. Share recommendations with Housing, Safety and Community Committee in January-February 2024 timeframe

## Appendix



**In March and April of 2022, Council restored criminal enforcement as an option for certain city ordinances, as summarized in the table below**

Chapter	Criminal Fines and Enforcement Reinstated
Chapter 4 - Aviation	- Commercial Use Permits - Ground Transportation
Chapter 6 - Businesses and Trades	- Dancehalls
Chapter 10 - Health and Sanitation	- Public Health Nuisances
Chapter 14 - Motor Vehicles and Traffic	- Playing or Loitering about Railroad Property
Chapter 15 - Offenses and Miscellaneous Provisions	- Camping (public property) - Carnivals - Kindling Bonfires - Noise - Shooting (city limits) - State of Emergency - Weapons (city property) - Youth Protection

## CMPD Data – Jurisdiction Wide

Select CMPD Citizen and Officer Initiated Computer Aided Dispatch Events - By Year, By Call Type  
CMPD Jurisdiction  
1/1/2018 - 8/31/2023

CALL TYPE	2018	2019	2020	2021	2022	2023*
ABC-INTOXICATED PERSON TOTAL	1953	1717	1222	926	756	590
CITIZEN-INITIATED	1847	1586	1141	868	722	567
OFFICER-INITIATED	106	131	81	58	34	23
HOMELESS PEOPLE TOTAL	1011	1192	1014	1189	1486	1193
CITIZEN-INITIATED	850	968	772	859	1175	929
OFFICER-INITIATED	161	224	242	330	311	264
INDECENT EXPOSURE TOTAL	639	695	667	751	714	523
CITIZEN-INITIATED	628	680	654	737	699	517
OFFICER-INITIATED	11	15	13	14	15	6
LOITERING FOR MONEY TOTAL	6151	6181	3957	3618	3037	1413
CITIZEN-INITIATED	5309	5479	3584	3194	2816	1259
OFFICER-INITIATED	842	702	373	424	221	154
LOITERING-ALCOHOL TOTAL	935	762	836	759	670	410
CITIZEN-INITIATED	885	736	797	741	654	398
OFFICER-INITIATED	50	26	39	18	16	12
PUBLIC URINATION TOTAL	113	113	131	94	96	57
CITIZEN-INITIATED	96	97	120	91	94	53
OFFICER-INITIATED	17	16	11	3	2	4

\*Data for 2023: 1/1-8/31

## CMPD Data – Jurisdiction Wide

Select Misdemeanor and Infraction Citations Written by CMPD Officers - By Year, By Charge Type  
CMPD Jurisdiction  
1/1/2018 – 8/31/2023

CITATION TYPE	2018	2019	2020	2021	2022	2023*
BEGGING / PANHANDLING	225	140	46	9	2	0
DEFECATE IN PUBLIC	0	0	2	0	0	0
OPEN CONTAINER / PUBLIC DRINKING	161	75	46	10	13	14
PUBLIC INDECENT EXPOSURE / PUBLIC SEX ACT	5	5	5	5	10	12
SLEEPING IN PUBLIC / UNLAWFUL CAMPING	2	1	4	1	5	0
URINATE IN PUBLIC	43	33	20	7	10	3

\*Data for 2023: 1/1-8/31

Citations based on charge code and keyword search of charge descriptions. Charges are misdemeanor or infraction (not felonies). Select citations may have additional charges associated with citation.

## CMPD Data – Jurisdiction Wide

Select Arrests by CMPD Officers - By Year, By Charge Type  
CMPD Jurisdiction  
1/1/2018 - 8/31/2023

ARREST CHARGE	2018	2019	2020	2021	2022	2023*
BEGGING / PANHANDLING	37	22	11	3	0	0
OPEN CONTAINER / PUBLIC DRINKING	45	32	22	11	8	6
PUBLIC INDECENT EXPOSURE / PUBLIC SEX ACT	9	17	20	13	16	16
URINATE IN PUBLIC	10	6	4	4	6	1

\*Data for 2023: 1/1-8/31

Arrests based on charge code and keyword search of on-view charge descriptions. Charges are misdemeanor or infraction (not felonies). Select arrests may have additional charges associated with arrest.