



MEMORANDUM

To: Mayor and Council Members
From: Joseph L. Lessard, Assistant City Manager
Subject: Camping Ordinance
Date: March 14, 1997

Dealing with the homeless/transient situation is a complex issue, not just locally, but nationwide as well. It is doubtful that any law or ordinance can be written that will solve all the problems associated with this social issue. However, need still exists to deal locally with some problems connected to homelessness. The camping ordinance is one such example.

Austin's camping ordinance has been partially effective. It has provided tools with which to move violators away from business areas. This movement has resulted in fewer citizen complaints about the homeless such as sleeping in doorways, public indecency and soliciting. Yet, in many instances, problems were simply relocated.

Between January 1996 and February 1997, 2,067 camping ordinance violations were filed through Municipal Court. Of these, seven were dismissed, six individuals were found not-guilty, and 1,283 cases are still pending. For the 785 individuals found guilty, 686 received "jail credit time" as payment of their fine, in whole or in part. Offenders are then free to return and pick up where they left off prior to their arrest.

A recent American Statesman article addressed citizen concerns along Shoal Creek. A segment of the homeless population lives in the thickets and brush, making it more difficult for effective enforcement of the ordinance. Additionally, there have been complaints about some homeless ending up in citizens' backyards in an effort to further conceal themselves and avoid arrest. Subsequently, police officers have been actively seeking out these well-hidden locations, resulting in a significant use of police resources.

In essence, the ordinance has been effective in moving the problem out of easy public view. But the problem prevails. For some members of the community, it has moved from being a remote social issue to a very personal concern. Offenders are arrested, released and quickly return, causing the problem to continue in perpetuity. Yet, if the City were without the tools provided through the ordinance, the problem public camping poses would grow exponentially.

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