

**GRAND JUNCTION CITY COUNCIL
WORKSHOP AGENDA**

**MONDAY, JUNE 16, 2003, 6:00 P.M.
CITY HALL AUDITORIUM, 250 N. 5TH STREET**

*****NOTE SPECIAL TIME***
(THIS WORKSHOP WILL BE BROADCAST ON CHANNEL 12)**

MAYOR'S INTRODUCTION AND WELCOME

6:00 COUNCILMEMBER REPORTS

6:05 REVIEW FUTURE WORKSHOP AGENDAS

[Attach W-1](#)

6:10 CITY MANAGER'S REPORT

6:15 REVIEW WEDNESDAY COUNCIL AGENDA

6:20 DISCUSSION OF TRANSIENT ISSUE: Police Chief Greg Morrison will report to Council the results of the study on this issue.

[Attach W-2](#)

7:05 ADJOURN

Council will convene into regular meeting in the auditorium at 7:30 p.m.

This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

**Attach W-1
Future Workshop Agenda**

CITY COUNCIL WORKSHOP AGENDAS

JUNE 30, MONDAY 7:00PM

- 7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND REVIEW FUTURE WORKSHOP AGENDAS
- 7:25 CITY MANAGER'S REPORT
- 7:30 STRATEGIC PLAN UPDATE
- 7:55 CINEMA AT THE AVALON PROPOSAL
- 8:25 PUBLIC WORKS AND PARKS CIP PRE-BUDGET DISCUSSION AND REVENUE DISCUSSION

JULY 14, MONDAY 7:00PM

- 7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND REVIEW FUTURE WORKSHOP AGENDAS
- 7:25 CITY MANAGER'S REPORT
- 7:30 GRAND MESA CENTER DEVELOPMENT REIMBURSEMENT REQUEST
- 7:45 WEST SIDE DOWNTOWN AREA PLAN

AUGUST 4, MONDAY 7:00PM

- 7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND REVIEW FUTURE WORKSHOP AGENDAS
- 7:25 CITY MANAGER'S REPORT
- 7:30 FIFTH STREET TRAFFIC CALMING
- 8:05 DROUGHT RESPONSE MEMORANDUM OF UNDERSTANDING

AUGUST 18, MONDAY 7:00PM

- 7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND REVIEW FUTURE WORKSHOP AGENDAS
- 7:25 CITY MANAGER'S REPORT
- 7:30 OPEN

~~SEPTEMBER 1, MONDAY~~ -LABOR DAY HOLIDAY

SEPTEMBER 15, MONDAY 7:00PM

- 7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND REVIEW FUTURE WORKSHOP AGENDAS
- 7:25 CITY MANAGER'S REPORT
- 7:30 OPEN

**Attach W-2
Transient Issue**



**Grand Junction Police Department
Memorandum**

To: Grand Junction City Council
From: Kelly Arnold, City Manager
Greg Morrison, Chief of Police
Date: June 12, 2003
Subject: Report on Transient Issues

City Manager's Introduction

During the past two years, the question of balancing Grand Junction's growth, while maintaining small town values, has been the subject of many City Council discussions. It has been particularly relevant to the *Grand Valley Vision 20/20 Plan* document and the *City of Grand Junction Strategic Plan 2002-2012*. One of the elements related to growth is the need to provide social services for the increasing homeless population. These increases are reflected in the additional shelters and food kitchens that have or are soon to be open to homeless in Grand Junction. The outreach is a direct extension of the small town value of this giving community; but one could argue that some of the behaviors of a handful of the homeless population don't necessarily match our small town values.

Increasingly, the behaviors of a few are starting to be stereotyped as the problems of the entire homeless population. A perceived or real increased level of panhandling, public drunkenness, and loitering, no matter whether lawful or not, has become a more regular complaint in Grand Junction. It's becoming a more and more common complaint in meetings with business owners, neighborhood residents, or just in casual conversation.

