

APPENDIX A

Proposals for Systemic Reforms Within the Criminal Justice System Regarding Treatment of Homeless Individuals

The following includes summaries of five different proposals the Committee discussed regarding systemic reforms for how homeless individuals are treated within the criminal justice system in Nashville. The Committee was unable to reach consensus recommending any of these for implementation in Nashville, but we present them to the Commission as an Appendix to this Report to educate the Commission on the options available for its consideration.

1. Single Point of Entry

SINGLE POINT OF ENTRY/JAIL DIVERSION CENTER

OVERVIEW The criminal justice, mental health, public health and homeless service systems of Nashville expend massive amounts of money serving a relatively small population of individuals who cycle through all these organizations on a regular basis. Though there is some coordination between the service providers, the dominant ethos is one of “turf” with very little collaboration, information sharing and inter-agency planning. The result is competition for services among the homeless that actually works against ensuring services to the most vulnerable and needy in the community.

PROPOSAL Many jurisdictions involved in ten year plans to end homelessness have opted for a “Single Point of Entry” (SPE). Though some SPE’s provide limited direct services, the primary role of the SPE is gathering information, assessing needs, and making appropriate referrals to existing service providers.

Advantages of the SPE:

- SPE serves as the coordinating agency making referrals to service providers
- Individuals/families can walk-in without referral
- Consistent data gathering of homeless individuals who enter through the SPE
- A non-incarceration option for police who encounter homeless individuals in need
- Drop off/referral site for outreach workers seeking services for clients
- Maintenance of current information re: service providers and resources
- Diminish duplication of services and abuse of the homeless services system

Preferred Elements of the SPE:

- Central location readily accessible by public transportation
- 24/7 operation
- Professional trained staff
- Security
- Proximity to medical/mental health care

- Comprehensive advertising/information directing clients to the SPE

Possible Services Provided by the SPE

- Comprehensive assessment by trained staff
- Referral to homeless service providers in the community
- Legal assistance and diversion
- Transportation to service provider sites
- Identification and referral of individuals who qualify for entitlements
- Short-term shelter while pending referral/transport
- Public bathrooms and other hygiene services
- Emergency food pantry
- Emergency clothing closet
- Temporary work referral
- Collection and dissemination of pertinent information to service providers
- Facilitation of training and education for service provider employees

CONCLUSION The establishment of the Single Point of Entry is a minimal investment with maximum benefits. It encourages coordination, accountability, consistency, and professionalism while facilitating convenience, efficiency, fairness and compassion in the delivery of necessary services to Nashville’s homeless population. Jeff Blum is developing an appendix with information from other jurisdictions which he will forward at a later date.

2. Homeless Court

Homeless Service Provider Model from the Criminal Justice Perspective, with a Court Participation Component – San Diego Model

Key Elements:

1. VOLUNTARY participation initiates the process. Police, courts, jail personnel, and lawyers can refer, but not as an alternative to jail. The person seeks services and help because he or she decides that is what he or she wants.
2. Nashville needs an agency that will serve as a single point of entry for all homeless individuals seeking or wanting assistance. That agency needs to become known in the community, to law enforcement, to hospitals, to the jails as the place to go for help when you are homeless and want help. That agency should also have outreach workers who can educate vulnerable individuals about the services available and encourage voluntary participation in the process by those who are most vulnerable or mistrusting of “the system” (i.e. the chronically mentally ill, drug addicted, or incarcerated). From the criminal justice perspective, the jail must stop being used as the default place to house chronically homeless individuals.
3. Nashville also needs to identify and increase the number of homeless service providers who can provide immediate and comprehensive basic services to homeless individuals (SHELTER, food, clothing), as well as comprehensive long term rehabilitative services for those who need it (mental health treatment, drug treatment, job placement/training services, help in applying for disability, medical care, assistance with legal/criminal issues, etc.). Once identified, these providers need to work collaboratively with the

“single point of entry agency,” each other, and other agencies involved in issues that can affect homeless people (i.e. the courts).

4. In the context of interactions between law enforcement and homeless individuals, there are at least three different “levels” we must learn to deal with in a more compassionate and less punitive manner: 1) generally law-abiding individuals who are not interested in assistance, but who by virtue of being homeless occasionally engage in “quality of life” offenses (urinating in public places, drinking a beer in public, sleeping in a park, etc) and who frequently feel harassed by police for that behavior; 2) individuals who do not have frequent or recurring interactions with police, but are homeless, vulnerable, and want assistance, but can’t find it or get it; and 3) individuals who are dealing with such overwhelming problems such as mental illness and drug addiction that they are chronically arrested and jailed, causing a drain on the criminal justice system. We must also consider a possible 4th level – people who are homeless or about to become homeless who are not in need of any services other than a place to call home. If we can reach these individuals and provide them shelter before they really hit bottom, extensive services will likely never become necessary.
5. Dealing specifically with court issues, pending criminal charges and outstanding warrants are simply one of many hurdles that can exist for individuals seeking to end their homelessness and deal with underlying issues that may have contributed to their homelessness. Under this model, the court system would seek to avoid being an obstacle in an individual’s efforts to overcome homelessness by rewarding individuals who voluntarily and successfully participate in recovery services. The courts would not serve in a “coercive” role, however. This is not a model where individuals would be asked to participate as an alternative to jail, or with a jail sentence hanging over their head.

How The Homeless Court Component Works in Practice:

1. A person wants help with ending his or her homelessness, and addressing the issues that led to homelessness (drug addiction, mental illness, loss of employment, lack of medical care, etc.). If this person has outstanding criminal charges, the Homeless Court model is set up to address only misdemeanor offenses (excluding DV cases), and the person is not denied services if those charges include outstanding warrants. Additionally, even if the person has DV or felony charges, the person is not necessarily denied entry to program services (obviously this will depend on the seriousness of the allegations). If the person has pending felony or DV charges that are not so serious to preclude entry to services, the goal is still for the person to begin recovery. Once he or she makes sufficient progress, the PD’s Office can arrange for surrender and/or assist the individual in dealing with his or her charges by educating court participants about his or her progress with the agency services. Ultimately, the service provider agencies will build a strong relationship with the PD’s Office so that court related issues can be addressed in the most effective, cooperative and compassionate manner.
2. The person voluntarily goes to the point of entry agency to seek services. After conducting an assessment of the person’s needs, the agency identifies a service provider who can supply the person with the basic necessities (food, shelter, clothing), as well as the rehabilitative or social services necessary to address

- underlying issues in that person's life (mental health services, employment assistance, drug treatment).
3. The service provider identified to assist the individual will, with active participation by the individual, develop a comprehensive plan designed to "facilitate life changes that result in ending a person's homelessness." This language comes directly from the San Diego model description.
 4. The next big step for Nashville if it implements this type of model (after identifying a single point of entry agency) is to identify those service providers who are equipped to provide comprehensive services already (the VA, Campus for Human Development, etc), and to recruit additional other agencies to the area who can do the same. These are the agencies where resources need to be devoted, and where cooperative working relationships need to be fostered.

Now, for the actual Court component (for participants w/criminal charges)

5. Once a participant with pending criminal charges has made substantial progress in completing their plan (typically at least 30 days after entry), the service provider refers the person to the Homeless Court for resolution of their pending criminal charges. Under this model, the person essentially completes a substantial portion of the "treatment" that might have been ordered by the Court on the front end, such that when they eventually go to court, the likely "alternative sentence" of treatment has already been done, and the case receives a "time served" or dismissed disposition. The person's participation is never coerced by the explicit threat of jail or fines for non-compliance. Instead, it is more of a reward model for hard work already completed.
6. Because the process is front loaded, the actual court appearance is almost perfunctory. Here's how it works:
 - a. Each month, the provider agencies participating in the program submit a list of names to the Public Defender's Office of individuals who have made sufficient progress towards completing their recovery program. The PD reviews the list, and forwards it to the Court and the DA's Office for disposition at the next court session.
 - b. The service providers give each client on the list an "agreement to appear," which lists the date, time and location where court will occur (court is typically NOT held at the courthouse, but at a provider agency location).
 - c. The Court prepares a calendar of cases for hearing during the next session. The DA runs the person's criminal record and produces a list of their pending misdemeanor charges, along with discovery for those cases and a plea bargain offer. This is given to the PD and the clerk. The Court clerk prepares a draft docket, and distributes it.
 - d. One week before the court session, the PD meets with the participants who will be on the next docket to counsel each individual and prepare them for court the following week. The PD learns about what they've done in the program, and reviews written proof of participation. The PD then instructs the participants to gather advocacy letters and certificates to be brought to court. The service provider agency is responsible for providing letters of

recommendation reporting on the person's progress and accomplishments in the program.

- e. The day of court: PD, participants, DA, agency case workers come to the court session an hour early to review negotiations, and update proof of accomplishments. At the set time, the docket is called, with the Judge addressing each person's cases individually. In San Diego, 90% of the cases are dismissed.

3. Court Diversion: Room In The Inn's Court Diversion Program

Description

Room in the Inn piloted a court diversion program with Judge Dan Eisenstein's court. Once every 12 weeks Room in the Inn takes a group of participants from Judge Eisenstein's Review Docket. The participant is given the option to remain in jail to serve a maximum sentence, or to participate in the program. If he requests to participate in the program, he undergoes an in-court interview to determine if the program fits his needs. If considered beneficial for the participant, he enters an under-advisement plea. Assuming he completes the program, the charges will actually be erased from the participant's record. The program consists of a 30 day intensive out-patient drug and alcohol treatment program followed by 30 days of an educational curriculum called Hope University. During this 60 days, participants reside at the Guest House and utilize all the benefits provided there including; case management, mental and physical health services, and a supportive community.

Marvin H. did not seem comfortable in his handcuffs and orange jumpsuit when he stood in front of Judge Eisenstein. He had found himself being arrested repeatedly for a lifestyle which he did not choose. When the judge offered him the court-diversion program at Room in the Inn he was interested and after the initial interview he was adamant about his need for change. Marvin faced disabling chronic pain that, coupled with his criminal history, had led him into homelessness. Yet at Room in the Inn Marvin bravely faced his addiction and health issues and now thanks to the court-diversion program Marvin is in housing with his health problems properly managed. Now Marvin worries about how he will get to the park to enjoy a Sunday afternoon rather than how he can stay out of an orange jumpsuit.

Participant Results

Group 1 – July 2009 (30 day case management)

4 Total participants came from the court

- 2 completed entire program with housing
 - Both have since relapsed.

Group 2 - December 2009 (60 days: A&D Treatment + Education)

5 Total participants came from the court

- 1 Died during program
- 4 completed entire program
 - 2 are currently still in housing
 - 1 has relapsed
 - 1 had 6 months to live, went to be with family; returned and relapsed

Group 3 – February 2010 (60 days: A&D Treatment + Education)

3 Total participants came from the court

- 2 completed treatment and left
- 1 completed entire program
 - Awaiting ID for housing

73% - 30 Days Sober

57% - 60 Days Sober (Of those in 60-day Program)

64% - Completed Program

36% - Placed in housing

18% - Still in Housing

Nicolas R. was an easy going Cuban man. A separation with his wife led him into chronic homelessness. Nicolas found himself in a cycle that he could not break, which usually included repeated incarcerations. One incarceration put him in Judge Eisenstein's court and afforded him the opportunity to enter the court diversion program with Room in the Inn. During the winter months the court participants are sent out to the congregations every night after completing treatment. One Friday Nicolas mentioned to the program coordinator that he loved going to the congregations because they "talked to him like he was family." The next evening while staying at one of those congregations Nicolas had a massive stroke and would never regain consciousness. If it were not for the court diversion program Nicolas may have died on a park bench alone or worse incarcerated, instead he was in the midst of family.

