

City of Cambridge

CIVIC UNITY

In City Council January 13, 2003

COMMITTEE MEMBERS

Councillor Marjorie C. Decker, Chair

Vice Mayor Henrietta Davis

Councillor E. Denise Simmons

The Civic Unity Committee conducted a public meeting on Wednesday, December 18, 2002 beginning at 5:02 p.m. in the Ackermann Room for the purpose of discussing enforcement of panhandling, public drinking and drug activity in and around Central, Harvard and Porter Squares.

Present at the meeting were Vice Mayor Henrietta Davis, Councillor E. Denise Simmons and Margaret Drury, City Clerk. Also present were Richard Rossi, Deputy City Manager, Police Commissioner Ronnie Watson, Police Superintendent David Degou, Police Lieutenant Michael Walsh, Len Thomas, Director of the Cambridge Multi Service Center for the Homeless, Gail Enman, Executive Director of CASPAR, Laura Booth and Tina Alu, Cambridge Economic Opportunity Committee (CEOC) and Elaine DeRosa, Executive Director of CEOC.

Councillor Simmons opened the meeting with the topic of panhandling. Laura Booth asked about the demographics of the current panhandlers. Commissioner Watson said that most of the panhandlers use the money they are given to purchase drugs. Len Thomas said that many of the panhandlers are people who have been there for years, but now there are more panhandlers, and he is seeing new faces. He said that, as a general policy, he does not give money to panhandlers and that he believes that there will always be panhandlers. He added that the coupon system, in which people who want to assist panhandlers purchased coupons that could be redeemed for food, did not work.

Vice Mayor Davis distributed copies of a newspaper article about Northampton's attempt to deal with its increasing panhandling population by distributing canisters in stores along with signs urging citizens to use the canisters to donate funds to programs for the homeless rather than to individual panhandlers (Attachment A).

Gail Enman explained that the panhandler population in Central Square includes both newly homeless people and people who are not homeless. Because of budget cuts, CASPAR's Albany Street shelter is now closed during the daytime, except for homeless persons who are too ill to stay on the streets during the day. So there is now in Central Square a new population of homeless persons who use to spend nights and days at Albany Street, still spend nights there but are not medically compromised enough to be there during the day. Ms. Enman also said that the newer and younger population of heroin users means that there is a new younger homeless population. Commissioner Watson noted that the homeless population also includes ex-offenders released from prison who have no place to go.

Councillor Simmons asked whether the increase in the homeless population in the square is a direct result of the cut in services caused by reductions in the state budget. Ms Enman answered in the affirmative and added that hard economic times have also contributed.

Vice Mayor Davis emphasized the importance of informing poor people about the earned income tax credit and helping them to apply. Mr. Thomas said that NSB, a national organization of college students committed to assisting poor people to take advantage of this credit, has established an office at the Multi Service Center to help people with the application.

Commissioner Watson said that the members of the city staff who formed the multidisciplinary task force to provide a comprehensive report on homelessness to the City Council have continued to meet. The task force recently looked over the recommendations in the report, but there have been so many state budget cuts since the report was written that many of the services recommended no longer exist. He then distributed updated statistics about arrests in the various Cambridge squares (Attachment B) and crime involving homeless persons in Cambridge (Attachment C).

Councillor Simmons observed that walking down the sidewalk in Central Square can feel like running a gauntlet of all the panhandlers. Commissioner Watson said the increase in panhandling is happening all over the country, but that legislation that criminalizes panhandling is not a solution – there is already no room in jails and prisons for all those charged with more serious crimes. Ms. Enman added that there are no residential treatment slots available; there is a six-month waiting list.

Commissioner Watson commended the joint effort of the City Manager and the Cambridge Health Alliance to fund daytime operation of the Albany Street shelter for medically compromised homeless persons. He noted that many of these persons would have otherwise ended up in the emergency room at much greater cost to the Health Alliance and the City.

Ms. Enman observed that the cuts in funding may result in a closer look at opportunities for stopgap collaborations among various social service entities. For example, CASPAR has a street outreach program. It does not dispense food; there is no funding for food although there is funding for the outreach workers who could dispense food to the homeless individuals on the street. There is an open question as to whether such a program would reduce panhandling. Boston distributes food and blankets to homeless persons on the street; Cambridge has always taken the position that it is safer and better for homeless persons to bring them in off the street where it is warmer and they can get more services. Also, the litter created by Boston's distribution program has tended to increase citizen animosity to assisting the homeless. However, the lack of funds may mean that agencies have to rethink some of these decisions.

Councillor Simmons said that she would be interested in trying a pilot program in which CASPAR dispenses food to homeless persons and the effect on panhandling in the area is studied.

Commissioner Watson said he believes a campaign that channels public donations to organizations is needed. In meeting with Central Square business people, he found that they were looking for a way to help homeless people and also eliminate panhandling.

Mr. Thomas pointed out that the panhandlers whose goal is to collect the \$20 per day that they live on do not want sandwiches; they want their \$20. He does not believe that setting up a mechanism like that in Northampton, with signs and canisters and publicity and additional social workers, will end panhandling in Cambridge.

