

An Alternative Approach



MID-SOUTH PEACE AND JUSTICE CENTER

The Issue



“Anti-Panhandling Zone” as a solution to criminal activity presents a number of problems and concerns, including:

- Potentially unproductive approach that could inflict collateral damage on:
 - Homeless population
 - Adjacent communities
- Aggressive panhandling, open container and public intoxication are currently illegal in the City of Memphis by existing state and local ordinances.
 - Sect. 7-4-15, Open container restrictions
 - Sect. 6-56, Panhandling
 - TN Code 39-17-310, Public intoxication

The Issues (continued)



Potential problems with ordinances:

- **Difficulties in prosecution**
 - Without clear boundary markings, an officer of the law must carry a measuring tape to measure the distance from each restricted area that the crime occurred. This requires an officer or witness to testify before the court as to the exact location of the offender in relation to the identifying landmark.
- **Create opportunities for “profiling”**
- **Unenforceable boundaries**
 - Overlapping boundaries and restrictions create huge geographic restrictions on panhandling.
 - These overlapping boundaries will require the city to clearly and permanently label each area citywide in which panhandling is explicitly forbidden. Otherwise, there is no way for an individual or public safety officer to determine whether or not they are in compliance with the law or standing in a restricted area.

The Issues (continued)



Potential Problems (continued)

- Incarceration costs \$87 - \$112 per inmate, per day at 201 Poplar
- Panhandling, open container, and public intoxication cases are often dropped
- Will increase court costs, manpower requirements, and jail overcrowding
- Panhandling penalties often go unpaid
 - Top 20 offenders for Aggressive Panhandling owe Shelby County over \$500,000 in unpaid court costs.

The Issue (continued)



- This perspective on potential problems is shared by:
 - The National Coalition for the Homeless
 - The National Law Center for Homelessness and Poverty
 - Metro Atlanta Task Force for the Homeless
 - Miami Coalition for the Homeless
 - Louisville Coalition for the Homeless
 - Nashville Homeless Power Project
 - The Center for Community Change
 - Fort Lauderdale Coalition For the Homeless

An Alternative Approach



Is there an alternative solution that can be fiscally neutral, as effective, and operate under existing law?

Effective prosecution, access to mental health care and psychosocial resources, substance abuse rehabilitation, and supportive housing opportunities provide permanent solutions in a responsible and efficient manner.

Our Proposal



Redirect “Aggressive panhandling” and related cases to a single division of General Sessions Court, providing avenues for:

- Consistent prosecution and judicial procedures
- Screening and diversion into programs or interventions
- Outreach to offenders’ families
- Avoiding dispersal effects
- “Do no harm” to homeless population currently compliant with existing laws
- Gathering of information for service provision
- On-going processes of evaluation and support
- Promoting future compliance with existing laws

An Alternative Approach



Two-sided approach

- For non-violent or occasional offenders, effective and individualized intervention:
 - Screens for treatment options for physical, mental, and alcohol or drug addiction disorders
 - Identifies public programs for which the individual qualifies
 - Identifies diversion programs in existing public and private providers
- For serious or violent offenders, effective and consistent prosecution:
 - Reduces impacts on jail overcrowding
 - Creates a real deterrent to criminal activity

An Alternative Approach – Our Roles



The Mid-South Peace and Justice Center and community partners would assist this process by:

- Recruiting and training of volunteers
- Acting as liaisons with offenders' families
- Providing outreach resources

Next Steps



- We are currently working with shareholders in the criminal justice system (including the Public Defender's Office, the District Attorney's office, and Pre-Trial Services – Intensive Supervision Unit) to identify existing resources and potential partnerships that can accomplish the goals of this proposal while remaining budget-neutral and operating under existing law.

Current Partners



- Former ADA and current Asst Public Defender Don Siemer
- University of Memphis-Graduate Program City and Regional Planning
- Shelby County Commissioner James Harvey
- Rev. Pete Gathje, Co-Director, Manna House, Memphis
- Ed Wallin, Co-Founder, Alpha Omega Veterans Services
- Bruce Kramer, Attorney, Borod and Kramer Law firm
- Scott Kramer, Attorney, Borod and Kramer Law firm
- Tulin Ozdeger, Civil Rights Director, National Law Center for Homelessness and Poverty
- Pastor Ronnie Johnson, Inner City Outreach Center
- Dr. David Ciscel, University Of Memphis
- Sandy Furrh, L.C.S.W., Clinical Social Worker, Pilgrim Center
- Joyce Anderson-Crawford, Executive Director, Community Resources Center, Inc.