As a result, the City Council and Administration discussed the need to define and determine the level of the problem. Also, the discussion focused on whether there are solutions to any potential problems. That is the primary purpose of this report. In order to accomplish this task, it seemed best to use a department that has the most contact with this population group. In our organization, that is the police department. In the past six to nine months, the police department has been reviewing and determining if

there are any problems. During this same time, these problems were addressed under current codes. In addition, they used the City Attorney's Office to help determine the legal issues surrounding the problems or solutions.

In summary, this report determines that, in general, it is not the whole of the homeless population that is causing problems; it is the behaviors of a few that are causing a significant proportion of the problems. Typically, these few individuals are not trying to make a better life for themselves, but they have become comfortable with their lifestyle. This lifestyle includes camping, loitering and panhandling, drinking, and using the social services available to allow them to live their lifestyle. Many times it is their behavior that is systemic with the concerns that have been voiced throughout the community.

This report generates findings and possible solutions. From this report, the Council and the community should be able to determine what solutions, if any, work best to address the unwanted behaviors.

FINDINGS

Ironically, the very characteristics that make Grand Junction attractive to residents also make it an attractive locale for transients.¹ Some of these are in our control, but most are not.

- Dry climate with moderate temperatures – transients can live outdoors comfortably.
- Largest population center in a 250-mile radius – ample targets for panhandling.
- Transportation hub - Rail lines, I-70, Highway 50, and Greyhound bus service, provide easy access from long distances. In our study to date, it appears the rail lines are a bigger source of transients than highways or buses.
- Confluence of two rivers – extensive undeveloped areas with thick brush create good camping conditions.
- Social services infrastructure – shelters, soup kitchens, day centers, faith-based services providing food and clothing – all concentrated near the downtown area – draw and retain the transient population. Services include free distribution of food and prepared meals in city parks. These events often create excessive litter and draw large congregations. A list of community resources provided by the Grand Valley Coalition for the Homeless includes 18 sources for free food, six for free clothing, and five shelters. The City of Grand Junction subsidized several of these entities with \$60,000 in Community Development block grants in 2003.

The transient population is not a homogenous group. Anecdotal evidence leads us to believe they fall into three broad categories:

¹ Other cities along the I-70 corridor, as well as Salt Lake City, offer transients free bus tickets to Grand Junction in order to get them out of their cities. Grand Junction is well known due to word-of-mouth among transients across the west.

- First, a substantial number call Grand Junction their home and use the outreach services and homeless shelters regularly and through a long period of time.
- A second component is made up of unfortunate individuals who have had major disruptions to their health and/or ability to earn a living who use social services for a limited time. The shelters have stringent rules prohibiting intoxicated or disorderly persons from using their services.
- A third component of the transient population is made up of those individuals who camp illegally, publicly consume alcoholic beverages, panhandle, and often congregate in public parks. A large percentage of this group seems to suffer from chronic substance abuse and/or mental health issues. They are often the very people prohibited from using the established shelters.

Additionally, there are individuals who, although not homeless or transient, make their living scavenging in alleyways and garbage cans. Often, their appearance and grooming make them appear to be part of the transient population. Also, passengers in transit at the bus station who, with their luggage, may spend time between buses in the Whitman Park area may be mistaken for transients.

After receiving numerous complaints from citizens and business owners about illegal campsites, the Grand Junction police command staff located and made close inspections of Watson Island and other campsite locations along the river. They also interviewed transient individuals and others with close daily contact with the population. From sunup to sundown, the typical lifestyle of Grand Junction transients living in illegal campsites revolves around local social services and panhandling:

- Establish a well-defined campsite hidden by brush but with easy access to the city.
- Wake up and depart before 9 a.m.
- Arrive at one of the area shelters in time to take advantage of their services.
- Spend the daytime hours panhandling in well-traveled areas and resting in shaded parks and public facilities such as the library.
- Eat lunch at the soup kitchen and often pick up a take-away meal for later in the day.
- Purchase small, low-priced bottles of liquor with any money received from panhandling. Whiskey, vodka, and ale are the most popular forms, primarily because they are cheap.
- Drink at the campsite or in one of the parks, usually in the evening.

