

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

DATE: July 1, 2009

CALLED TO ORDER: 5:35 p.m.

ADJOURNED: 6:08 p.m.

ATTENDANCE

Attending Members

Ryan Vaughn, Chair
Bob Cockrum
Benjamin Hunter
William Oliver
Marilyn Pfisterer
Christine Scales

Absent Members

Vernon Brown
Mary Moriarty Adams

AGENDA

PROPOSAL NO. 158, 2009 - appoints Caroline Fisher to the Domestic Violence Fatality Review Team
"Do Pass" Vote 6-0

PROPOSAL NO. 160, 2009 - appoints Dena Simpson to the Domestic Violence Fatality Review Team
"Do Pass" Vote 6-0

PROPOSAL NO. 228, 2009 -appoints JoTherese "Jody" Doyle to the Citizens Police Complaint Board
"Do Pass" Vote 6-0

PROPOSAL NO. 235, 2009 - appoints Albert Serrano to the Domestic Violence Fatality Review Team
"Postponed" until July 22, 2009 Vote 6-0

PROPOSAL NO. 236, 2009 - approves an appropriation of \$4,768,903 in the 2009 Budget of the Department of Public Safety, Fire Division (Fire General Fund) to fund operating expenses for the balance of 2009 associated with the consolidation of the Perry Township Fire Department into the Indianapolis Fire Department, financed by Perry Township revenues
"Do Pass" Vote 6-0

PROPOSAL NO. 237, 2009 - amends the Code to restrict solicitation at intersections
"Do Pass" Vote 5-1

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

The Public Safety and Criminal Justice Committee of the City-County Council met on Wednesday, July 1, 2009. Chair Ryan Vaughn called the meeting to order at 5:35 p.m. with the following members present: Bob Cockrum, Benjamin Hunter, William Oliver, Marilyn Pfisterer and Christine Scales. Absent were Vernon Brown and Mary Moriarty Adams. Also present was Councillor Michael McQuillen.

PROPOSAL NO. 158, 2009 - appoints Caroline Fisher to the Domestic Violence Fatality Review Team

Ms. Fisher said that she coordinates the Center of Hope at St. Francis Hospital, which is a sexual assault center. As a sexual assault nurse examiner, she has seen her fair share of domestic violence, and she has been involved in the domestic violence arena in Indianapolis for quite awhile. She said she is excited about the opportunity to see what the community can do to better serve the women and children, and sometimes men. She said that maybe domestic violence would not be such a problem if it is addressed earlier at the family level.

Councillor Oliver asked if Ms. Fisher associates domestic violence solely with men violating women and children. Ms. Fisher answered in the negative and stated that she has experienced the other side of it in her family and is aware that it goes both ways. However, the statistics overwhelmingly indicate that men violate women.

Council Cockrum asked if Ms. Fisher's office is located at St. Francis South. Ms. Fisher answered in the affirmative.

Councillor Hunter moved, seconded by Councillor Pfisterer, to forward Proposal No. 158, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-0.

PROPOSAL NO. 160, 2009 - appoints Dena Simpson to the Domestic Violence Fatality Review Team

Ms. Simpson said that she has a professional partnership with the Domestic Violence Network as the Associate Director at the Salvation Army Social Service Center for the past 7 years, but has worked in the field for almost 12 years. She said there is definitely a need for this type of team, as 87% of the individuals that are served in the program (women, children and men) are victims of domestic violence and sexual assault.

Councillor Hunter moved, seconded by Councillor Scales, to forward Proposal No. 160, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-0.

Councillor Cockrum asked if Ms. Simpson is a resident of Carmel, Indiana. Ms. Simpson answered in the affirmative. Chair Vaughn said that he will review the requirements for this particular board to see if Ms. Simpson's residence is a problem and will get back with her.

PROPOSAL NO. 228, 2009 -appoints JoTherese "Jody" Doyle to the Citizens Police Complaint Board

Ms. Doyle said that her profession has been as a Registered Nurse. She said she worked at St. Francis Hospital in cardiology related fields for 20 years and for a cardiology practice for 14 years. She said she elected to take an early retirement and became very interested in police work. Therefore, she became a part of the Beech Grove Police Department's Citizen's Police Academy. She then participated in the Indianapolis Metropolitan Police Department's (IMPD) Citizen's Police Academy. Ms. Doyle said she later became active in the Southeast Task Force. She said she would be honored to serve the community in this capacity.

