

MEMORANDUM

CITY OF GRAND RAPIDS

DATE: December 15, 2022

TO: Eric Winstrom, Police Chief
John Lehman, Fire Chief
Kate Berens, Deputy City Manager
Doug Matthews, Assistant City Manager
Connie Bohatch, Managing Director
James Hurt, Managing Director

FROM: Mark Washington, City Manager 

SUBJECT: **City Manager Administrative Order 2022-03: Response to Problematic Behaviors to Improve Health and Safety Downtown and In Neighborhoods**

The City's "Safe Community" strategic priority is to make sure all people feel safe and are safe at all times throughout our community. Ensuring safety for the unhoused community involves a housing-first systemic approach that emphasizes getting people into temporary shelter, supportive services, and permanent stable housing.

To date, the City has responded with the following:

- Continued funding for homeless service and shelter providers.
- Allocating funding and support for the Affordable Housing Fund.
- Participation in the Continuum of Care, Essential Needs Task Force, Housing Kent and the Housing Stability Alliance and collective community-wide coordination and commitment for ending homelessness.
- Partnership with Network180 and other social service providers to ensure we address mental and behavioral health issues for the unhoused community.
- Creation of the Homeless Outreach Team (HOT).
- Partnership with Network180 for dedicated Mobile Crisis Response (co-response team) services to support the Police Department in responding to mental health calls.
- Enhanced focus on downtown public health issues, with the City's Public Works Department and Homeless Outreach Team partnering to improve responsiveness to sanitation issues.
- Partnership with Mel Trotter Ministries to operate a storage program to reduce the accumulation of personal belongings outdoors.
- Partnership with Downtown Grand Rapids Incorporated (DGRI) and others to make environmental design changes in public spaces to increase lighting, visibility and feeling of safety.
- Partnership with DGRI and independent City efforts to increase private security in and around Monroe Center and downtown parks.
- Partnership with DGRI in creation of a stand-alone, 24/7, year-round public restroom at Division and Weston.

- Improvements in Heartside Park that will include year-round public restroom facilities and recently approved upgrades to Veteran’s Park historic building that will include public restrooms.
- Funding for, and deployment of, public safety camera trailers at key times, locations and events.

Despite these efforts and progress, reports of problematic situations and behaviors have continued and calls for additional City responses have intensified. General concerns on behalf of unhoused persons have included exposure to cold weather and other hazards, as well as unmet mental and behavioral health needs. Specific behavioral concerns related to downtown safety that have been expressed to the City Commission include:

- Defecation and urination in public places
- Aggressive solicitation, including following and other threatening behavior
- Sleeping in public places, including at building entrances
- Leaving personal items unattended and general accumulation of items in public places
- Public intoxication
- Physical assault
- Trespassing
- Littering

While there has been some public advocacy for the City Commission to create new ordinance provisions to ban sitting or lying in public spaces and aggressive panhandling, there was no interest by the City Commission in creating new ordinance provisions as proposed but an overwhelming desire to utilize as many provisions as possible in the current City Code to address recent concerns.

Chapter 152 “Disorderly Conduct” of the City Code includes multiple provisions that regulate many of the reported types of problematic behaviors. They are as follows:

<u>Section</u>	<u>Offenses</u>
9.132(1)	Commit an assault or battery upon another person
9.132(2)	Molest another person
9.132(4)	Willfully obstruct free or uninterrupted passage in any street, on any sidewalk, in any public place or in any other place to which the public is admitted
9.133(1)	Trespass upon the premises of another or unlawfully remain upon the premises of another to the annoyance or disturbance of the lawful occupants
9.133(2)	Prowl about the premises of any other person in the nighttime without authority or the permission of the owner of such premises
9.133(3)	Lurk, lie in wait or be concealed in any business, yard or other premises with intent to commit any crime or offense whatsoever
9.133(4)	Willfully, wantonly or recklessly damage, destroy, alter or deface public property or the property of any other person
9.133(5)	Take or remove or attempt to take or remove any property not his or her own