Vice Mayor Davis asked what the law provides with regard to panhandling. Commissioner Watson said that there is a common misperception that “aggressive panhandling”

is against the law. It is not against the law unless it rises to the level of assault. Cambridge attempted to enact a strict panhandling law several years ago, and the court struck it down.

Vice Mayor Davis said that if you convince people not to give money, panhandling becomes less profitable, and panhandlers will go elsewhere.

Councillor Davis said that she believes that people who are panhandling for food should be able to eat. She suggested combining adequate distribution of food to the homeless with a campaign like that of Northampton.

Ms. Booth asked what daytime feeding programs currently exist. Mr. Thomas responded that the Salvation Army and Shelter Inc have feeding programs, but inebriated people cannot go there. Ms. DeRosa stressed the importance of getting people who are drinking alcohol to eat something. Mr. Rossi noted that this is really a case management issue, which goes back to the state funding cuts.

Commissioner Watson said that the multidiscipline task force should review the recommendations in light of the funding and service cuts.

Vice Mayor Davis agreed and suggested that perhaps this committee should invite the task force to a committee meeting after they have had a chance to review their recommendations and discuss the matter.

Councillor Simmons thanked all those present for their attendance and participation. The meeting was adjourned at 5:25 p.m.

For the committee,

Councillor E. Denise Simmons, convening member



Councillor Marjorie Decker, Chair



A1

For liberal bastion, a quandary

Northampton debates curbs on panhandling

By Sarah Schweitzer
GLOBE STAFF

NORTHAMPTON — In this Western Massachusetts pocket of progressivism, where love and peace are words regularly invoked at public meetings, a crisis of conscience has erupted over what to do about panhandlers increasingly flocking here, drawn by the city's reputation as a font of dime-sparers.

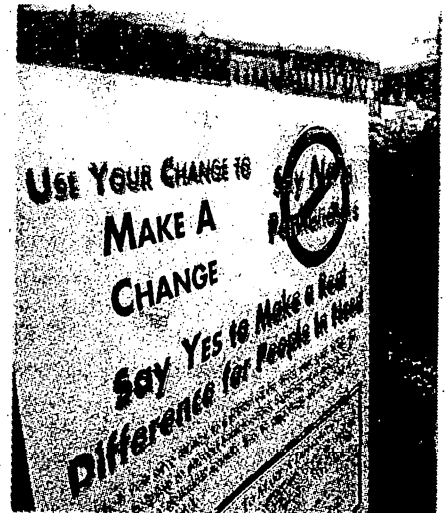
Main Street's sidewalks have long been a quirky amalgam of bistro-hopping tourists and purple-haired renegades. The poor, too, have been a mainstay, accepted — welcomed, even — by

residents as a hallmark of the city's tolerance and generosity of spirit.

But the inundation of beggars in the last year, which officials attribute to cuts in state aid to the poor, has created a moral dilemma. Some say the swelling ranks of panhandlers are beginning to be bad for business. And yet, how could a city like Northampton crack down without violating its very sense of self?

After a string of meetings and much hand-wringing by the police chief, the mayor, the Chamber of Commerce, and social service providers, city officials decided to post signs in store windows advising residents not to give directly to panhandlers, but rather, to canisters on store counters. Money collected in the canisters will be forwarded to social ser-

PANHANDLING, Page B4



GLOBE PHOTO/TERRI CAPPUCCI

A sign in a store window in Northampton asks shoppers not to give money to panhandlers.

A city debates curbs on begging

► PANHANDLING
Continued from Page B1

vice agencies. Two social workers have agreed to help panhandlers find assistance. Meanwhile, police, with funding from the Chamber of Commerce, will step up patrols along the rows of boutiques and coffee shops in a display meant to politely but firmly suggest that loiterers move on.