4. Enhanced Sentencing

**Prepared and Presented by: Commander Damian Huggins,
Metropolitan Nashville Police Department, Central Precinct**

A 12 Month study was done on persons arrested the most in Central Precinct. This group impact Police first response resources more than any. The date range used was from 8/1/07 > 8/1/08 then again for 8/1/08 > 8/1/09.

The 12 month study was on offenses of any type. Volume of arrest, not charges, was the key.

This was to address those that were currently suffering from a chronic condition of some type

that prevented them from having the ability to conform to society norms, laws and were self destructive. Those persons that impacted our resources in our community the most in the past 12 months.

The volume of arrest identified this group. All were homeless or listed addresses that indicated they may be homeless. This highlights the fact that chronic offenders will many times be the same population of persons that we know have mental health and addiction issues and will live on our streets or be on the cusp of living without a home. These acts are likely to continue as they have unless a catalyst for change is found to assist these persons and address the individual cause or crisis.

The study shows that even without the individualized treatment, that addressing these persons can have a positive impact on the lives of these offenders, have a positive fiscal impact, and improve quality of life for our community and reduce Government resources expended on them over and over.

In the Top Ten study, it showed these 10 had an arrest record of 295 arrests in 12 months.

After a year of enhanced sentencing there was a 27.1% reduction or 80 less arrest on members in this group.

The group also spent 100 days less in jail. Preliminary proof that addressing this chronic group can have a positive impact on their lives and is fiscally responsible.

My calculations show Gov. resources spend approx. \$1000 dollars per person from arrest to release, without a prolonged stay. This calculation indicates an \$80,000 dollar savings in resource allocation from the top ten offender project.

This opened the door to expanding the concept and to considering individual treatment to address these chronic offenders County wide, with long term results the goal.

The DCSO was contacted and evaluated the preliminary findings. After some discussion agreed the concept appeared valid and cost effective. They are willing to support this effort with their resources for individual treatment of each of these persons if incarcerated for a time that allows for a program to be implemented.

The top 54 in the County for number of times arrested in the past 12 months also all have a homeless address current or in their recent past.

The group has 1,403 arrests in a 12 month period. Date range used 8/1/08 > 8/1/09.

This is to ensure we are looking at persons with the most current ongoing issues and negative impacts on our community and resources.

The estimated booking and release resource allocation cost on this group in the 12 month period was \$1,403,000.

Indigent services billed by this group at General Hospital for treatment to the Metro Government were over \$174,000 in this same time frame.

Note that the individuals in this group have 1,987 charges with 1,070 Public intoxication charges. All in a 12 month period.

If you add Public Intoxication and related charges such as disorderly, obstructing a passageway and trespassing; it equals 1,740 of the total 1,987 charges or 88%.

This emphasizes the need for treatment to be added to this group and highlights the obvious negative impacts by this group on our community and visitors. By the extremely high number of arrest on this group you can see that this is not something we can arrest our way out of. If we continue down the same path, we can expect the same results.

With flagging in CJIS, or the charging instruments, for consistent application of sentences and acceptance of this group to receive maximum sentences and consecutive sentencing, they can be held long enough to receive individual treatment by the DCSO programs in place. You would see at least the following results:

- 1) Reduced recidivism by this group by at least 54%.
- 2) Booking arrest reduced from 1,403 to no more than 648 in a year.
- 3) Reduction in Booking and procedures by ALL parts of the Gov. by 746 Bookings or 746,000.00 dollars in resource allocation saved to focus on other priorities.
- 4) Indigent service direct billing from Metro General should be substantially less than the \$174,000 spent the year prior.

The Homeless Commission is working to create resources focused on supporting the rehabilitation and mental health efforts of this group. They also plan to help provide housing for those in this group that meet the vulnerability index criteria, upon their release from custody.

This could truly be a two pronged approach to substantially change lives for the better and a win - win situation; based on all preliminary findings.

The end of the year results of the Chronic Offender program would be evaluated. Over time, savings found to be long term could be redirected to the DCSO and Homelessness Commissions programs to support and or grow the effort or expand it.

This is a great opportunity and a responsible measure for government to provide a valuable service to this group that is self destructing and not able to change without some type of catalyst.

We can improve quality of life for all of our communities by addressing adverse conditions and reduce exposure to behaviors by this group. This is an opportunity to improve services with better efficiency and quality of life in our community.

The plans best attribute is that it can also have a positive impact on individual lives and inherently address problems commonly associated with our homeless population. The Metropolitan Government, our community, and the most vulnerable in our society will all benefit.

5.) Room In The Inn's Guest House Services

Guest House is an initiative of the Metro General Sessions judges with Room In The Inn that began in 1991. It offers a safe alternative to jail for the publicly intoxicated through a partnership with the Metro Police Department. Once sober, individuals are invited to remain with the Campus for long-term sheltering and access to drug and alcohol treatment. This program also provides respite care for medically fragile individuals needing a safe place to convalesce. This past year more than 10,000 beds were provided for intoxicated individuals to sober up, and 128 medically fragile individuals received shelter and care. In partnership with the Metro Health Department, the Guest House also offers food and shelter 24 hours a day to individuals undergoing alcohol and drug treatment. See attached figures.

In recent year, statistics reveal that the number of admissions from the police is trending downward, while numbers for arrests for public intoxication is trending up. This results in greater expense for Metro by going through the arrest and booking procedures at the jail, plus additional court time. On the other hand, the cost savings for Metro for any admission to the Guest House is substantial. Those intoxicated homeless individuals referred from the Room in the Inn prevent police intervention altogether, resulting in an even greater savings to Metro.

One improvement that can be made in the system is to increase police awareness and utilization of Guest House services. Line officers have commented to Guest House staff that it would be better to take publicly intoxicated persons to jail "to teach them a lesson," rather than the Guest House, which treats public intoxication as a medical and social problem, rather than a criminal one.

Statistical charts follow on the next four pages.

	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	Total
Meharry General	27	41	40	54	61	68	291
Skyline Medical Center	2	1	1	3	3	4	14
Vanderbilt Univ. Medical Center	21	18	26	33	33	42	173
Baptist Hospital	4	4	6	19	18	22	73
VA Medical Center	10	5	4	26	28	35	108
Nashville Cares	7	3	5	2	9	14	40
United Neighborhood	15	30	24	20	36	41	166
St. Thomas Medical Center	2	1	1	8	6	9	27
Southern Hills Medical Center	2	7	5	7	5	8	34
Centennial Medical Center	2	1	0	4	8	9	24
Middle Tennessee Mental Health Institute	5	1	3	1	13	23	46
Centerstone	1	1	1	0	1	1	5
Salvas Center	0	0	2	0	0	0	2
Summit Medical Center	0	0	1	0	0	0	1
Room In Thee Inn/Campus	17	39	24	26	38	43	187

2004-2010	Total
Meharry General	291
Skyline Medical Center	14
Vanderbilt Univ. Medical Center	173
Baptist Hospital	73
VA Medical Center	108
Nashville Cares	40
United Neighborhood	166
St. Thomas Medical Center	27
Southern Hills Medical Center	34
Centennial Medical Center	24
Middle Tennessee Mental Health Institute	46
Centerstone	5
Salvas Center	2
Summit Medical Center	1
Room In Thee Inn/Campus	187

GUESTHOUSE STATS DECEMBER 2010

Date	Daily Count			Service #		Gender Count		Program Count							Racial Count					Metro Count			
	Entered	Left	End of Day	Showers	# Meals	Female	Male	RES	DTC	ODY	VA	72 HR	Pend	Court	Af Am	Cauc	SpSp	Asian	Nat. Am	Metro	Since 7/1	Metro Time	Metro at GH
1	3	9	68	68	204	3	65	7	10	21	22	3	5	0	35	33	0	0	0	3	183	40	7
2	6	3	71	71	213	1	70	6	10	21	24	3	7	0	35	36	0	0	0	3	186	48	12
3	8	1	78	78	234	2	76	6	10	21	24	1	13	3	42	36	0	0	0	0	186	0	0
4	4	3	79	79	237	2	77	6	10	21	24	4	11	3	41	38	0	0	0	3	189	35	8
5	3	12	70	70	210	2	68	6	10	20	24	0	8	2	35	35	0	0	0	0	189	0	0
6	3	2	71	71	213	2	69	6	12	20	24	2	7	0	35	36	0	0	0	2	191	31	11
7	3	3	71	71	213	1	70	6	12	20	24	4	5	0	36	35	0	0	0	3	194	83	12
8	3	1	73	73	219	1	72	6	12	20	24	5	6	0	35	38	0	0	0	1	195	15	1
9	5	4	74	74	222	1	73	6	12	20	24	4	8	0	38	36	0	0	0	3	198	35	3
10	10	2	82	82	246	2	80	5	12	20	24	11	10	0	40	42	0	0	0	3	201	30	9
11	8	5	85	85	255	4	81	6	12	20	25	9	13	0	42	43	0	0	0	2	203	45	11
12	2	15	72	72	216	2	70	6	12	20	25	2	7	0	38	34	0	0	0	2	205	23	7
13	4	4	72	72	216	2	70	6	12	20	25	5	4	0	37	35	0	0	0	4	209	45	17
14	5	5	72	72	216	1	71	5	12	20	25	3	7	0	37	35	0	0	0	3	212	35	7
15	6	3	75	75	225	2	73	5	12	20	25	4	9	0	36	39	0	0	0	4	216	44	8
16	8	5	78	78	234	3	75	6	12	20	26	2	12	0	38	40	0	0	0	6	222	108	17
17	18	2	94	94	282	4	90	6	12	20	27	8	21	0	48	46	0	0	0	0	222	0	0
18	6	13	87	87	261	3	84	6	12	20	27	5	17	0	45	42	0	0	0	4	226	37	6
19	4	5	86	86	258	2	84	4	12	20	27	10	13	0	42	44	0	0	0	0	226	0	0
20	3	7	82	82	246	3	79	4	12	20	27	5	14	0	42	40	0	0	0	1	227	20	4
21	6	2	86	86	258	4	82	4	12	20	27	12	11	0	43	43	0	0	0	0	227	0	0
22	6	8	84	84	252	4	80	4	12	20	27	8	13	0	44	40	0	0	0	1	228	15	1
23	8	6	88	88	264	5	83	4	12	20	27	5	20	0	42	46	0	0	0	2	230	38	3
24	5	7	86	86	258	3	83	4	9	20	28	14	11	0	44	42	0	0	0	1	231	10	5
25	15	6	95	95	285	4	91	4	10	20	28	22	11	0	45	50	0	0	0	6	237	100	14
26	6	10	91	91	273	4	87	4	12	20	28	15	12	0	46	45	0	0	0	0	237	0	0
27	4	7	88	88	264	4	84	4	12	20	28	11	13	0	45	43	0	0	0	3	240	35	7
28	15	4	99	99	297	4	95	4	12	20	28	19	16	0	50	49	0	0	0	3	243	30	11
29	10	15	94	94	282	5	89	4	11	20	29	11	19	0	43	51	0	0	0	3	246	58	4
30	5	4	95	95	285	5	90	5	10	20	30	4	26	0	45	50	0	0	0	4	250	64	9
31	5	7	93	93	279	3	90	4	12	20	30	11	16	0	46	47	0	0	0	0	250	0	0
Totals	197	180	2539	2539	7617	88	2451	159	354	624	807	222	365	8	1270	1269	0	0	0	70	243	1024	194