9.133(6)	Obtain goods or money by fraud, trick or under false pretenses
9.133(7)	Meddle with, tamper with, interfere with, move, damage or disconnect any property not his or her own
9.133	Willfully, wantonly or recklessly damage, destroy, alter or deface public property or the property of any other person
9.133(9)	Expectorate, urinate, defecate or perform any other act which creates a hazardous or deleterious condition in any public place or upon the property of any other person. (This section shall not apply to public restroom facilities.)
9.134(1)	Be in a state of intoxication in a public place endangering directly the safety of another person or property
9.134(2)	Be in a state of intoxication in any public place in a manner that causes a public disturbance
9.136(1)	Engage in peeping in the windows of any inhabited place
9.136(2)	Make an indecent exposure of his or her person
9.136(5)	Loiter in any public building or in any other building or premises owned by another person after having been requested to leave by the lawful owner or occupant or a representative of the owner or occupant
9.137(1)	Create or engage in any disturbance, fight or quarrel in a public place

Effective immediately, I am directing the Police Chief to utilize existing ordinances and resources, consistent with applicable state and federal statutes and case law, to respond, monitor, de-escalate, and – where necessary – take other enforcement actions against violations that threaten public health and safety.

Other existing code references relevant to the reported problematic behaviors include the following:

<u>Section</u>	<u>Offenses</u>
<i>Michigan Vehicle Code</i>	
257.676b	(1) A person, without authority, shall not block, obstruct, impede, or otherwise interfere with the normal flow of vehicular, streetcar, or pedestrian traffic upon a public street or highway in this state, by means of a barricade, object, or device, or with his or her person.... (4) A person who violates this section is responsible for a civil infraction.
<i>International Fire Code</i>	
1003.6	Obstructions shall not be placed in the minimum width or require capacity of a means of egress component (such as a doorway)
<i>City Code, Chapter 25 "Solid Waste Management"</i>	
2.6	Litter and Accumulation - No person shall throw or deposit any Garbage or Rubbish upon or into any street, alley or other property, public or private. It shall be the duty of every occupant of property and of every owner of unoccupied property at all times to maintain the Premises occupied or owned by him or her, in a clean and orderly condition, permitting no deposit or accumulation of Garbage or Rubbish upon such Premises.
<i>City Code, Chapter 41 "Parks and Recreation"</i>	
3.8	It shall be unlawful for any person, except those persons authorized by the Director of Parks and Recreation, to enter, be in or remain within

	the public parks after sunset on one day or before sunrise on the following day
3.14	No person shall start, accelerate, furnish fuel to or approach an open fire in any public park (does not apply to cooking food in a grill)
3.24	No person shall consume, possess, or bring into any City Park or other area under the jurisdiction of the Parks and Recreation Department any beer, wine, liquor, malt or any other alcoholic beverage (unless permitted by the Director in designated locations)
3.25	No person shall camp, conduct or participate in an overnight outing or any similar activities in a City Park or other area under the jurisdiction of the Parks and Recreation Department. The use of tents, trailers, motor homes is not permitted in City Parks.
<i>City Code, Chapter 151 "Nuisances"</i>	
9.92	No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles
9.98	No person shall throw or deposit litter in any park within the City except in public receptacles
9.108	Personal property of any kind, including but not limited to personal belongings, interior furnishings and equipment, shall be deemed to be abandoned, of no value and unlawful if placed at or left for more than twenty-four (24) hours on any public right-of-way or on any part of a property lying between the principal building and a public right-of-way, except as specifically permitted

Effective immediately, I am directing all departments involved in enforcing these codes to respond to, de-escalate and remedy violations of these codes and enforce them when there is a threat to public health and safety.

Further, I am directing the Fire Chief, Assistant City Manager, and Managing Director of Public Services to establish procedures and protocols for identifying, tagging, and storing retrieved items that are left unattended.

