

# BOARD OF ALDERMEN

ITEM NO. A(1)

## AGENDA ITEM ABSTRACT

MEETING DATE: September 13, 2011

**TITLE: Follow-Up Report on the Limited Anti-Lingering Ordinance for the Area Near the Intersection of Jones Ferry Road and Davie Road**

<b>DEPARTMENT: Police</b>	<b>PUBLIC HEARING: NO</b>
<b>ATTACHMENTS:</b> <b>A. Resolution</b> <b>B. Staff Analysis</b> <b>C. Staff Report (Originally presented by Town Staff at the 9/18/07 Board of Aldermen meeting)</b> <b>D. Related Minutes and Agenda Item Abstract from 8/26/2003 Board of Aldermen Meeting</b>	<b>FOR INFORMATION CONTACT:</b> <b>Carolyn Hutchison, 918-7412</b>

### PURPOSE

The purpose of this item is to provide a follow-up report to the Board of Aldermen on the limited anti-lingering ordinance approved by the Board on November 20, 2007.

### INFORMATION

During a Board of Aldermen meeting on August 26, 2003, former Community and Economic Development Director James Harris and Police Chief Carolyn Hutchison provided a report on loitering in the vicinity of Davie Road at Jones Ferry Road. At that time, during morning and afternoon hours, day laborers hoping for contractual work, and others who were not seeking work, congregated along the roadside near the intersection of Jones Ferry Road at Davie Road. The people who were not picked up by contractors regularly lingered throughout the day, and police officers routinely responded to complaints of public consumption of alcohol, drug activity, fights, harassment, public urination, and other crimes and nuisance behaviors in the area. This area required intensive police services daily, and deteriorating conditions were ripe for increased numbers of criminal and nuisance incidents as more people lingered in the area, at all hours, with nothing to do. Area residents and business owners looked to police officers to solve this community problem. Police officers had no specific authority to prohibit lingering in the area, and those lingering did not break the law or behave inappropriately when police officers were on-site, limiting the enforcement ability of the officers. Police officers are unable to spend their entire work shift in this area alone due to needs for service elsewhere in the community.

In mid-2007, residents of the Davie Road/Jones Ferry Road neighborhood, along with a few business owners, organized and asked for the Town's commitment to deal with the various problems and crimes caused by people who were not picked up for work and who lingered in the area, seemingly without purpose. The problems the residents and some business owners cited included: trash and litter-related issues, public urination, public consumption of alcohol, trespassing, harassment, and other assorted crimes. Residents and business owners almost universally expressed their desire for an alternate location for a day laborer pick-up site. They also shared their perception that such criminal and nuisance behavior would not be allowed to exist or continue in other parts of Town.

On November 20, 2007, Town staff asked the Board of Aldermen to consider adopting a time-limited anti-lingering ordinance in the area around the intersection of Jones Ferry Road and Davie Road. Following the adoption of the ordinance, Public Works staff erected signs that designate the area in which lingering is prohibited during certain hours. For several months, police officers worked to ensure that day laborers and other individuals who weren't necessarily looking for work understood the ordinance, and they simply warned violators.

Carrboro police officers understand and respect the intent of the ordinance and have found it an effective tool as they provide services in this area. During the last 3 ½ years, police officers have not arrested anyone for violation of the ordinance. In a way, the anti-lingering ordinance gives police officers the leverage they need not to have to use their authority to enforce the ordinance. People comply with the ordinance, and police officers find themselves in fewer adversarial encounters.

In its *Disorder at Day Laborer Sites* publication, the U. S. Department of Justice, Office of Community Oriented Policing Services, acknowledged that law enforcement responses alone do little to reduce or solve problems that occur at the sites. In addition, the author suggested that it is frequently necessary to implement several different strategies that are tailored to local circumstances to deal with problems associated with day laborer sites.

### **Other options presented during original discussion in 2007**

In the *Report on Issues at Davie Road and Jones Ferry Road*, (Attachment C) prepared by Town staff for the September 18, 2007 meeting of the Carrboro Board of Aldermen, the following issues were presented and discussed: loitering, trash/litter accumulation, public urination/defecation, public consumption of alcohol, trespassing, increased potential for crime, speeding traffic, and harassment/intimidation.

**Loitering:** Staff recommended the anti-lingering ordinance, increased police presence, and trying to move the day laborer pick-up site.

**Trash/Littering:** Staff recommended continuing to provide trash containers and encouraging Town staff, non-profit staff, neighbors, and other concerned individuals to increase their efforts to convey to the day laborers that littering is illegal and a major problem identified by the neighbors and business people in the area.

**Public Urination/Defecation:** Staff encouraged residents and business owners to call 911 if they witnessed public urination and/or defecation and suggested that El Centro Latino might address the issue through education.

**Public Consumption of Alcohol:** Staff encouraged residents and business owners to call 911 if they witnessed this crime. Staff also recommended that the Town could work through El Centro Latino to address this issue with the day laborers and that the anti-lingering ordinance might substantially reduce the drinking taking place at this site.

**Trespassing:** Staff encouraged residents and business owners to call 911 if someone trespassed on their property.

**Increased Potential for Crime:** Residents expressed fear of increased potential for crime because people lingering in the area were able to see when they left their homes. Staff suggested that increased police presence might make neighbors feel safer and might also discourage anyone who might think of

committing a crime in the area. Staff also suggested that the anti-lingering ordinance might substantially reduce the lingering taking place at this site.

**Speeding/Traffic:** Town staff recommended increased enforcement and studying the possibility of traffic calming devices to deal with complaints of speeding traffic.

**Harassment/Intimidation:** There were a number of specific reports of harassment (mostly of women) by the largely male group of people who gathered at the day laborer pick-up spot. Others reported, on behalf of their children or themselves, a sense of intimidation when going on foot through this area when numbers of people were hanging out there. Staff suggested that the Town could work through El Centro Latino to educate and impress upon the day laborers that such behavior is unacceptable.

## **FISCAL AND STAFF IMPACT**

There are significant costs associated with providing services in the Jones Ferry Road/Davie Road area. Approximately 1/3 of the Police Department's calls for service occur in this general area, and it continues to require staff attention. The absence of the anti-lingering ordinance would require additional directed patrols in this area, which reduces the availability of officers to provide services to other areas of town.

## **STAFF RECOMMENDATION**

Staff recommends that the Board of Aldermen receive the report and discuss possible solutions to the problems presented in the report.