TOTAL NUMBER OF DAYS IN RESIDENCE:	2539
TOTAL NUMBER OF ADMISSIONS:	197
TOTAL NUMBER OF REFERRALS FROM HOSPITALS/PHYSICIANS:	6
TOTAL NUMBER FOR RESPITE BED DAYS:	159
TOTAL NUMBER MTMHI:	5
TOTAL NUMBER METRO FOR PUBLIC INTOXICATION:	70
TOTAL FROM WITHIN CAMPUS (RITI):	517
TOTAL NUMBER COURT ORDERED:	8
TOTAL NUMBER REFERRALS FROM UN-IS (outpatient):	2
TOTAL NUMBER OF DTC PROGRAM:	354

	Daily Count			Service #		Gender Count		Program Count								Racial Count				Metro Count			
	Entered	Left	End of Day	Showers	# Meals	Female	Male	Respite	DTC	ODY	VA	72 HR	Pending	Court	Af Am	Cauc	SpSp	Asian	Nat. Am	Metro	Since 7/1	Metro Time	Metro at GH
Jul-10	126	176	2180	2180	6540	125	2052	182	367	656	468	149	354	4	1107	1067	5	0	0	44	44	733	150
Aug-10	115	99	2219	2219	6657	61	2158	138	479	604	402	105	452	39	1105	1110	0	0	0	40	84	513	109
Sep-10	130	135	2411	2411	7233	131	2286	246	520	375	466	185	469	150	1205	1213	1	1	0	40	124	513	109
Oct-10	141	154	2431	2431	7089	103	2328	212	385	301	510	160	693	170	1225	1204	2	0	0	54	178	712	156
Nov-10	145	139	2146	2146	6438	102	2044	177	278	630	608	150	260	43	1090	1056	0	0	0	42	216	736	129
Dec-10	197	180	2539	2539	7617	88	2451	159	354	624	807	222	365	8	1270	1269	0	0	0	70	243	1024	194
Jan-11																							
Feb-11																							
Mar-11																							
Apr-11																							
May-11																							
Jun-11																							
Totals	854	883	13926	13926	41574	610	13319	1114	2383	3190	3261	971	2593	414	7002	6919	8	1	0	290	889	4231	847

TOTAL NUMBER OF DAYS IN RESIDENCE:	13,926
TOTAL NUMBER OF ADMISSIONS:	854
TOTAL NUMBER OF REFERRALS FROM HOSPITALS/PHYSICIANS	50
TOTAL NUMBER FOR RESPITE BED DAYS:	1,114
TOTAL NUMBER MTMHI:	23
TOTAL NUMBER METRO FOR PUBLIC INTOXICATION:	290
TOTAL FROM WITHIN CAMPUS (RIT):	3,274
TOTAL NUMBER COURT ORDERED:	414
TOTAL NUMBER REFERRALS FROM UNHS (outpatient):	12
TOTAL NUMBER OF DTC PROGRAM:	2,383

Data on Police Time:

Number of Police Admissions: 290
 Minutes Spent with Guest at Guest House: 889
 Average Time in Minutes: 3.07

Averages on Shelter and Support Services:

Meals Provided: 13926
 Average Number of Meals per day: 38.15

Average Beds per Day: 38
 Males: 13319
 Females: 610

	Daily Count			Service #		Gender Count				Program Count					Racial Count				Metro Count				
	Entered	Left	End of Day	Showers	# Meals	Female	Male	Respite	DTC	ODY	VA	72 HR	Court	Af Am	Cauc	SpSp	Asian	Nat. Am	Metro	Since 7/1	Metro Time	Metro at GH	
Jul-09	Totals	84	86	2176	2176	6528	104	2072	341	347	651	392	444	0	1080	1093	2	0	0	26	26	490	73
Aug-09	Totals	71	67	2233	2233	6699	131	2102	518	363	842	380	127	3	1114	1116	3	0	0	35	61	619	90
Sep-09	Totals	51	32	2187	2187	6561	107	2080	479	407	630	465	206	0	1089	1094	3	0	0	28	81	660	62
Oct-09	Totals	71	47	2843	2843	8529	100	2743	621	353	621	437	799	7	1410	1427	0	0	0	26	107	483	46
Nov-09	Totals	284	208	3581	3581	10743	141	3440	321	360	607	390	1735	168	1775	1786	20	0	0	63	170	998	144
Dec-09	Totals	361	259	4435	4435	13305	62	4373	1288	368	579	403	1630	175	2189	2224	22	0	0	81	251	994	210
Jan-10	Totals	441	454	3104	3104	9312	156	2948	313	372	496	372	1409	142	1566	1520	18	0	0	133	379	1963	349
Feb-10	Totals	458	467	2591	2591	7773	137	2454	283	317	499	326	1054	112	1295	1288	11	0	0	101	484	1194	236
Mar-10	Totals	358	337	3050	3050	9150	150	2900	322	328	522	358	1341	92	1505	1495	10	0	0	73	551	752	205
Apr-10	Totals	133	130	2185	2046	6555	127	2058	285	279	564	395	636	26	1071	1114	0	0	0	72	629	1047	239
May-10	Totals	115	112	2119	2119	6357	127	1992	331	356	589	396	447	0	1072	1044	3	0	0	42	667	698	120
Jun-10	Totals	117	120	2041	2041	6141	152	1889	340	343	546	380	432	0	1036	1004	1	0	0	41	711	726	113
Year End	Totals	2544	2319	32545	32406	97653	1494	31051	5442	4193	7146	4694	10260	725	16202	16205	93	0	0	721	4117	10624	1887

TOTAL NUMBER OF DAYS IN RESIDENCE:	32,545
TOTAL NUMBER OF ADMISSIONS:	2,544
TOTAL NUMBER OF REFERRALS FROM HOSPITALS/PHYSICIANS	128
TOTAL NUMBER FOR RESPITE BED DAYS:	5,442
TOTAL NUMBER MTMHI:	23
TOTAL NUMBER METRO FOR PUBLIC INTOXICATION:	721
TOTAL FROM WITHIN CAMPUS (RITI):	9,539
TOTAL NUMBER OF BED DAYS UNDER COURT ORDER:	725
TOTAL NUMBER REFERRALS FROM UNHS (outpatient):	41
TOTAL NUMBER OF BED DAYS FOR DTC PROGRAM:	4,193

Data on Police Time:

Number of Police Admissions:	721
Minutes Spent with Guest at Guest House:	1887
Average Time in Minutes:	2.62

Averages on Shelter and Support Services:

Meals Provided:	97,653
Average Number of Meals per day:	268

Average Beds per Day:	89
Males:	31051
Females:	1494

APPENDIX B

AMERICAN BAR ASSOCIATION

COMMISSION ON HOMELESSNESS AND POVERTY COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS FORUM ON AFFORDABLE HOUSING AND COMMUNITY DEVELOPMENT

RECOMMENDATION

RESOLVED, that the American Bar Association opposes the enactment of and supports the repeal of, laws and policies that

1. punish persons experiencing homelessness for carrying out otherwise non-criminal life sustaining practices or acts in public spaces, such as eating, sitting, sleeping, or camping, when no alternative private spaces are available
2. are enforced against persons experiencing homelessness to greater extent than others who engage in the same practice or act; or
3. punish persons for providing food, shelter, or other critical assistance to people who are homeless.

FURTHER RESOLVED, That the American Bar Association urges federal, state, territorial and local courts, prosecutors, defense counsel, and probation and parole officers, in carrying their respective functions, to consider the problems faced by homeless individuals who may be forced to engage in otherwise non-criminal life-sustaining practices in public spaces because no alternative private spaces are available.

FURTHER RESOLVED, That the American Bar Association urges national, state, territorial and local bar associations to work in cooperation with courts, lawmakers, law enforcement, advocates, service providers and people experiencing homelessness to:

1. revise laws and policies to recognize the problems faced by the homeless when the demand shelter, housing and services exceeds the supply; and
2. support efforts to increase shelter, housing and services to adequately address the needs of homeless individuals.

In the three judicial situations stated above, in which many homeless individuals find themselves, the needs of the individual must be foremost in the process. When the needs of the homeless individual are met, then the needs of the entire community are met. In the process of finding a solution we may ask in every situation, what are the barriers to recovery for the individual; the substance, economic, social, recovery of the individual? The implication of integrative programs that allow for this opportunity of change should be our goal.

A Case of Social Profiling in Nashville, TN

By Steve J. Reiter

In February 2009, there were two similar incidents that involved a group of Metro Nashville Police Department Central Precinct officers on A detail (a morning and early afternoon shift) and homeless appearing individuals. Citations were written for minor violations in each instance. The individuals cited felt they were being targeted for prosecution and the charges were fabricated for the express purpose of removing them from public spaces.

These cases resemble social profiling, which uses the appearance of poverty as the basis of suspicion. The police look for visual signs that could help identify homeless individuals such as unkempt personal appearance, worn out or ill-fitting clothing, poor personal hygiene, and carrying excessive baggage. If the police rely solely on such factors to investigate, stop, frisk, or search individuals based on such subjective identity-based characteristics rather than identifiable evidence of illegal activity, it can be viewed as a form of police harassment and intimidation.

It is generally understood that homeless appearing individuals face increased police scrutiny and have frequently been singled out for stops and inquiries by the police. Some police officers may not be properly trained and think that they are put on the street with a mandate to shoo away the homeless. If the police are seen acting in such a fashion, the message is sent that some citizens do not deserve equal protection under the law.

Victims of social profiling are disproportionately cited for minor (quality of life) offenses when compared to similarly situated individuals in the general population. Examples of quality of life offenses include:

- Criminal trespass
- Disorderly conduct
- Obstruction of a passageway
- Public intoxication
- Open container
- Littering
- Being found in a park after closing time
- Lying on a park bench

If an officer relies on social profiling and makes a status assessment error, he may attempt to apologize and try to “sell the stop” by justifying it for one’s personal safety. Possible justifications to explain away a specific stop where there was not a legitimate reason could include statements such as “this is a high crime area”, “there has been a rash of burglaries”, “you cannot be too careful today”, or “just want to make sure you belong in the area”.

DOWNTOWN GENTRIFICATION AND THE HOMELESS

While there are six precincts in Nashville (East, West, North, South, Hermitage, and Central) the focus of this review is on the Central/Downtown Precinct. The reason for this is because the Central Improvement District (CID) has encouraged policies to rid the homeless in the name of economic revitalization.

Many have witnessed the gentrification of Nashville's urban core and the trendy architectural philosophy of "new urbanism". This urban design concept involves transforming the central business district into a new residential neighborhood composed of high density condos and hotels with street level retail. This is an attempt to reinvigorate and repopulate downtown. Unfortunately, this new urbanism has also brought a parallel effort by some development friendly organizations to promote social profiling in an effort to "cleanup" downtown Nashville and to propagate inflammatory rhetoric to create an irrational fear of the homeless.

There is concern that extreme rhetoric could lead to anti-homeless hostility and unintended consequences, such as hate crimes against the homeless. This could possibly explain the unsolved homicide of Ed Mathews, who was found in early November 2009 on a park bench in downtown Nashville. There were no reports of gunfire in downtown Nashville on that Monday night or early Tuesday morning, which could lead one to speculate that he was shot in another location and his body was purposely dumped downtown. The location where his body was found was between two churches (McKendree Church at 523 Church Street and the Downtown Presbyterian Church at 154 5th Avenue North, both of which serve a weekly meal to the homeless).