Further, I am directing the Assistant City Manager and Managing Director of Public Services to implement an intensified cleaning program in certain corridors throughout the city.

Further, I am directing the Deputy City Manager to evaluate the effectiveness of these intensified responses, consider potential adjustments, and report that information to me on a bi-weekly basis.

Finally, all employees are expected to ensure that complaints/concerns are referred to the appropriate department/area as outlined below and that they are responded to as quickly as possible.

What's Happening?	What Can I Do?
Someone is creating a safety concern, conducting illegal activity, or is violent.	Contact GRPD at 616-456-3400 or 911 in emergencies.
Someone is sleeping in an alcove, on the sidewalk, or other public space.	Contact the Homeless Outreach Team (HOT) at 616-456-4240 or at grhot@grcity.us in non-emergency situations. HOT currently operates from 6:00 am to 6:00 pm. Call 911 if a person is non-responsive, needs medical attention, or another emergency situation.
Someone is urinating or defecating outside in a public space.	<p>Contact GRPD at 616-456-3400 or 911 if the situation is actively occurring.</p> <p>For cleanup of the sidewalk or other public space, call 311 or 616-456-3000 to submit a service request to Public Works.</p> <p>For cleanup of private property, contact DGRI at 616-250-8263 to assist with cleaning in the Downtown Improvement District boundaries.</p> <p>Contact HOT at 616-456-4240 if the individual is believed to be homeless.</p>
The area around the doorway or storefront is unclean.	<p>Apart from cleaning done by property or business owners, additional cleaning services and resources vary by location.</p> <p>For cleanup of the sidewalk or other public space, call 311 or 616-456-3000 to submit a service request to Public Works</p> <p>For cleanup of private property, DGRI can assist in the Downtown Improvement District (DID).</p> <p>Next Step of West Michigan provides additional cleaning services in the Burton/Division block of Burton Heights.</p>
Someone refuses to leave or was banned from my property and returned.	<p>If a property owner or representative asks a person to leave the property and they refuse, contact GRPD at 616-456-3400 or 911 in emergencies. When an officer arrives, make the request again in their presence. Trespassing can then be enforced. Maintain a record of individuals who are trespassed from the property.</p> <p>If a person is banned from the location, be sure it has been communicated to them. If they return, contact GRPD for assistance. You will need to provide at least verbal confirmation to the officer that the person was banned from the property. Maintain a record of individuals who are banned from the property.</p>
Someone is spending long periods of time in a public space near my residence or business.	Loitering is not illegal. People can typically remain on or in public spaces. One exception is public parks cannot be used after dark unless otherwise approved by the Parks Director.
Someone asked me for food or money in the street.	Panhandling is not illegal in the State of Michigan or the City of Grand Rapids.

<p>How to prevent crime and reduce nuisance behavior near my property.</p>	<p>Lighting, cameras, space activation, targeted and routine cleaning, and inaccessible electrical outlets help prevent unsafe and/or undesirable behavior.</p> <p>The City provides free CPTED (Crime Prevention Through Environmental Design) Assessments. Contact Julie Niemchick at jniemchick@grand-rapids.mi.us for assistance.</p> <p>Trespassing enforcement can be done on private property, including parking lots, doorways, lobbies, private stairwells, etc.</p>
<p>Resources for cleaning and hospitality</p>	<p>Contact the Downtown Ambassador team with DGRI at 616-250-8263.</p> <p>Services available in the Downtown Improvement District (DID) are cleaning, maintenance (fix benches, trash cans, etc.), beautification, hospitality, and limited graffiti removal.</p> <p>Services available in the Downtown Development Authority (DDA) are hospitality and limited graffiti removal.</p>
<p>General questions about homelessness in Grand Rapids</p>	<p>Call 311 or contact Tammy Vincent, Homelessness Coordinator, tvincent@grcity.us</p>

This order is effective immediately and continues until further notice.