Transients exhibit many behaviors that Grand Junction residents expect their government to address. However, most of the behaviors about which residents are concerned are not illegal:

- Panhandling transients create an unsightly and negative city image, particularly detrimental at well-traveled intersections and locations, such as 1st Street and Grand Avenue, downtown and the I-70 off-ramps.
- Business owners believe that the nearby presence of panhandling transients has a negative impact on their business.
- Residents are fearful of the transients, regardless of actual previous experience.

- The presence of poorly-dressed and poorly-groomed individuals in downtown parks detracts from the aesthetic appeal of the downtown area.

The police department has experienced a significant increase in the frequency of incidents, complaints, and Calls For Service (CFS) directly related to the homeless and transient population in Grand Junction. These problems may be less common or less readily apparent to the average area resident:

- Roadside transients holding signs and collecting money from passing motorists create minor traffic problems.
- Transients trespassing on government and private property when establishing campsites.
- Transients depositing trash and human waste in public areas.
- Occasional harassment complaints from aggressive panhandling.

Many of these behaviors are illegal, and police intervention occurs when they are observed. However violators don't typically engage in illegal behaviors when police are present.

Behaviors such as panhandling and public intoxication are not exclusively illegal. In fact, court cases have determined that public intoxication is not a crime, although the police may take a highly intoxicated individual into protective custody for the individual's safety. During the past year the police department has observed the incidence of panhandling increase significantly. Most panhandling is not illegal and is in fact constitutionally protected. Panhandling only becomes illegal when the violator interferes with traffic or in some way harasses the intended giver. Typical scenarios are:

Scenario	Legal Status
Transient positioned on a sidewalk or on the shoulder of a road, holding a sign soliciting money or assistance who waits passively for motorists or passersby to give him aid.	While passersby may feel this to be unsightly, or may be afraid of "what they might do," this behavior is lawful. "Transients" are citizens with all of the protections of the federal and state constitutions. Because any citizen may occupy a sidewalk and hold a sign with a message, these behaviors are properly characterized as constitutionally protected speech and/or assembly.
Person holds a sign on a sidewalk or on the shoulder of the road but moves into traffic lanes or walks among motorists while the traffic light is red to collect money or food.	Because the person's action could cause self-injury or injury to a motorist, it violates the adopted Model Traffic Code in two ways: 1) a pedestrian may not enter the roadway and thereby interfere with traffic and 2) an intoxicated person may not interfere with traffic (MTC §§ 802(3); 803; 801).
Transient holding a sign on a sidewalk or on the shoulder of the road moves into traffic lanes or walks among motorists while the traffic light is green to collect money or food.	Because the person should be in the roadway only to cross the travel lanes, and the presence would be a danger to self or to other motorists; or would interfere with traffic, a citation under MTC §§ 803 or 802 can be issued. City Code § 24-8 requires a person to leave a public place once ordered by a police officer.
Disheveled person sits on a	Similar to the first scenario, the beggar is not breaking

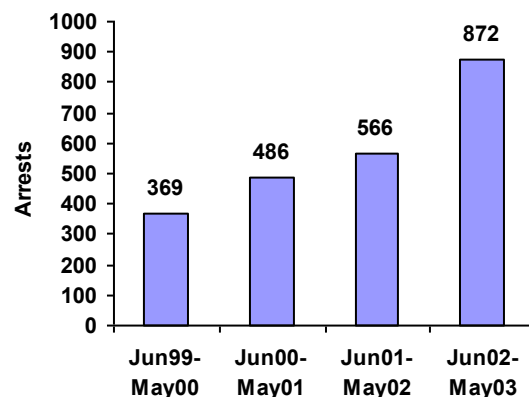
Scenario	Legal Status
downtown bench (or sidewalk) and asks passersby for money, food, or assistance.	any existing laws. The beggar's constitutional rights of speech and/or assembly protect such behavior.
Panhandler approaches people on sidewalks and directly asks them one time for money or assistance, but does not persist if the person declines.	While this scenario would make a lot of people uncomfortable, the behavior is not illegal. Once again, the constitutional protections are implicated.
Person follows or otherwise harasses people either by physical contact, verbally abusive language, persistent inquiry, or similar behaviors in violation of municipal ordinance or state statute.	Current law already prohibits these behaviors. Verbal or physical abuse (including the threat thereof) is chargeable under City and state laws (City Code §§ 24-3; 24-4). Some discussion has been made of making "aggressive panhandling" illegal, however, most actions that would be included in such an ordinance are already illegal and the simple addition of the asking for money or assistance would not change that.
	Note: Drinking in public is prohibited by City Code § 32-10. A citation can be issued of a person is in a park during prohibited hours. City Code § 26-51.