Also, the Room in the Inn winter shelter program commences on November 1st, which coincidentally was just before the Mathews shooting. Homeless individuals could get the message that it is not safe to be downtown and you better leave now.

Another tragic case occurred in the early morning hours of August 11, 2006. Two young men from outside of Nashville went to the dock area at Riverfront Park and pushed an unsuspecting, bundled up, sleeping woman into the Cumberland River. Timothy Weber, 21, of Lebanon, who pushed her off of the dock, and Joshua Dotts, 22, of Lafayette, were charged with criminal homicide in the drowning death of Tara Cole.

Police said Dotts had struck a homeless man with a bottle earlier that night. Weber pled guilty to second degree murder and was sentenced to 17 years, to be served day for day. Dotts pled guilty to facilitation of second degree murder and was sentenced to 8 years. He will serve a minimum of 30 percent of that sentence.

Some hold the view that the presence of the homeless is "disturbing" and a cause of insecurity. Therefore, some seek to search for creative ideas to make poor people less visible.

Such public pressure can lead to various public safety initiatives such as the 24-hour police presence around the pocket park called Church Street Park. This park is approximately .27 of an acre (refer to Metro Parks Department map) and across from the Nashville Downtown Public Library. It is an area where homeless individuals are known to gather. Such deployments were not put into effect upon the death of Ed Mathews in November 2009 but were put into effect in the summer of 2010; therefore, these actions could not be seen as incident related, but politically motivated.

THE HOUSING, NOT HANDCUFFS DEBATE

The General Sessions court is clogged with numerous cases involving the homeless, especially quality of life violations. The total case load in 2009 for this court was 310,149, with criminal warrants/citations equaling 103,418 and Metro Environmental court having 6,378. While I do not have the data from other General Sessions courts in the state of Tennessee such as Memphis, Knoxville, or Chattanooga, I would speculate that Nashville, the 20th Judicial District, is by far the busiest court if one looks at the number of cases per capita. Nashville has a

population just over 600,000 and the combined cases of criminal and environmental courts are almost 110,000; that comes down to a per capita rate of one out of every six.

Due to the lack of sufficient data, it is not possible to do a trend analysis on the number of quality of life violations at this time. For comparison, a 2009 report by the National Law Center on Homelessness and Poverty and the National Coalition for the Homeless, San Francisco, CA issued 56,567 quality of life citations between January 2004 and March 2008 that targeted the homeless for activities such as blocking the sidewalk or camping in a park. They concluded that ticketing those who have no place to live and no way to pay will not solve anything.

With eleven General Sessions judges and a once-a-week referee for Environmental Court, it is not surprising that the courts have trouble keeping up.

The police have repeatedly complained about their frustration with the “revolving door” criminal justice system. They arrest the same group of individuals over and over again. According to police department statistics, the top 50 offenders in Nashville (based on the number of prior convictions) have been identified as homeless or formerly homeless.

In response, the police proposed a Chronic Offender Program that would strongly encourage the judicial system to impose the maximum sentence possible. The police department recently disclosed that it has implemented a police data system (The Advanced Reporting Management System, ARMS) that has an updated capability to flag individuals who have 17 or more prior convictions. This flagging could be noted in the narrative of the citation in an attempt to enhance sentencing.

The flagging system would help alert the jailers (DCSO) to put a HOLD on these individuals since they would qualify for enhanced sentencing. For example, a person with a simple public intoxication could be released in as little as 8 hours, whereas a flagged person would qualify for a 30 day sentence.

This practice of flagging raises some serious constitutional questions (**see Update on page 16**).

It should be pointed out, that former Mayor Bill Purcell, who left office in 2007, took credit in one of his last state of the city addresses for building 900 new jail beds. Nashville has gotten a reputation for being among the twenty meanest U.S. cities when it comes to the treatment of homeless people according the National Coalition for the Homeless (www.nationalhomeless.org).

The number of homeless people is on the rise due to the great recession. There are more homeless people than available shelter beds. The waiting list for Section-8 housing is years long. More Nashville residents are falling into poverty and Tennessee is among the poorest states in the United States. Nashville’s ten year plan to end homelessness by creating more housing opportunities is so far off plan that it is a dismal failure. Constructive solutions are needed.

CASE STUDIES OF THE FEBRUARY 2009 INCIDENTS

The first incident happened on or about February 20, 2009. A group gathering under the Jefferson Street Bridge on a Saturday morning was waiting for some good Samaritans that routinely bring food to this location. The individuals were cited for obstruction of a passageway and they were told they had to leave.

It is difficult to comprehend such a violation in this location given that there is little activity there at this time of day. The bridge underpass is not located in an area frequented by tourists or residents.

The second incident happened on or about February 22, 2009. At approximately 10:00 AM on a Monday, a group gathering at Riverfront Park, which is located on the west bank of the Cumberland River on the downtown side, was enjoying coffee and pastries. The individuals were approached by police and were asked if they had been drinking. When nobody responded in the affirmative, the police then asked to see their identifications. The individuals thought the police were looking for someone and when they asked the police about this, the officers were nonresponsive. Citations were written for this group as well. Some were cited for obstruction of a passageway, another for disorderly conduct. One person, Dennis Saunders, was arrested because he was told by the officers that he did not qualify for a citation.

Such citations can have a chilling effect on the association rights of the homeless. As was pointed out earlier, the police can exercise discretion whether they issue a citation or a warning. Obstruction of a passageway is probably only issued to homeless individuals.

Attempting to remove the homeless from Riverfront Park has been going on since well before this incident in early 2009. In the summer of 2008, the police were telling homeless individuals to spread the word that if they or anyone they knew wanted a one-way ticket out of town, they could help arrange it through the Nashville Downtown Partnership.

Even the Nashville City Paper thought it was newsworthy enough to write a story, "New Police Program Free Ride to Finding Help". According to this July 8, 2008 article, "Commander Damian Huggins, who was promoted to his new position about a month ago...describes one of his first days on the job when he visited Riverfront Park and encountered 12 homeless people early one morning. Huggins described the initiative as 'kind of a win-win situation if I can help someone and then there is one less person who might be *urinating* on the street or causing a problem'".

Some critics of this program thought that it was inappropriate for the police to perform such an information and referral role. This could lead to the perception there was a coordinated effort to run certain people out of town. After all, the homeless understand that it is not unusual to see police initiated sweeps before major events such as the Fourth of July Fireworks Display at Riverfront Park.

CITATION ANALYSIS

When one reviews the citations, especially the narratives, one can see how problematic they were. Below are excerpts from the narrative portion of the issued citations.

- "Observed drinking"

The problem with this narrative is if the individuals were drinking an alcoholic beverage why were they not cited for Open Container or Public Intoxication? The answer is simple, because what the individuals were drinking was COFFEE AND WATER. This was simply an attempt to prejudice the court and portray the people in the park in a very negative light.

- "Subject loitering at Riverfront Park" (see Exhibits A, B, and C)

The problem with this narrative is that there is no such thing as loitering in a public park. However, this gives the impression to the individuals cited that they are breaking the law if they are found loitering or hanging out in a public park. The governing precedent that struck down these no loitering laws in public places is a June 10, 1999 U.S. Supreme Court decision (See *City of Chicago vs. Morales* 119 S. Ct. 1849). As Justice Stevens wrote in his majority opinion, "The Chicago ordinance was unconstitutionally vague in failing to provide fair notice of prohibited conduct; and the ordinance was also impermissibly vague in failing to establish minimal guidelines for enforcement". The U.S. Supreme Court affirmed the decision of the Illinois court. Freedom to loiter for innocent purposes is part of the "liberty" protected by the Due Process Clause of the 14th Amendment.

Given the U.S. Supreme Court decision, you can loiter in a park all day long. Such language is an attempt to hinder certain groups' access to public spaces and to reinforce their feelings of exclusion. This is an affront to dignity and freedom.

- "Obstructing free passage of a tourist" (see Exhibits A, B, and C)

There were no special events taking place in the park, so it is hard to see how this could be the case.

The narrative raises significant doubts about the validity of the charge. It is easy to see why these groups felt they were being railroaded. The citations appeared to lack probable cause for the stop. After all, they had a constitutional right to be there.

Also, it is worth noting that these offenses are victimless violations that cause little or no harm for public or private property or security.

Both of these troubling incidents involved the use of an unmarked squad car(s) in the Central Precinct and issuing of quality of life violations (obstruction of a passageway). While many officers participated in these two incidents, one officer, Burt Wesley Hanlon, was present each time. Since that time there have been numerous other complaints regarding this officer.

Officer Hanlon has a history of issuing incomplete and inaccurate citations (exhibits). There is a real concern about the possibility of a renegade officer who targets homeless appearing individuals as a way to enhance his performance numbers by cutting corners to demonstrate a high activity level. When one reviews his citations, it seems hard to believe his conduct is reasonable under the circumstances. It is my understanding that Mr. Hanlon's performance has been addressed with him, but there seems to be little change.

Upon information and belief, Mr. Hanlon is assigned as a flex team officer patrolling in an unmarked vehicle who works primarily in the Central and East Precincts.

Shortly thereafter, these two incidents came to the attention of homeless advocate Steve Reiter. These types of complaints of mistreatment of homeless appearing individuals have not been isolated incidents but seem to be systemic. It is important for people to feel empowered to speak out about their experiences and to develop strategies for law enforcement training and accountability to end social profiling in Nashville. Due to the extent and prevalence in Nashville, it became imperative to bring attention to this urgent matter.

Since both of these incidents took place in the Central Precinct, former Central Precinct Commander C. Damian Huggins was promptly contacted. At this writing, Huggins has been promoted to Deputy Chief for Investigative

Services by Nashville's new Police Chief (Michael) Steve Anderson. Chief Anderson is a 35 year veteran of the MNPD and supports continuing dialogue. Currently, Jason Reinbolt is Central Precinct commander.

The former Police Chief Ronal W. Serpas was also contacted in early March 2009 and briefed about the facts and circumstances surrounding these two incidents. Serpas recommended that these concerns be addressed at the commander level. The commander would follow up with him with periodic progress reports. In May 2010, Serpas accepted an opportunity to return home to his native New Orleans and become the Police Superintendent of the New Orleans Police Department under newly elected Mayor Mitch Landrieu.

THE POLICE-HOMELESS COMMITTEE

At Reiter's request, a police-homeless committee was created in March 2009 to bring all relevant parties together (including representatives from the justice system) to address these issues. Members of this committee include the Police, Sheriff, Prosecutors, Public Defenders, Homeless Advocates and others. It is an unfortunate oversight in the composition of the police-homeless committee that there is not a representative from the General Sessions Court or a representative from the Office of Professional Accountability (OPA), which reviews complaints of police conduct.

The police-homeless committee does not have the power to subpoena witnesses or take testimony under oath. It is unique that it doesn't have a formal agenda and it can digress sometimes into other areas, but it allows for candid conversation and spirited debate. All attendees have agreed to work together and deal with each with mutual respect.

The committee is chaired by the Founding Director of Room in the Inn, Father Charles Strobel, who was a two-term member of the Human Relations Commission and a current member of the Metro Homelessness Commission. He has dealt extensively with the homeless community as a service provider and understands the importance of human rights and freedoms. The Room in the Inn also operates the Guest House, an alternative to jail to which the police regularly transport individuals who are publicly intoxicated and need a place to sober up.

