

LEGAL AND LEGISLATIVE COMMITTEE

APRIL 5, 2011

3:35 P.M.

Councilman Murphy, Chairman, called the meeting of the Legal and Legislative Committee to order with Councilmen Rico, Berz, Ladd, Scott, Robinson, Benson, McGary and Gilbert present. City Attorneys Michael McMahan and Phil Noblett and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Dan Johnson, Larry Zehnder, Vickie Haley, Daisy Madison, David Johnson, Ulystein Oates, Richard Beeland, Chief Parker, Mayor Littlefield and John Bridger.

On motion of Councilman McGary, seconded by Councilwoman Scott, the minutes of the previous meeting were approved as published.

CURFEW ORDINANCE

Chairman Murphy noted that everyone should have a copy of the Curfew Ordinance, which had been in place for many years, referring to Section 25-2. He stated that this might be dated and could be improved.

Attorney McMahan noted that this Ordinance was in effect before 1986 and amended in 1981; that we are facing problems today that were not contemplated earlier, and we needed to review and see if this Ordinance needs to be tweaked.

Chairman Murphy stated that we needed authorization for truancy and curfew; that we have officers stopping a minor and then can't contact their guardian and now we will have a safe facility, and the authorization to transport kids to it.

Attorney McMahan stated in addition to the curfew problem, we will also be addressing the issue of truancy; that there are methods of dealing with a child who is truant; that there has never been effective enforcement in Chattanooga; that we once had Truant Officers; that we have kids walking the streets who should be in school; then we have home schools and private schools, and we need to look at all procedures.

Councilman Benson stated that he had done some research on this when he thought it would be in his committee; that we need to put in some clauses for daytime curfew for children who should be in school; that philosophically any school-age child may be stopped by a policeman and can be asked where they are enrolled in school and if the school is open; that we need to do something about truancy on the streets; that we know break-ins are increased when kids are out of school, and we need to give the Police authority to roam the streets during daytime. He stated that home schools, private schools, and public schools need to be written in the Ordinance.

Councilman Rico stated that we needed to help the Recreation Centers to enforce this curfew; that there are problems in St. Elmo with juveniles breaking in, and we have no place to put them and that is why we have not been trying to enforce this. Now, he stated, we have a place to take these children.

Chairman Murphy noted that curfew and truancy laws are to protect children and are not about children getting into trouble. He asked if anyone had any concrete suggestions as to where this is going.

Councilwoman Ladd stated that she would like to see responsibility with parents and guardians included in some respect when we take these kids to a location; that she would like the guardians brought into court to pay a fine every time their child is picked up. She stated that she was proud to see CHA will start doing something on their end; that she definitely would like to see some responsibility for adults.

Councilwoman Scott stated that she liked much of this Ordinance and agreed that a \$50.00 fine to the parents is a good idea; that she hoped when we finalize that we would have wording to incorporate an educational component to explain to parents the “new world” and what will be required of them. She stated she did not know if kids carry ID’s with proof of their age—that if they were of the correct age, they would be carrying ID. She stated that a media release was needed to help parents understand that this is for real; that they need to know where their children are and if they don’t, there could be some problems. She stated that she knew people would say “I did not know”.

Councilman Rico asked Larry Zehnder to come to the podium to answer questions.

Mr. Zehnder noted that Councilman Rico took a tour of the facility today; that they had also had conversations with Judge Bailey, and she was very much in favor of doing something with the curfew and truancy issue. She stressed the importance of keeping records in dealing with parents; that she often did not have a lot of background information; that we needed to keep files and records so that she would have a basis in dealing with parents. He stated that every jurisdiction has its own curfew law. He again stressed record keeping. He went on to say that we are doing this because of the Coolidge Park issue and trying to match parents with children; this will put more teeth into truancy and curfew—this center, he stated, will be an important facility.

Councilman Rico encouraged all to visit this facility; that naysayers are saying “it won’t work”. He stated that he was sick and tired of people telling us “what won’t work”. He stated “tell me what **will** work”; that he was getting no answers as to what will work!

Councilman Gilbert stated that he had not been to the facility. He wanted to know who would maintain this center—would it be the Police or Parks and Recreation? Adm. Zehnder responded “yes”.

Mr. Zehnder went on to explain that the YMCA will also help; that they had many partners and experienced workers on their staff. Family and Children Services will also be involved. There will be a police officer present at all times and Judge Bailey has given us her telephone number; that today we are working through the policy and procedures and the “do’s and don’t’s”. He stated that the Police Department had three representatives present this morning, and we were being very prepared; that it would be good if no children are brought here; that there will be no criminal records—that it is more of a citation.

Councilman Gilbert asked if we were prepared to bring the “Cripps” and “Bloods” here?

Mr. Zehnder responded “no”—that if a crime has been committed, they will be taken to Juvenile Court.

Councilman Gilbert asked what if the “Bloods” and “Cripps” are involved and there is no crime?

Mr. Zehnder assured that the Police Dept. will review and interview people; that in some cases, kids would not be brought to the Prevention Center and also, there will be a Police Officer present to deal with this; that there probably would be a 2% chance that these individuals would be brought to this facility.

Chairman Murphy urged that Councilman Gilbert go view this facility, noting that there are smaller rooms where someone could be taken if a conflict begins; that they can keep kids segregated such as males and females and segregated by age also.

Councilman Gilbert noted that a “Quiet Room” is padded down and asked if a room like this would be put there; that sometimes five men can’t handle one adolescent.

Mr. Zehnder stated that they had talked about all kinds of things and the Police Officer will handle it if there should be a gang member—that they have a protocol that they follow; that he did not want to put his staff in a precarious situation either; that he felt confident they would be able to discern situations.