Other behaviors associated with some members of the transient populations include public intoxication, liquor violations, pedestrian/traffic violations, fights, harassment, assaults, drug violations, illegal camping, and public indecency. In addition, the police department has investigated homicides and suicides associated with transients. For the most part, the victims of transient perpetrators are themselves transients – there is very little victimization of non-transient individuals by transients. Between June 1999 and May 2003, arrests of transients increased by 136 percent. The five most frequent violations associated with transient individuals are:

1. Warrant arrest
2. Liquor violation
3. Fight
4. Intoxicated subject
5. Drug violation.

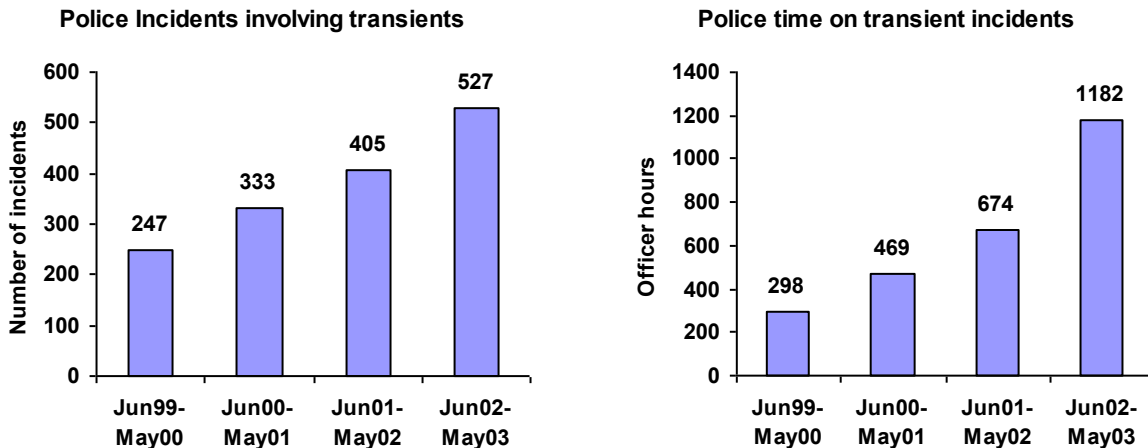
At one time or another during the past four years, 804 separate individuals reported their address to the Grand Junction Police Department in a formal police report as transient, whether they used the terms "transient" or "homeless" or provided an address of Catholic Outreach, Rescue Mission, or North Avenue Shelter.

GJPD arrests of transients



Law enforcement agencies, MCSO Jail, EMS, hospitals, parks, GJFD, Human Services, mental health organizations, substance abuse/rehab facilities, and Community Outreach organizations are all impacted because they have to devote resources to the transient population.

During the past four years (June 1999 – May 2003), the police department responded to 1,512 incidents that involved a transient as an arrestee, suspect, or victim, generating 2,511 police reports (a single incident with multiple arrestees generates multiple reports). Police officers devoted more than 2,622 hours responding to these incidents. For the most part, the growth in incidents has been the result of citizen calls for service rather than officer-initiated activities.