The meetings have taken place at the Metro Public Defender's office. The Public Defender's office is led by (Carol) Dawn Deaner who has been representing the powerless in the criminal justice system for years. Deaner has been the chief public defender since September 2008 after the fatal motorcycle accident of the former Public Defender Ross Alderman.

Poor defendants may fall into greater jeopardy due to inadequate financial resources for the Public Defender's Office and the heavy case load. With the difficult budget environment, there is a concern that the Public Defender's office will not be able to adequately and effectively represent indigent citizens as guaranteed by the U.S. Constitution and the Tennessee Constitution.

Many times during arraignment, defendants do not have the quality time with lawyers before they deliver their pleas. Since the indigent cannot hire private lawyers, they may feel forced to plead guilty under pressure after spending only a few minutes with their court appointed attorneys. This is one reason most of our jails are filled with poor people. They just don't have the money or the power.

Various topics and proposals have been discussed including:

-
- Court diversionary programs (pilot program implemented in Judge Dan Eisenstein's court with Room in the Inn once every 12 weeks)
 - Homeless court model (San Diego model reviewed at ABA meeting – Nashville, Summer 2009)
 - Certain legislative initiatives to impose prison sentences for unpaid fines
 - Police initiated Chronic Offender Program that would increase incarceration time
 - Constitutional concerns, i.e. lack of probable cause in stops and officer conduct
 - Share “know your rights” information with the targeted communities
 - Provide sufficient and adequate housing opportunities for the homeless and those at risk of homelessness
 - Lack of direct services at Metro Social Services and inadequacy of social assistance
 - Increase public awareness about police/homeless issues

To date the committee has been unable to reach consensus on critical issues and no recommendations for change have been made. It is the position of the homeless community that corrective actions in policing strategies that involve social profiling need to be adopted to prevent mistreatment. It is important that there be a neutral and impartial enforcement of the law to maintain public confidence in the police department.

The committee, to its credit, has established effective working relationships that has allowed for continued dialogue. Clearly significant challenges remain, but hopefully there can be a new beginning and all participants can seize the opportunity to find a new way to move forward.

EXHIBITS OF CITATIONS

EXHIBIT A

Citation of Dianna Elaine Smith, booking date 3/23/2009, Emp# 596376 (Hanlon).

EXHIBIT B

Citation of Donald Scott Smith, booking date 3/23/2009 (Hanlon).

EXHIBIT C

Citation of Willie Paul Hopkins, booking date 3/16/2009 (K. Nelson).

EXHIBIT D

Citation (Metro) of Pamela Gentry. Inaccurate code, listed 13 24 050 – trespass, see Exhibit E for code description (Hanlon).

EXHIBIT E

BL 2003 – 96 lists 13 24 050 – Operation and Maintenance – responsibilities of the board and Metropolitan Historical Commission. **Not Trespassing**

EXHIBITS F.1 AND F.2

1. Citation (Metro) of Laura Shultz – defendant’s copy. This citation is incomplete because it contains no narrative. This citation lists her last name as “Schultz”, which is incorrect; her name is actually spelled “Shultz”.
2. Citation (Metro) of Laura Shultz – records copy. The records copy shows a supplemented narrative that was added without the defendant’s knowledge.

Another citation written at the same time was issued to Freddie Anderson, which is very problematic because the court date for Freddie was September 1, 2010 and the court date for Laura was September 8, 2010. Both of these should have been considered co-defendants and been given the same court date.

It is unfortunate that when there is testimony between the police and a homeless appearing individual, the police receive more credibility. It becomes an uphill battle for defendants because the burden of proof seems to shift to them to prove their innocence. Many times, it is seen that these are just decent officers doing their jobs, trying to move potential troublemakers off the streets. Regrettably, homeless individuals feel they cannot fight the system and they will not get a fair trial anyway, so they make a decision to plead guilty in an effort to move on.

But that was not the case with Laura Shultz. She exercised her right to confront her accuser and go to trial. When Referee James Todd asked Laura, who was defending herself in Environmental court on September 8, 2010, “Are you saying the officer (Hanlon) is lying”? Laura Shultz, responded without hesitation, “Yes I am!”

Referee Todd dismissed both Laura and Freddie’s cases.

EXHIBIT A

MISDEMEANOR CITATION				<input type="checkbox"/> CONTINUED SC 813805 M.P.C. COURT AND NO.	
STATE OF TENNESSEE COUNTY OF DAVIDSON				09/14/2019	
In The Metropolitan General Sessions Court					
I, THE UNDERSIGNED, HAVE PROBABLE CAUSE THAT THE FOLLOWING NAMED DEFENDANT DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE IN VIOLATION OF THE APPROPRIATE LAWS OF THIS STATE:					
ARRESTEE INFORMATION REPORTING AGENCY OTHER THAN V.P.D. <input type="checkbox"/> A.M. <input type="checkbox"/> BELLMEAD P.D. <input type="checkbox"/> BERRY HILL P.D. <input type="checkbox"/> GARDEN CITY P.D. <input type="checkbox"/> LAKEWOOD P.D. <input type="checkbox"/> PARK HAVEN P.D. <input type="checkbox"/> V.P.D. <input type="checkbox"/> OTHER		AGENCY'S CASE / COMPL. NO. OR REPORTING AGENCY:			
ARRESTEE'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> UNK Smith DIANNA ELAINE		PLACE OF BIRTH: TN			
OTHER NAMES USED (MADON, NICKNAME, ALIAS, ETC.) <input checked="" type="checkbox"/> NONE <input type="checkbox"/> SEE ATTACHED		MARITAL STATUS <input checked="" type="checkbox"/> UNMARRIED <input type="checkbox"/> DIVORCED <input type="checkbox"/> MARRIED <input type="checkbox"/> SINGLE		ARREST NO.: 0902-7680	
RACE <input checked="" type="checkbox"/> WHITE <input type="checkbox"/> BLACK <input type="checkbox"/> HISPANIC <input type="checkbox"/> OTHER		HEIGHT: 5'6" WEIGHT: 130 HAIR: BRZ EYES: BLU		AGE: 31 BIRTHDATE: 01/18/88	
RESIDENCE ADDRESS (STREET, APT. NO., CITY): Homeless		STATE: TN ZIP CODE:		TELEPHONE NO.:	
PLACE OF EMPLOYMENT / SCHOOL (NAME & ADDRESS): N/A		STATE: TN ZIP CODE:		RESUME OF TRAFFIC VIOLATIONS / RESIDENCY: YES <input type="checkbox"/> NO <input type="checkbox"/>	
DRIVER LICENSE NO.: 082200635		STATE: TN		STATUS: <input type="checkbox"/> VALID <input type="checkbox"/> REVOKED <input checked="" type="checkbox"/> SUSPENDED <input type="checkbox"/> CANCELLED <input type="checkbox"/> RESTRICTED	
LOCATION OF ARREST (STREET ADDRESS & JURISDICTION): 100 1st AVE N				DATE & TIME OF ARREST: 2 23:09 10/11	
VEHICLES: MAKE, MODEL, YEAR, COLOR		CHARGE OFFENSE: Obstruction of Public Passage			
NARRATIVE: Subject loitering @ Riverfront Park 5322 Obstructing Free Passage of Tourists					
INVESTIGATOR: [Signature]					
ARRESTING AGENCY (NAME & PHONE): Davidson 5763716		EMPLOYER'S SIGNATURE: [Signature]		EMPLOYER'S EMP. NO.: 8026887	
RESPONSIBILITIES: The defendant shall report on the date and time indicated below, on booking and go to court. Please report to the Davidson County Sheriff's Office booking area, located on the 1st floor of the James A. Knox Building, 408 2nd Avenue North, Nashville, TN 37201. Dress Code: NO hats, t-tops, see through tops, exposed midriff, exposed undergarments, bare or any other inappropriate clothing. Clothing depicting pictures or wording of a racial, sexual or other inflammatory nature shall not be permitted. The final decision is subject to the discretion of each divisional judge.					
RESPONSABILIDADES DEL ACUSADO: El acusado deberá reportar a la oficina de la oficina de Sheriff del Condado de Davidson, ubicada en el primer piso del Edificio de Justicia A. A. Knox, 408 2da Avenida Norte, Nashville, TN 37201. Código de vestimenta: No remeras musculosas, sin mangas, tops sin corchetes, ropa interior a la vista, pantalones, gorras o cualquier otro vestimenta inapropiada. Prendas que represente estereotipos o con mensajes ofensivos, sexuales o otro contenido inflamatorio no serán permitidas. La decisión final será sujeta a la discreción del juez de cada división.					
I hereby do this my signature and I agree with full understanding that such is NOT A PLEA OF GUILTY, but to certify that I received a copy of this citation and agree to appear as indicated without additional court or warrant as provided by T.C.A. Section 40-7-116. Por medio de la presente adjunto mi firma y aplico mi huella digital, entendiendo que con esto, ME DECLARO CULPABLE, pero que certifico que he recibido una copia de esta citación y que me comprometo a presentarme en corte como se indica, (presentarme) a la oficina de Sheriff del Condado de Davidson para comparecer como se indica en el T.C.A., Sección 40-7-116.					
X DIANNA E. SMITH		8633605		BETWEEN 7:00 AM AND 10:00 AM	