Councillor Hunter moved, seconded by Councillor Pfisterer, to forward Proposal No. 228, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-0.

PROPOSAL NO. 236, 2009 - approves an appropriation of \$4,768,903 in the 2009 Budget of the Department of Public Safety, Fire Division (Fire General Fund) to fund operating expenses for the balance of 2009 associated with the consolidation of the Perry Township Fire Department into the Indianapolis Fire Department, financed by Perry Township revenues

Valerie Washington, Chief Financial Officer (CFO), Department of Public Safety (DPS), said this is a bookkeeping matter related to the Perry Township merger. She said this is the details to appropriate funding so that the Perry firefighters can merge with the Indianapolis Fire Department (IFD), effective August 1. She said they are effectively taking the 2009 budget appropriation for the Perry Township Fire Department and appropriating 5/12 of that budget to cover August through December. She said they also worked with Jeff Seidenstein with the Office of Finance and Management (OFM) to appropriate the amount across characters to cover salaries, equipment and fuel. Afterward, there will be a reconciliation process toward the end of the year to ensure that enough money was budgeted.

Councillor Hunter asked if this is a cash flow issue. Ms. Washington answered that this is a cash flow and a timing issue, and they will get the revenue to back up this appropriation.

Councillor Oliver asked how this will balance out in the city's budget. Ms. Washington said that Perry Township appropriated their 2009 budget at a little over \$11 million. She said that they decided that the easiest approach would be to divide it into twelfths, and use five months of the Perry budget for IFD. She said this is a best guess, and they actually have a pretty good idea of what will be needed for salaries, other equipment purchases and other needs to operate Perry from August through December, but the revenue will come from Perry at the end of the year. She said they will reconcile with Perry in the event that it costs more than 5/12. Ms. Washington said this will not have an impact on the current Fire General Fund.

Counselor Pfisterer clarified that the 5/12 came from the fact that August through December is five months of the 12-month budget. Ms. Washington answered in the affirmative.

Councillor Cockrum stated that Perry contracted for their medical services, and asked if it is a one-year contract. He asked if Perry has to pay the contract through the end of the year.

Chief Sanford said there is a contract in place, but there is no money exchange on that contract. He said that contract will remain in place as a part of the agreement. He said that Rural Metro will keep the ambulance service through the end of the contract, which is 2010, unless there is the possibility of a better lease. Councillor Cockrum asked if IFD will have to pay for some of the Rural Metro contract. Chief Sanford answered that there is no cost associated with that contract. He said that Rural Metro provides the ambulance service, bills for the runs and then receives their compensation. He said this contract is paid by revenue received from ambulance transport, and is user-based.

Councillor Hunter moved, seconded by Councillor Oliver, to forward Proposal No. 236, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-0.

PROPOSAL NO. 237, 2009 - amends the Code to restrict solicitation at intersections

Councillor McQuillen said this proposal was originally introduced at the June 29, 2009 full Council meeting. He said he revised the resolution and inserted language that restricts panhandling within a 50-foot zone at any intersection controlled by an automatic traffic signal or stop sign. He said it also further restricts the holding or displaying of any signs soliciting food, work or other assistance. Councillor McQuillen said he has heard more complaints from citizens on this issue than almost any other complaint in the last couple of years. He said he has personally witnessed dozens of examples of individuals creating public safety problems through panhandling and soliciting motorists across the city, most notably at intersections around I-65 and interstate exits. He said this is an important public safety problem in his opinion.

Councillor Scales asked if this includes all non-profit agencies. Councillor McQuillen answered in the affirmative, and stated that it is his intention that there are no exceptions. Councillor Scales asked if there is a current ordinance that addresses this issue. Councillor McQuillen answered that there is, and the language that he is proposing is being inserted into that existing ordinance.

Councillor Pfisterer said that she has known of firefighters standing on the corners collecting money for Jerry's Kids, but she is unaware if any still participate. She said she supports this proposal, agrees with Councillor McQuillen and applauds him on this effort. She said that she agrees that it creates a traffic hazard.

Councillor Cockrum said that the firefighters used to do something such as this, but they discontinued those efforts when the original ordinance was passed. They now have a golf outing to raise money for charity.