Councilwoman Robinson stated that the discussions that we are having now would suggest to her that this is a great thing; that she thought we should really convene a “Round Table Exchange” including the courts, schools and others to talk to us about what is in place; that what the Chattanooga Housing Authority is doing is good, and they needed to be at the table and also Parks and Recreation (who are the keeper of the keys)—that all of these entities needed to be brought to the table; that the schools can alert the police about problems and

some form of ID can be devised to find out why children are out of school; that kids are not causing problems. She stated that we needed an Intervention Program and needed more than our Ordinance. She stated that she would encourage this Round Table group to agree on a Rule Book or Guide Book and protocol on how we will proceed.

Chairman Murphy stated that he thought the Mayor had heard the community and the Council "loud and clear", and he is already three steps down the road; that this is not warehousing of children; that this may be our first contact with them.

Mayor Littlefield stated that we would be able to identify what is going on in the lives of kids; that they should not be out at 3:00 a.m.; that we had had two wake-up calls in Coolidge Park that had got our attention—that this had no similarity with the other tragic shootings; that there was an eight year old wandering around in the crowd. He went on to say that this had been an issue from time to time—that we had talked about curfew and always reached an impasse—"What do you do with them after they are picked up?" He went on to say that in this case, we have a facility that is available—that it is not meant to intimidate but does say "you might be in a little trouble". He stated that we would be addressing long time needs of the community, and it will be a learning experience.

He went on to say that Mr. Zehnder had suggested using the old precinct because he felt it had potential; that he hoped we would not have to use it very much, but it would be very adequate; that there had been some criticism because there would be video games—that we were not punishing the children—that it was not a Hilton but not a prison either; that it gives the Recreation Staff a chance to know the kids and have contact with them, and it gives us contact with Juvenile Court. He stated that Judge Bailey had told us the dividing line, and we will do pre-screening. He stated that this was good for the community and was new territory.

Chairman Murphy expressed appreciation to the Mayor for his willingness to address this; that we might be able to catch kids before they get to Judge Bailey; that there will be internal screening and outreach, and it will be a safe place for a child.

Mayor Littlefield stated that he never wanted to see another eight year old wandering around in a crowd where there is gun fire; that parents need to be responsible.

Councilman McGary stated that he had two comments. First, he wanted to commend the Parks and Recreation Department for their willingness to take on this task. He stated that he had done some brief research and Phoenix had a similar facility. Secondly, he stated that it was important to note Councilwoman Robinsons' interesting comment; that Councilwoman Ladd had said we needed to provide some alternatives for parents such as fines or community service or classes. He asked the maximum amount for a fine?

Attorney McMahan responded \$50.00; that we are trying to find parents who are neglecting their responsibility; that if a child has been abandoned by parents, they will be referred to Juvenile Court, and the Judge will sign an order to have them investigated and see what the family situation is; that there is a procedure for addressing problems.

Councilman McGary continued with a third comment. He stated that Councilwoman Robinson had commented on the establishment of a committee, stating that various groups were needed. He stated that he had a conversation with the Ochs Center and wanted to pass around something that was given to him; that cities across the county have "Crime Commissions" made up of various factors of the community, including a wide array of people; that essentially what this does is institutionalize a group to meet regularly and allows information to be funneled through different perspectives—that one group meets to funnel information. He felt that we should seriously look into such a group and see what such a group would look like; that he would provide a Reference Ordinance. He asked that we take this into consideration—not just when a crime occurs but to be an on-going group to be pro-active. He stated that he would pass a copy of this Reference Ordinance around—that it was something from Denver; that councilmembers could make copies, and it could be taken up later in Legal and Legislative Committee.

Councilwoman Scott asked if cameras would be stationed to record all that goes on in the Prevention Center? Adm. Zehnder responded that there would be nine cameras—that they would move four into the facility; that there should be plenty of security cameras.

Councilwoman Robinson stated that it would be a sad day when someone knocks on the door and wants to come in.

Adm. Zehnder stated that that would not be an unusual experience; that they would mentor the group and would become like a substitute parent; that the Staff does respond and there could be real spin-offs now that we will know the issues.

Councilwoman Robinson asked if everyone was in agreement about the "Round Table".

Chairman Murphy addressed the "Crime Commission", stating that it just could not be a body of the City Council. He stated that he thought we had a good discussion to start and that we should rely on our Mayor.

Mayor Littlefield stated that at some point we would want citizen input but right now we have a smaller group that is meeting; that they decided that we needed to bring in Juvenile Court; that he did not think the public wanted us to attack this with another committee or study; that the District Attorney had led this discussion in his office; that there is a Comprehensive Gang Model, and we are talking about a Prevention Center—that there are three elements in dealing with gangs—prevention, intervention, and suppression. He stated that we would establish the

Prevention Center; that people were meeting weekly and expanding; that public outreach would be next—that we did not need a committee or study. He went on to say that the Police have a Gang Unit and are working with agencies; that he was not saying we are doing all we should do. He asked the Council to be thinking about people who might play a role and make lists of these people; that the time would be coming soon to expand, and we had a lot of volunteers.

Councilman McGary stated that as he indicated, various groups are meeting; that he thought it was in our best interest to really get as much feedback as we can; that the more perspective we have, the better our Ordinance will be; that other cities are saying we have passed curfew and truancy laws, but no one knows what they are; that he thought we needed to bring in as many people as possible to strengthen this effort. He stated that the Denver Ordinance is serious about this and created funding—that they have active groups of individuals with funds; that we needed to look into this and better coordinate our jobs.

The meeting adjourned at 4:15 P.M.