SC 813805

EXHIBIT B

MISDEMEANOR CITATION		<input type="checkbox"/> CONVICTION NUMBER <input type="checkbox"/> M.P.D. NUMBER <input type="checkbox"/> M.P.D. COMPLAINT NO.	
STATE OF TENNESS. - COUNTY OF DAVIDSON In The Metropolitan General Sessions Court		SC 813803	
I HEREBY CERTIFY THAT THE FOLLOWING NAMED DEFENDANT DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE IN VIOLATION OF THE APPROPRIATE LAWS CITED:		09 147019	
ARRESTEE INFORMATION		REPORTING AGENCY OTHER THAN M.P.D. <input type="checkbox"/> I.A.P. <input type="checkbox"/> BELLE MEADE P.D. <input type="checkbox"/> AGENCY'S CASE / COMPLAINT NO. OF REPORTING AGENCY	
<input type="checkbox"/> BERRY HILL P.D. <input type="checkbox"/> GOODLETTSVILLE P.D. <input type="checkbox"/> AKEWOOD P.D. <input type="checkbox"/> PARK RANGERS <input type="checkbox"/> V.P.D. <input type="checkbox"/> OTHER			
ARRESTEE'S NAME (LAST, FIRST, MIDDLE): <input type="checkbox"/> UNK <input type="checkbox"/> SR. <input type="checkbox"/> JUF. <input type="checkbox"/> OTHER		PLACE OF BIRTH	
SMITH DONALD SCOTT		TN	
OTHER NAME(S) USED (Maiden, Nickname, Alias, Etc.): <input type="checkbox"/> NONE <input type="checkbox"/> SEE ATTACHED		MARRIAGE STATUS	
		<input type="checkbox"/> UNK. <input type="checkbox"/> DIVORCED <input type="checkbox"/> MARRIED <input type="checkbox"/> SINGLE	
M. <input type="checkbox"/> RACE <input type="checkbox"/> AMERICAN INDIAN <input type="checkbox"/> HISPANIC <input type="checkbox"/> OTHER <input type="checkbox"/> F. <input type="checkbox"/> BLACK <input type="checkbox"/> ASIAN/PACIFIC ISLANDER <input type="checkbox"/> NON-HISPANIC		HEIGHT: 6'3" WEIGHT: 160 LB EYES: BR HAIR: BR D.O.B.: 2/19/24 AGE: 36	
RESIDENCE ADDRESS (STREET, APT. NO., CITY): Homeless		STATE: TN ZIP CODE: TELEPHONE NO: 	
PLACE OF EMPLOYMENT / SCHOOL (NAME & ADDRESS): N/A		STATE: TN ZIP CODE: RESIDENT STATUS: <input type="checkbox"/> DAVIDSON CO. RESIDENT <input type="checkbox"/> YES <input type="checkbox"/> NO	
DRIVER LICENSE NO: 055320764		STATE: TN STATUS: <input type="checkbox"/> VALID <input type="checkbox"/> REVOKED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> CANCELLED <input type="checkbox"/> RESTRICTED	
LOCATION OF ARREST (STREET ADDRESS INTERSECTION): 100 1st AUN		DATE & TIME OF ARREST: 2/23/09 1005	
VEHICLES		MAKE: AUX MODEL: STYLE: COLOR: 	
WEAPON TYPE: <input type="checkbox"/> HANDGUN <input type="checkbox"/> REVOLVER <input type="checkbox"/> OTHER		<input type="checkbox"/> SHOTGUN <input type="checkbox"/> CUTTING INSTRUMENT <input type="checkbox"/> FIREARMS/WEAPONRY <input type="checkbox"/> OTHER <input type="checkbox"/> KNIFE <input type="checkbox"/> BOW <input type="checkbox"/> PERSONAL WEAPONS, ETC. <input type="checkbox"/> POISON <input type="checkbox"/> OTHER	
TOA CODE: Obstructing Rescue Passage 5302			
NARRATIVE: Subject loitering @ Riverfront Park obstructing PROO Passage of Tourist.			
APPROVED BY: [Signature] APPROVING SUPERVISOR: [Signature] EMPLOYEE NUMBER: 402698			
RESPONSIBILITIES - The defendant shall report on the date and time indicated below to be booked and go to court. Please report to the Davidson County Sheriff's Office booking area, located on the 1st floor of the Justice A.A. Birch Building, 400 2nd Avenue North, Nashville, TN 37201. Dress Code: NO hats, flip ups, exposed midriff, exposed undergarments, hats or any other inappropriate clothing. Clothing depicting pictures or wording of a racial, sexual or other inflammatory nature shall not be permitted. The final decision is subject to the discretion of each divisional judge.			
RESPONSABILIDADES DEL ACUSADO - El defensor deberá reportar en el día y hora indicado abajo para ser citado para ir a corte. Favor de reportarse en el área de Citaciones de Sheriff del Condado de Davidson, ubicada en el primer piso del Edificio de Justicia A.A. Birch, 400 2do Avenida Norte, Nashville, TN 37201. Código de vestimenta: No remeras musculosas, sin mangas, transparentes, con patita a la vista, ropa interior a la vista, sombreros, gorras o cualquier otra vestimenta inapropiada. Prendas que representen racismo o con mensajes raciales, sexuales u otra naturaleza inflamatoria no serán permitidos. La decisión final será sujeta a la discreción del juez de cada división.			
I hereby affix my signature and fingerprint with the understanding that such is NOT A PLEA OF GUILTY, but to certify that I received a copy of this citation and agree to appear as indicated without issuance of a warrant as provided by T.C.A. Section 40-7-118.			
Por medio de la presente adjunto mi firma y aplico mi huella digital, entendiendo que este acto NO IMPlica QUE MI DE CARGO sea PUBLICO, sino que certifica que he recibido una copia de esta citación y que me comprometo a presentarme en corte como se indica, previamente a la emisión de una "warrant" (citación) para arrestar, como se provee en el T.C.A., Sección 40-7-118.			
X Donald Smith		BETWEEN 7:00 AM AND 10:00 AM	

SC 813803

EXHIBIT C

MISDEMEANOR CITATION				SC 875587	
STATE OF TENNESSEE - COUNTY OF DAVIDSON				M.P.D. COMPLAINT NO.	
In The Metropolitan General Sessions Court				09-142019	
I, THE UNDERSIGNED, HAVE PROBABLE CAUSE THAT THE FOLLOWING NAMED DEFENDANT DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE IN VIOLATION OF THE APPROPRIATE LAWS CITED:				AGENCY'S CASE / COMPL. NO. OF REPORTING AGENCY	
ARRESTEE INFORMATION		REPORTING AGENCY OTHER THAN M.P.D.		M.P.D. COMPLAINT NO.	
ARRESTEE'S NAME (LAST, FIRST, MIDDLE)		BERRY HILL P.D. <input type="checkbox"/> GOODLETTSVILLE P.D. <input type="checkbox"/> LAKEWOOD P.D. <input type="checkbox"/> PARK RANGERS <input type="checkbox"/> V.P.D. <input type="checkbox"/> OTHER <input type="checkbox"/>		09-142019	
Hopkins, Willie Paul		A.P. <input type="checkbox"/> BELLE MEADE P.D. <input type="checkbox"/>		0902-5971	
OTHER NAME(S) USED (MAIDEN, NICKNAME, ALIAS, ETC.)		NONE <input checked="" type="checkbox"/> SEE ATTACHED <input type="checkbox"/>		ARREST NO.	
PLACE OF BIRTH		MARITAL STATUS		0902-5971	
MO		NONE <input checked="" type="checkbox"/> DIVORCED <input type="checkbox"/> MARRIED <input type="checkbox"/> SINGLE <input type="checkbox"/>			
RACE		ETHNICITY		AGE	
WHITE <input checked="" type="checkbox"/> BLACK <input type="checkbox"/> AMERICAN INDIAN/ALASKAN <input type="checkbox"/> HISPANIC <input type="checkbox"/> ASIAN/PACIFIC ISLANDER <input type="checkbox"/> OTHER <input type="checkbox"/>		NONE <input checked="" type="checkbox"/> HISPANIC <input type="checkbox"/> ASIAN <input type="checkbox"/> PACIFIC ISLANDER <input type="checkbox"/> OTHER <input type="checkbox"/>		7/31/57	
RESIDENCE ADDRESS (STREET, APT. NO., CITY)		STATE		SUSPECTED OF USING	
639 Lafayette		TN		NONE <input checked="" type="checkbox"/> GUN <input type="checkbox"/> DRUGS <input type="checkbox"/> COMPUTER <input type="checkbox"/> N/A <input type="checkbox"/>	
PLACE OF EMPLOYMENT / SCHOOL (NAME & ADDRESS)		STATE		RESIDENT STATUS	
None		TN		DAVIDSON CO. RESIDENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
DRIVER LICENSE NO.		STATE		STATUS	
106929351		TN		VALID <input type="checkbox"/> REVOKED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> CANCELLED <input type="checkbox"/> RESTRICTED <input type="checkbox"/>	
LOCATION OF ARREST (STREET ADDRESS, INTERSECTION)				DATE & TIME OF ARREST	
100 1st Ave N				2/23/09 1005 hrs	
VEHICLES		WEAPON		DRUGS	
NONE		NONE		NONE	
TGA CODE		CHARGE / OFFENSE		FAILURE TO BE BOOKED	
		Obstructing Passageway		FAILURE TO BE BOOKED	
NARRATIVE:					
Subject loitering in riverfront park obstructing free passage of tourists wishing to frequent the area					
Summons or Citation					
DID NOT APPEAR FOR BOOKING DATES					
Warrant may issue for FAILURE TO BE BOOKED					
PROSECUTOR'S SIGNATURE					
[Signature] 2/24/09					
ARRESTING OFFICER'S NAME (PRINT)					
K. NELSON					
EMPLOYEE NUMBER					
565305					
APPROVING SUPERVISOR					
[Signature]					
EMPLOYEE NUMBER					
400648					
REVIEWER'S EMP. NO.					
SC 875587					
I hereby affix my signature and fingerprint with the understanding that such is NOT A PLEA OF GUILTY, but to certify that I received a copy of this citation and agree to appear as indicated without issuance of a warrant as provided by T.C.A. Section 40-7-116.					
Por medio de la presente adjunto mi firma y aplico mi huella digital, entendiendo que este acto NO IMPLICA QUE ME DECLARO CULPABLE, sino que certifica que he recibido una copia de esta citación y que me comprometo a presentarme en corte como se indica, previamente a la emisión de una "warrant" (publicación de arresto) como se requiere en la T.C.A., Sección 40-7-116.					
BOOKING DATE		BETWEEN 7:00 AM AND 10:00 AM			
3/16/09					

EXHIBIT D

METROPOLITAN CITATION 10-8

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Case No. **10-86202**

The defendant is hereby summoned to appear in court and show cause why he or she should not be held to answer for the offense charged.

On **10/24/2019** at **1:30 PM**

Last Name: **DEWITZ**
First Name: **PAUL**

DOB: [REDACTED] MONTH: [REDACTED] DAY: [REDACTED] YEAR: [REDACTED]

Address: [REDACTED]

Business Name: [REDACTED]

Direct Address or Business Name: [REDACTED] City: [REDACTED] Zip Code: [REDACTED]

WITHIN **70** FEET OF **717 Main**

DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE A VIOLATION OF METROPOLITAN CODE AND SECTION **13-24-050**

Workman Under Restroom Sign Inappropriately Being Requested to Leave by Employees

RELATED COMPLAINT NUMBER: **10-649300**

RELATED WARRANT NUMBER(S):

PROSECUTOR IS (S) **D. HALLIX**

ISSUING AGENT (Print) **D. HALLIX**

Employee Number: **596376**

COURT APPEARANCE DATE: **11/07/19**

Metropolitan General Sessions Court
Judge AA. Brian Suss
400 2nd Avenue N
Court Room 50 at 100 P.M.
PO Box 190206
Nashville, TN 37219-0206
Phone Number: 615-692-2111

NOTICE: I HEREBY acknowledge receipt of a copy of this citation and agree to appear at the time and place indicated. I also waive formal issuance and service of a warrant upon me and agree to stand trial upon this citation and to be treated in all respects as a warrant served upon me. Failure to appear or pay fine and fees prior to the court date will result in a default judgment and the issuance of an execution and garnishment or levy of property.

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED BY THE CITATION, WARRANT OR RESULT IN THE COURT ORDERING YOU TO PAY CIVIL PENALTIES, COURT COSTS AND LITIGATION FEES TO THE METROPOLITAN GOVERNMENT, THE ISSUANCE OF AN EXECUTION AND GARNISHMENT TO COLLECT THE PENALTIES, COSTS AND FEES AND THE ISSUANCE OF A BENCH WARRANT FOR YOUR ARREST FOR CONTEMPT OF COURT, WITH A FINE OF UP TO TEN DOLLARS (TEN \$) AND/OR A FINE OF UP TO TEN DOLLARS (TEN \$) AND/OR A FINE OF UP TO TEN DOLLARS (TEN \$) AND/OR A FINE OF UP TO TEN DOLLARS (TEN \$). IN ADDITION, YOU MAY BE SUBJECT TO OTHER CIVIL REMEDIES INCLUDING GARNISHMENT INJUNCTION.

DEFENDANT'S SIGNATURE: *[Signature]*

NOT BY APPROACH OF BUILT

Incorrect Code (see Exhibit E)

EXHIBIT E

ORDINANCE NO. BL2003-96

An ordinance amending the Metropolitan Code of Laws to designate the responsibility of operating all cemeteries owned by the Metropolitan Government to the Metropolitan Historical Commission and to designate the responsibility to the Historical Commission to approve markers and stones, prior to installation, in the cemeteries owned by the Metropolitan Government to ensure that they are in keeping with the historic nature of the cemetery.

BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Title 13, Chapter 24 of the Metropolitan Code of Laws is hereby amended by deleting Section 13.24.050 in its entirety and substituting in lieu thereof the following new Section 13.24.050.

13.24.050 Operation and Maintenance - Responsibilities of the board and the Metropolitan Historical Commission.

The metropolitan board of parks and recreation shall have the responsibility of maintaining all cemeteries owned by the metropolitan government. The metropolitan historical commission shall have the responsibility of operating all cemeteries owned by the metropolitan government. The historical commission is authorized to promulgate rules and regulations concerning the operation of said cemeteries. The historical commission shall also have the responsibility of approving, prior to installation, any new markers, stones, or any other similar type structures to be placed in said cemeteries. Such approval shall be based on the appropriateness of the structure in keeping with the historic nature of the cemetery."

Section 2. This Ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Jim Shulman

LEGISLATIVE HISTORY	
Introduced:	December 2, 2003
Passed First Reading:	December 2, 2003
Referred to:	Planning, Zoning & Historical Committee
Passed Second Reading:	December 16, 2003
Passed Third Reading:	January 20, 2004
Approved:	January 21, 2004
By:	

EXHIBIT F.2

METROPOLITAN OF TION

STATE OF TENNESSEE
 COUNTY OF HAMILTON
 IN THE METRO GENERAL SESSIONS COURT

COMPLAINT

No. MC 089198

The undersigned wishes to have set the foregoing process in motion and show follow: Date

On	WED	28	JUL	20	19	02
DAY	NUMBER	DATE	MONTH	YEAR	AM	PM
NAME	SCHULTZ					
LAST	LAWREN					
ADDRESS	1324309					
CITY	KNOXVILLE					
STATE	TN					
ZIP	37912					

State of Tennessee
 County of Hamilton
 In the Metropolitan General Sessions Court
 Defendant: **Disorderly**
 1324309
 Special Order Violation on Park Bench
 @ Church St. Park

PROSECUTOR (SON)
 [Signature]
 ISSUING AGENT (SON)
 Employee Number: 596321
 PHONE: [Blank]

Please check one of the following boxes:
 EC (Misdemeanor) PW (Public Welfare)
 CV (Class B Misd) MW (Minor Welfare)
 FD (Felony Det) MC (Other Metro Code Violation)

COURT APPEARANCE DATE
 8 SEP 10 10
 DATE MONTH YEAR

I hereby acknowledge receipt of a copy of this citation and agree to appear at the time and place indicated. I also waive formal arraignment and service of a return receipt, and agree to answer this citation for same as indicated in all respects as a matter served upon me. Failure to appear as set forth hereon in the court shall result in a default judgment and the issuance of a warrant and attachment if any are necessary.

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED BY THIS CITATION / WARRANT CAN RESULT IN THE COURT ORDERING YOU TO PAY A CIVIL PENALTY, COURT COSTS AND LITIGATION FEES TO THE METROPOLITAN GOVERNMENT, THE ISSUANCE OF AN EXECUTION AND WARRANT TO COLLECT THE PENALTY, COSTS AND FEES, AND THE ISSUANCE OF A RETURN WARRANT FOR YOUR ARREST FOR CONTUMACY OF COURT, WITH A PENALTY OF UP TO FIVE (5) DAYS IN JAIL AND/OR A FINE OF UP TO TEN DOLLARS (10) TO A \$25.00. IN ADDITION, YOU MAY BE SUBJECT TO OTHER CIVIL REMEDIES INCLUDING MANDATORY EVICTION.

Signature: [Signature]
 NOT AN ADMISSION OF GUILT

COURT ACTION AND OTHER ORDERS

The within complaint has been examined and there is probable cause for filing the same. Leave is hereby granted to the complainant. Complaint filed.

RETURN ON SERVICE OF CITATION BY MAIL

I hereby certify and return that on the _____ day of _____, 20____, I was duly posted and paid by RETURN RECEIPT MAIL a copy of this citation to the defendant. On the _____ day of _____, 20____, I received the RETURN RECEIPT for said registered or certified mail, which had been signed by _____ on the _____ day of _____, 20____. Said RETURN RECEIPT IS ATTACHED TO THIS ORIGINAL CITATION and is hereby filed with the General Sessions Court Clerk.

Sworn to and subscribed before me on this _____ day of _____, 20____.

Signature of Clerk or Authorized Agent

Supplemented Narrative

COURT ACTION

DEFENDANT'S PLEA: Guilty / Not Guilty / [Blank]

In this case, I find the defendant _____ of the charge.

The Court enters the following order:

FINES: _____ FORFEITED: _____ JUDGMENT: _____

CONTINUED: _____ RETURN DATE: _____ RETURN DATE: _____

RETURN DATE: _____ FAILURE TO PROSECUTE: _____

COMPLIED WITH TERMS OF CITATION: _____

BY JUDGE: [Signature]

ORDER TO SET AND JUDGMENT

The within complaint entered in the case is hereby set aside.

BY JUDGE: [Signature]

AN UPDATE SUBMITTED FEBRUARY 8, 2011

I respectfully ask the MNPD and the criminal justice system to revisit certain aspects of the Chronic Offender Program. It is my position that some of the extraneous commentary that is being inserted by the police designating certain defendants as a “chronic offender” in the narrative of the citation is inappropriate. It is also highly prejudicial. It may be seen as an arbitrary and capricious attempt to influence the court prior to any adjudication of guilt. Only the facts and circumstances that lead up to the violation in the citation are relevant.

It is important that a neutral, impartial, fact-finding judge makes determinations of guilt or innocence based solely on the facts presented. Aggravated and mitigating factors are considered at the time of sentencing. Potentially prejudicial remarks could unnecessarily portray a defendant in a negative light. Nothing should impede the defendant from receiving a fair trial as guaranteed by the Sixth Amendment of the US Constitution.

Also in times of a budget crisis where we need to make tough choices, it makes little sense to expend more taxpayer money to lock up nonviolent offenders for an extended period of time on petty quality of life violations. It is my understanding that the cost to incarcerate an inmate in Nashville is approximately \$62 per day. If someone is subjected to a 30-day sentence, this comes to \$1860 per offense. This is not cost effective and is a budget buster. Certainly we can expend taxpayer money and use judicial resources in a more effective and efficient manner.

Furthermore, locking up people for an extended period of does not solve or remedy the condition of homelessness. As stated earlier in this report, there is a significant gap between resources available and the increased need for assistance.

It should be noted that homeless individuals who feel mistreated are reluctant to file a complaint with the Office of Professional Accountability due to the fear of retaliation by the police.

I commend the Police/Homeless Committee for adopting some of the ABA recommendations at its February 1, 2011 meeting. Some jurisdictions do not issue citations to homeless individuals engaged in life sustaining activities if no shelter space is available, and there was a demonstrated good faith effort to obtain shelter for the night.

A troubling practice that has not been discussed is when an officer during a stop issues BOTH a state citation and a Metro citation (civil court violation to Nashville’s environmental court). This should not happen in a professional police department.

There is a concern that some other police departments are using certain controversial methods to evaluate officer performance. One such point system assigns a point for one physical arrest or 5 traffic stops. This is misguided, and Metro Nashville should not adopt such a system.

-END-

APPENDIX D

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

Addressing Street Homelessness

The housing and homelessness crisis in the United States has worsened over the past year, with many cities reporting a dramatic increase in demand for emergency shelter and services due to the economic and foreclosure crises. Yet, even before the recent increase in demand most cities did not have adequate affordable housing or shelter space to meet the need. Given the current economic climate, it has become more important than ever to make sure resources addressing homelessness are put to the best use.

Over the past two decades, many cities have turned to the criminal justice system to approach the issue of street homelessness. Some of the measures used end up targeting life-sustaining activities that homeless people must conduct in public spaces due to lack of shelter space. These measures can be counterproductive in helping people move beyond homelessness and are not the best use of resources. At the same time, some cities and programs have instituted more productive and successful approaches to street homelessness that can be replicated in other communities.

Problems with using punitive measures to address homelessness

Punitive measures do not address the root causes of homelessness, frequently make it more difficult for people to move out of homelessness, and are not cost effective.

As many of these measures apply to downtown areas of cities, they tend to move people away from services and resources in downtown areas and can disrupt existing outreach efforts.

Example: An organization that provides outreach and services to homeless individuals in a particular neighborhood of Washington, DC, found one day that many of the people they were regularly working with on the street were gone. After some investigation, the outreach workers found out the police had “swept” the area, moving people to other areas of the city. This sweep defeated months of outreach work and relationship building the service provider had accomplished.

Creates barriers for people in obtaining employment and housing.

Example: Many public housing authorities around the country will exclude from federally-assisted housing people who have been charged with misdemeanors or

who even simply have an arrest record.

Burdens the criminal justice system.

Example: As part of a larger effort evaluating the effectiveness of a downtown Minneapolis public safety initiative, the Hennepin County Criminal Justice Coordinating Committee (HCCJCC) tracked 33 homeless individuals who had four or more police contacts in the city's newly established Safe Zone during the period of April 17, 2005, through June 17, 2005, and reflected disproportionately high expenditures for minimal desirable outcomes. Upon closer examination, HCCJCC estimated that cumulative costs specific to the criminal justice expenditures for those 33 individuals included the following estimated costs as of September 2005:

\$876,741 for Hennepin County Jail Costs Since 1994
\$184,200 for Hennepin County Law Enforcement Costs Since 1994
\$140,251 for Hennepin County Court Costs Since 1985
\$2,651,732 Total Criminal Justice Related Costs (including \$829,790 in Minnesota State Prison Costs Since 1991)

Inefficiently allocates costs

Example: According to a 2004 nine-city survey, jail costs are two to three times higher than permanent supportive housing.

Do Criminalization Efforts Work?

I. What are measures that 'criminalize' homelessness?

Laws that make it illegal to do things that people experiencing homelessness must do as a result of their homeless status or other measures that target homeless persons, such as:

- ✓ Laws that prohibit sleeping, sitting, or storing personal belongings in public spaces

Example: Orlando, FL, has an anti-camping law which prohibits camping on all public property without authorization. Camping is defined as sleeping or otherwise being in a temporary shelter out-of-doors, sleeping out-of-doors, or cooking over an open flame or fire out-of-doors. Orlando, Fla., Code § 43.52 (2006).

Example: St. Petersburg, FL, passed a law in January 2008 that prohibits storing any personal property on public property. While the law includes a notice period in which a person may remove the property to avoid confiscation, moving the property to another place on public property will not be considered removing the item from public property.

- ✓ “Sweeps” performed by cities aimed at removing homeless people and their belongings from particular areas of the city

Example: For a number of years, the City of Fresno engaged in a campaign of sweeps of areas where homeless people were living, frequently destroying important personal property of those individuals, including medicine, identification documents, clothing, and personal effects with sentimental value.

- ✓ Laws that prohibit begging or panhandling

Example: Nashville, TN, passed an anti-panhandling law in January 2008 that prohibits verbally asking for money at night or at any bus stop; any sidewalk café; any area within 25 feet in any direction of an automatic teller machine or entrance to a bank; any public or private school; and within 10 feet of a point of entry to or exit from any building open to the public, including commercial establishments.

- ✓ Laws that indirectly impact homeless persons by penalizing groups that share food with homeless persons in public spaces

Example: Las Vegas passed a law in 2006 that prohibits sharing food with “indigent” persons in public parks. An “indigent” person, as defined by the law, is a person whom a reasonable ordinary person would believe to be entitled to apply for or receive public assistance. Las Vegas, Nev., Mun. Code § 13.36.055(A)(6) (2006).

