

Policy Referral: Review of Code of Ordinances

CITY COUNCIL UPDATE

FEBRUARY 5, 2024

Policy Referral Background

► Policy Question*

- What effective strategies can the city employ (in collaboration with partners) to holistically address perceived safety concerns in Center City and surrounding areas?
 - a) What are community concerns and feedback related to our unhoused population?
 - b) Are there revisions to the City Code of Ordinances to restore criminal enforcement penalties that should be considered to better help our neighborhoods and businesses across the city to thrive?

► January 8, 2024 Housing, Safety and Community Committee discussion and motion:

1. NC General Assembly Session Law 2021-138 (enacted in September 2021)
2. Council action in 2022 to restore criminal enforcement for certain ordinances
3. Key themes from the September 27, 2023 public listening session
4. CMPD's recommendation to recriminalize certain city ordinances
5. HSC Committee passed the following motion:

“Committee recommends to move forward with criminal enforcement for ordinances recommended by CMPD, to move to Council for additional deliberation ahead of a vote.”

* Complete policy referral language included in appendix

Ordinances Recommended for Re-Criminalization

Chapter	Ordinance
15-3	Beer and wine consumption; possession of open container; disposal of containers
15-8	Trespassing on motor vehicles
15-82	Masturbation in public
15-83	Urination and defecation on certain property prohibited
15-136	Behavior (in city parks)
14-282	Soliciting from street or median strip *

** Ordinance revisions to be informed by First Amendment considerations*

Overall Guiding Principles

1. Recommended ordinances selected based on a consideration of violations/offenses that warrant additional enforcement tools to enhance CMPD's ability to maintain public safety
2. CMPD's continued emphasis on voluntary compliance, with officer discretion regarding optimal enforcement approach(es) in any given situation
3. Recognition that holistic, non-enforcement strategies are necessary to address root causes of homelessness

Status of Non-Enforcement Strategies

➤ Current activity

1. Contracting with Hearts for the Invisible to establish a **street outreach** team devoted primarily to Center City
2. Establishing **rental subsidies and supportive services** for ten clients referred from the Center City unhoused population
3. Increasing **public restroom access** in Center City

➤ Planned activity

- Evaluating potential FY 2025 investments in **A Home For All**:
 - Continued support for a range of homelessness prevention measures
 - Co-investment with Mecklenburg County in support of a hotel conversion to create a low-barrier, non-congregate shelter targeting the unhoused and shelter resistant population

Next Steps

1. **This evening: Council discussion / Q&A**
2. **February 12th: Council vote**
 - Public comment
 - Request for Council action to amend the City Code by adding criminal enforcement language for certain ordinances (as shown on slide 3)

Appendix

Policy Referral

► Background

- In North Carolina, local ordinance violations may be enforced through civil or criminal enforcement. North Carolina Session Law 2021-138, Senate Bill 300 made four revisions (listed below) to how all cities enforce ordinances, effective December 1, 2021. These provisions need not impact the civil enforcement tools available to cities.
 1. Eliminated criminal enforcement (that is, enforcement as a misdemeanor or infraction) as a default option for ordinance violations;
 2. Prohibited criminal enforcement of certain types of ordinances;
 3. Required that any ordinance specifying a criminal penalty must be adopted at a separate meeting than when it is first introduced; and
 4. Created two new defenses against criminal prosecution of ordinance violations.
 - *No new violations within 30 days of first violation, or*
 - *Working to address unemployment, homelessness, mental health, or substance abuse*
- In March and April of 2022, City Council restored criminal enforcement as an option for violation of certain city ordinances. Attached is an overview of the changes made.
- Approximately a year after the ordinance changes and based on recent community feedback, the City Council needs to review current concerns and considerations associated with the enforcement of these ordinances as well as assess other strategies available to serve Charlotte's unhoused population and address perception of 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?

► 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

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 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 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.

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

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.