Councillor Oliver said that he is uncomfortable with the broadness of this ordinance with respect to the words "conversation of discourse with the occupant of a vehicle in the roadway." Councillor McQuillen said that he believes that the language is broad because it does not really matter what the conversation is about, because someone standing on the median can be distracting other drivers and may cause accidents. He said that soliciting a donation or having a conversation is still putting the public at risk. Councillor Oliver said

that he is concerned that an innocent gesture can be misinterpreted with the way the ordinance is written. Councillor McQuillen said that he is sure that a trained officer would be able to decipher the difference between someone crossing the street and someone who is creating a public safety nuisance.

Councillor Oliver asked what prompted the desire to do this proposal. Councillor McQuillen answered that he has had several personal experiences with this problem and has received calls from several constituents throughout the county.

Councillor Pfisterer asked if there is any change regarding enforcement of this ordinance, and if IMPD or the police union has been contacted. Councillor McQuillen answered that there was much discussion with IMPD with the original panhandling ordinance that was done four years ago, and this is just a small change in that ordinance. He said he has spoken with members of the Administration and no one has seemed to be concerned about tightening it up a little bit. He said, with regard to enforcement, this will simply add to an officer's ability to enforce the violation, but it will not take precedence over more real crimes such as murder or burglary.

Councillor Hunter said this would be a lesser offense because it is a city ordinance, as it is already a misdemeanor to impede or stop traffic. Therefore, this will allow officers the ability to mitigate the situation instead of aggravating it by taking someone to jail or issuing a summons. He asked if Councillor McQuillen would be willing to consider an amendment to be offered on the floor of the full Council that would add some language to Sec. 431-702 that would exclude someone legitimately calling for help. Councillor McQuillen said that he would be willing to consider any amendments that would help alleviate any misunderstandings.

Chair Vaughn said that it was recently brought to his attention that this particular ordinance does not address some of the other problems that occur in traffic or solicitation-related issues, such as people sleeping on the sidewalk. He said that he is not sure that these particular issues should be addressed with this ordinance, but he asked the Committee to consider those problems for later discussion.

Councillor Oliver said that he supports preventing people from obstructing intersections, but he feels that preventing someone from asking for a cup of coffee may be too much.

Benjamin Wissell, citizen, asked what the fine or penalty will be for violation of this ordinance. Councillor Hunter answered that he believes that the fine is \$25. Mr. Wissell said that if someone is panhandling for money, chances are that they do not have the money to pay a fine. He asked how the ordinance will be effective if people cannot pay for the ticket. Councillor McQuillen answered that if a person begins accumulating unpaid tickets, they would eventually be subject to arrest and possibly prompted to seek other avenues of employment. Chair Vaughn said that he believes the intent is to give officers a tool to use as a dis-incentive for people who have a career in panhandling. He said he believes that the most effective way to use this ordinance is for officers to have the ability to inform people of the violation and the possible fine with a first-time warning to ultimately discourage them from performing the actions. Councillor Hunter said that Councillor McQuillen is correct

that the person can be arrested, and unfortunately, bodies of government cannot always forecast or worry about whether or not the fines can be paid. Mr. Wissell said he understands the intention behind the ordinance, but he feels that it is addressing a symptom and not solving a problem. And he said that in this economy, there are so many homeless people looking for a quick buck, and he understands how someone can feel the need to do this. Chair Vaughn said that Mr. Wissell raises an important distinction that was raised when boxes were put out in the downtown area urging people to donate to the box as opposed to the person. He said that the problem is that there are people who are considered “professional panhandlers” who make significant money taking advantage of people's goodwill and good fortune. Chair Vaughn said that the government regulates how people conduct their livings in every other fashion of work, and this is one way to ensure that the panhandling profession is not impeding on public safety.

Councillor Cockrum said he witnessed an issue in his district about a year ago, with about for people working an intersection with reflective vests. He said they were walking in between the traffic when people stopped at the light. He said that the police had to be called out to handle the situation.

Councillor Hunter moved, seconded by Councillor Scales, to forward Proposal No. 237, 2009 to the full Council with a “Do Pass” recommendation. The motion carried by a vote of 5-1, with Councillor Oliver casting the negative vote.

PROPOSAL NO. 235, 2009 - appoints Albert Serrano to the Domestic Violence Fatality Review Team

Councillor Scales moved, seconded by Councillor Pfisterer, to “Postpone” Proposal No. 235, 2009 until July 22, 2009. The motion carried by a vote of 6-0.

With no further business pending, and upon motion duly made, the Public Safety and Criminal Justice Committee of the City-County Council was adjourned at 6:08 p.m.

Respectfully submitted,



Ryan Vaughn, Chair
Public Safety and Criminal Justice Committee