These incidents tend to concentrate at specific locations within the city that seem to attract transient individuals. For example, between June 1999 and May 2003 Whitman Park generated 668 CFS, of which 152 (22 percent) resulted in a transient arrest or involved a transient victim of a crime. By comparison, there were 270 CFS at Sherwood Park of which only two CFS (0.7 percent) resulted in a transient arrest or involved a transient victim of a crime.

WHAT WE HAVE DONE –

- Identified the location of 34 illegal camps within the city (on Watson Island, along riverfront trails, and on private property) and removed them through inter-department collaboration with the Parks and Recreation, Public Works, and Fire Departments.
- Frequently monitor the locations to ensure new (illegal) camps are not developed.
- Met regularly with Division Managers to plan collaborative projects.
- Participated with outreach and faith based service providers and organizations to better understand issues and challenges associated with homeless populations.
- Directed enforcement assignments of on-duty and overtime officers to high frequency complaint locations, totaling 235 hours since mid-February, the equivalent of one officer working full-time for 1 ½ months. Officers enforced codes and municipal ordinances associated with panhandling that interfered with traffic, liquor or drug violations, trespassing, and illegal camping.

- Assigned Neighborhood Beat Officers to identify and address associated behaviors in their respective beats.
- Collaborate with outside agencies, state and county, to better understand issues and develop plans and strategies to understand and mitigate issues associated with transient populations.
- The City Council, in objective 35 of its current strategic plan, has directed staff to “study the points of origin and destinations of transient homeless people”. Action Step B of that objective directs staff to “develop and implement a method to survey transients to gather more information about this issue”.

SUMMARY –

- The extensive community resources offered in Grand Junction have attracted and will continue to attract transient individuals.
- Citizens are most concerned about panhandling and the presence of unsightly transients. These are not unlawful behaviors. Consequently, new ordinances and increased enforcement will have limited impact.
- Not all members of the transient and homeless population are responsible for illegal behaviors. Rather, a finite number are responsible for the majority of illegal activity. The police department will continue to enforce against illegal camping, illegal panhandling, alcohol and drug violations, and other illegal behaviors.

CITY COUNCIL OPTIONS –

- Enact an ordinance against “aggressive panhandling”. While relatively few complaints of aggressive panhandling are received and other laws (such as harassment) have been used in the past, this ordinance would help us enforce against, and track, aggressive panhandling.
- Enact an ordinance establishing a quasi-judicial process to adjudicate individuals as “habitual drunkards” and prohibit the sale of alcoholic beverages to those individuals.
- Enact an ordinance prohibiting motorists from impeding traffic by giving money or other assistance to panhandlers.
- Enact an ordinance prohibiting the possession of any alcoholic beverages in specific city parks, namely Whitman, Emerson, and Hawthorne. Note: at present, drinkers may legally consume 3.2 percent beer in city parks.
- Enact an ordinance prohibiting the organized, large-scale distribution of free food or meals in city parks or other public places without the appropriate permit.
- Fund habitat reduction efforts to remove scrub and undergrowth along rivers. Not only would this remove habitat, it would make enforcement of trespassing ordinances more feasible and make people feel safer while using the paths along the rivers. This option would be very labor intensive and expensive. It is unknown where the transients would go if the riverside habitat is removed.

CONCLUSION –

Cities across this country are grappling with the transient issue without finding satisfactory solutions. This is a complex social problem that involves alcoholism, mental health, economic downturns, and other human factors. New ordinances and more police officers cannot solve this problem alone. Rather, Grand Junction must decide what kind of community we want. How generous and supportive does the City of Grand Junction want to be to homeless and transient individuals? The food, clothing, shelter, and cash contributions to transients foster the behaviors, both lawful and unlawful, that our community doesn't like to see. The more generous we are, the larger, more persistent, and more apparent the attendant problems will be.

It is essential for the City Council to make a much bigger decision – what is the proper role for the city in addressing the local transient issue. Does the City Council want to take a leadership role or allow the private and nonprofit sector to lead, in which case the city simply participates as a stakeholder? What existing and/or additional financial and staff resources does the Council want to commit to the issue? The conclusions developed in action step B of strategic plan objective 35 may prove helpful in making these decisions.