II. What are policy problems with criminalization measures?

Criminalization measures do not address the root causes of homelessness, frequently make it more difficult for people to move out of homelessness, and are not cost effective.

- ✓ As many of these measures apply to downtown areas of cities, they tend to move people away from services and resources in downtown areas and can disrupt existing outreach efforts.

Example: An organization that provides outreach and services to homeless individuals in a particular neighborhood of Washington, DC, found one day that many of the people they were regularly working with on the street were gone. After some investigation, the outreach workers found out the police had “swept” the area, moving people to other areas of the city. This sweep defeated months of outreach work and relationship building the service provider had accomplished.

- ✓ Creates barriers for people in obtaining employment and housing.

Example: Many public housing authorities around the country will exclude from federally-assisted housing people who have been charged with

misdemeanors or who even simply have an arrest record.

- ✓ Burdens the criminal justice system.

Example: As part of a larger effort evaluating the effectiveness of a downtown Minneapolis public safety initiative, the Hennepin County Criminal Justice Coordinating Committee (HCCJCC) tracked 33 homeless individuals who had four or more police contacts in the city's newly established Safe Zone during the period of April 17, 2005, through June 17, 2005, and reflected disproportionately high expenditures for minimal desirable outcomes. Upon closer examination, HCCJCC estimated that cumulative costs specific to the criminal justice expenditures for those 33 individuals included the following estimated costs as of September 2005:

\$876,741 for Hennepin County Jail Costs Since 1994
\$184,200 for Hennepin County Law Enforcement Costs Since 1994
\$140,251 for Hennepin County Court Costs Since 1985
\$2,651,732 Total Criminal Justice Related Costs (including \$829,790 in Minnesota State Prison Costs Since 1991)

- ✓ Inefficiently allocates costs

Example: According to a 2004 nine-city survey, jail costs are two to three times higher than permanent supportive housing.

III. What are some of the legal problems with criminalization measures?

- ✓ Courts have found some anti-begging measures violate the First Amendment right to free speech. *See Loper v. NYCPD*, 999 F.2d 699 (2d Cir. 1993).

The court found that a blanket ban on begging throughout the city violated the First Amendment right to free speech.

But see Gresham v. Peterson, 225 F.3d 899 (7th Cir. 2000).

The court found that a nighttime ban on oral panhandling and in certain geographical areas of the city was narrowly tailored to meet a significant government interest (the safety and convenience of city residents on public streets), and left open alternative channels for communication.

- ✓ Courts have found some anti -camping/sleeping measures violate the 8th Amendment right to be free from cruel and unusual punishment if no shelter space is available for homeless persons to use.

See Jones v. City of Los Angeles, 444 F.3d 1118 (9th Cir. 2006) *vacated per settlement* 505 F.3d 1006 (9th Cir. 2007); *Pottinger v. City of Miami*, 810 F. Supp. 1551 (S.D. Fla.

1992). The courts in these cases found that arresting homeless people for sleeping or resting in public when no shelter space was available violated their Eighth Amendment right to be free from cruel and unusual punishment. (The *Jones* decision was vacated per a settlement agreement.)

See also Joel v. City of Orlando, 232 F.3d 1353 (11th Cir. 2000).

The court found that arrests of plaintiff for violating Orlando's anti-camping law did not violate his 8th Amendment right to be free from cruel and unusual punishment, since shelter space was available in Orlando.

- ✓ Courts have found some anti-loitering and vagrancy measures void for vagueness.

See City of Chicago v. Morales, 527 U.S. 41 (1999).

The Supreme Court found Chicago's loitering law void for vagueness, as it did not give people fair notice of prohibited behavior and encouraged arbitrary enforcement by police officers. The law defined loitering as remaining in any one place with no apparent purpose.

See also Papachristou v. City of Jacksonville, 405 U.S. 156 (1972). The Supreme Court found Jacksonville's archaic vagrancy law void for vagueness as it did not give people fair notice of prohibited conduct and encouraged arbitrary enforcement by police officers.

- ✓ Sweeps/seizures and destruction of property of homeless persons can violate their Fourth Amendment right to be free from unreasonable searches and seizures and due process rights.

See Pottinger v. Miami, 810 F. Supp. 1551 (S.D. Fla. 1992).

The court found the practice of seizing and destroying homeless persons' property or forcing homeless persons to abandon property at arrest sites violated the Fourth Amendment, as such practices amounted to unreasonable searches and seizures.

See also Kincaid v. Fresno, 2006 WL 3542732 (E.D. Cal. 2006).

The court found that inadequate pre- or post-deprivation process and the seizure and immediate destruction of homeless people's personal property violated the Fourth Amendment and the Fourteenth Amendment's Due Process Clause.

See also Justin v. City of Los Angeles, 2000 WL 1808426 (C.D. Cal. Dec. 5, 2000).

- ✓ Restrictions on food sharing or provision of other services to homeless persons can violate the right to free speech, the right to freely exercise one's religion, equal protection or can be unconstitutionally vague.

See First Vagabonds Church of God v. City of Orlando, 2008 WL 4381668 (M.D. Fla. 2008).

The court found a law that restricts groups sharing food with 25 or more people to two times a year in city parks violated the First Amendment rights to free speech and free

exercise of religious beliefs.

See Sacco v. City of Las Vegas, 2007 WL 2429151 (D. Nev. 2007).

The court granted a permanent injunction to enjoin the city from enforcing an ordinance that prohibited sharing food with “indigent” people in public parks, finding that the ordinance is unconstitutionally vague and violated the Equal Protection Clause of the Fourteenth Amendment. However, the court did not find the ordinance violated plaintiffs’ right to freely exercise their religious beliefs or right to free speech.

See also Fifth Avenue Presbyterian Church v. City of New York, 177 Fed. Appx. 198 (2d Cir. 2006), cert. denied, 127 S. Ct. 387 (2006).

The court found the city could not move homeless persons off the steps of the church, as providing that shelter for homeless persons was a sincere exercise of the church’s religious beliefs.

IV. What are some more constructive approaches to homeless persons living in public spaces?

Some cities have instituted measures that address homeless persons living in public spaces in a more constructive way to address the root causes of homelessness.

Broward County, Florida - Outreach Teams

The Taskforce for Ending Homelessness, Inc., a not-for-profit agency that provides outreach, education, and advocacy services for the homeless population in Broward County, has partnered with the Ft. Lauderdale Police Department to help homeless persons get off the street. The partnership formed the Homeless Outreach Team, which was incorporated in 2003 to provide direct outreach services to homeless people. The team consists of two full-time Fort Lauderdale Police officers, two part-time officers, and a civilian partner who is formerly homeless. The team informs chronically homeless individuals of social services available in the community and encourages them to access those services. Repeated visits are often necessary to build rapport, trust, and confidence between the workers and homeless individuals.

In addition, the outreach team has partnered with local shelters to ensure access to beds and services. Those accepting shelter assistance receive priority, entering the program if a bed is open. They are also provided with dinner, breakfast, a hot shower, laundry facilities, and a safe night’s sleep. In its first five years of operation, the Homeless Outreach Team had over 23,000 contacts with homeless individuals and has placed 11,384 people in shelters. Estimates suggest that there are at least 2,400 fewer arrests each year as a result of the Homeless Outreach Team.

The Taskforce for Ending Homelessness also has partnered with the Fort Lauderdale

Police Department to develop a 2-hour course entitled “Homelessness 101.” The course is designed to raise police officers’ awareness of the reality of homelessness, its causes, and the most effective ways to address this prevalent social problem.

For more information, contact the Fort Lauderdale Police Department at (954) 828-5700.

Portland, OR – Outreach to Connect People to Housing

As part of its ten year plan to end homelessness, the City of Portland has funded an initiative, called “Key Not a Card,” that enables outreach workers at various agencies to immediately offer people living on the street permanent housing. Five different service provider agencies participate in the program. The funding from the city for housing is flexible in that it can be used to pay rent, back rent, security deposits, and can vary in the level of subsidy. The goal is to get people housed for 1 to 2 years while they can secure permanent subsidies, public benefits, or employment, as appropriate.

From the program’s inception in 2005 through spring 2009, 936 individuals in 451 households have been housed through the program, including 216 households placed directly from the street. At twelve months after placement at least 74% of households remain housed. At three and six months after placement, at least 93% and 87% remain housed, respectively.

For fiscal year 2008/2009, the program was funded with \$1.93 million in city general funds. While the city hopes to continue the same level of funding for the program, the funding may be reduced in the next fiscal year due to overall city budget shortfalls.

For more information, visit <http://www.portlandonline.com/bhcd/index.cfm?c=30140>.

Seattle, WA – Housing for People with Alcohol Addiction

The 1811 Eastlake project provides supportive housing for 75 formerly homeless men and women living with chronic alcohol addiction. The project operator worked with county officials to identify people who were the most frequent users of crisis services. Placement in the housing was offered to 79 people and 75 of those individuals accepted placement. Residents benefit from 24-hour, seven day a week supportive services including onsite mental health and chemical dependency treatment, health care services, daily meals and weekly outings to food banks, case management and payee services, medication monitoring, and weekly community-building activities. Residents are encouraged, but not required to participate in treatment.

A first year analysis of the program found that it saved the county \$2.5 million dollars in one year by significantly cutting residents’ medical expenses, county jail bookings, sobering center usage, and shelter usage. The savings dwarfed the project’s \$1.1 million operating costs. After one year, 66% of the residents remained in the housing. Residents have voluntarily cut their alcohol consumption in half.

For more information, visit <http://www.desc.org/1811.html>.

Various cities – working with homeless persons living outside and cleaning public property

A number of cities have instituted protocols for cleaning up public property where homeless persons are living. Recently, a couple cities have pursued some positive approaches to homeless persons living outside. In areas where homeless people have set up an encampment, these cities have worked with local providers to help those individuals access permanent housing.

Washington, DC – In the fall of 2007, the District of Columbia reached out to key local service providers when attempting to clean out an area where homeless people were living near an expressway in the city. The City worked with the providers and located permanent affordable housing units for each of the individuals at the encampment.

In addition, the District of Columbia voluntarily established a formal procedure for disposition of property in public spaces through a Memorandum of Understanding (MOU) between various city agencies. According to the MOU, 14 days prior to cleaning a public area, the agency responsible for the area must post a conspicuous notice in the immediate vicinity of the area to be cleaned. The notice must contain information about the designated location to be cleaned, the date the cleaning will take place, the site where any remaining property in the location will be stored, the process for claiming any confiscated property, and the contact information of two service providers. All property deemed to be valuable is to be stored for a period of no less than 45 days.

Baltimore, MD - The City of Baltimore also recently approached the issue of encampments in a very positive way. In December 2007, the City of Baltimore notified local advocates and service providers of its desire to clean up an encampment in the city where the fire department had identified some potential fire hazards. The City worked with local providers to come up with a positive approach to the issue that did not involve drawing in law enforcement officials. Outreach workers went out to the site and the City offered shelter or 30-day hotel stays, in addition to Section 8 vouchers, to the group of individuals living at the encampment.

For more information, contact Tulin Ozdeger, Civil Rights Director, at the National Law Center on Homelessness & Poverty at 202-638-2535 or at tozdeger@nlchp.org.

**1411 K STREET, NW, SUITE 1400
WASHINGTON, DC 20005**

**www.nlchp.org
nlchp@nlchp.org**

**PHONE: 202.638.2535
FAX: 202.628.2737**