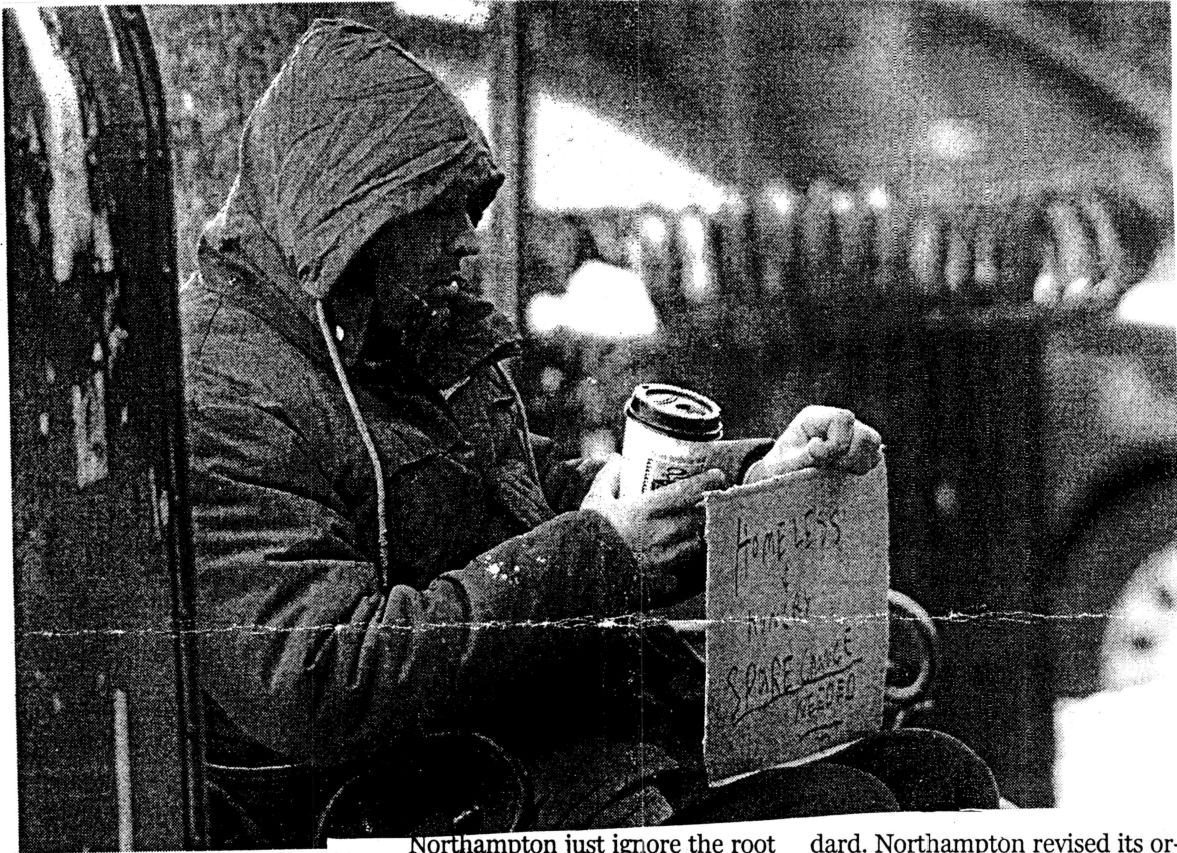
"Some people felt that we shouldn't interfere," said Mayor Mary Clare Higgins. "But you know, I think this is the right move. We have a very active downtown and we need to make sure that everyone can do what they need to do — including the panhandlers, whom we are happy to have here."

The issue of panhandling is an increasingly high-profile one across the country as downtowns attempt refurbishments and glance enviously at shopping mall competitors, which sit on private property and can more easily restrict panhandlers without violating First Amendment provisions.

In Northampton, downtown stores in recent years have struggled with the incursion of big box stores, like Wal-Mart, in a neighboring town. Two malls are also luring customers away.

"This is town, a community," said A. J. LaFleur, owner of Mountain Goat, an outdoor gear store on Main Street, who wanted greater definition of laws regulating panhandling. "It's a delicate thing. We're not like the malls that can throw the panhandlers out, or the Internet, which has no panhandlers."

Regulating begging is especially delicate in Northampton, a city of just 29,000 with a multitude of opinionated factions. One part, nicknamed Hamp, is made up of longtime locals and mostly working- and middle-class families; another section, called NoHo, includes largely well-educated and liberal-minded newcomers. Then there's the Smith College crowd and a contingent of lesbian couples, the third largest in the state, according to the 2000 census.



It's a place of high sensitivity and so much as a whisper of disparate treatment can provoke protests large enough to stall the entire city. A proposal last year to ban motorcyclists from parking in front of a store on Main Street was scrapped after one such protest.

It is also a place where the police chief is not above conferring with the American Civil Liberties Union.

"I'm here to protect everyone's rights, not just the people who want people taken off the street," said Chief Russell Sienkiewicz, who noted that the ACLU sided with his reasoning. "I have to say: 'Loitering is not illegal. Panhandling is not illegal.' These people have a right of assembly like everyone else."

The city's solution has so far brought acclaim from several quarters. The local ACLU representative is thrilled, as are some inveterate progressives.

"People have a right to stand on a corner and ask for money, but people have an equal right to say no," said Jim Levey, a resident and local activist. "The city is giving them [residents] an opportunity to help out the needy and, at the same time, not feel so bad about saying no."

Some critics (who hasten to make clear that they don't mean to bad-mouth the plan specifically) say that steps like those taken in

Northampton just ignore the root problems of poverty and a lack of good government services for the poor.

"We wouldn't have panhandlers, we wouldn't have homeless people if we weren't spending money on war," said Frances Crowe, a resident of Northampton for 53 years and well-known activist. "I am working to change my society, not Band-Aiding it." She added, "I don't go downtown. I'm too busy trying to stop the war."

Still, some are fuming, calling the measure a flagrant infringement of rights.

"The whole thing of 'Don't give money' is patronizing and coercive," said Wilton Hall, a bookstore worker, former panhandler, and member of the Freedom Center, an advocacy group for the mentally ill. "We have a beautiful thing going on in Northampton, and people come here for that. If poverty makes people uncomfortable, too bad."

The laws in Massachusetts governing panhandling are restrictive, moreso than other states. The Supreme Judicial Court in 1997 held that peaceful panhandling is a protected form of speech and threw out a 166-year-old state vagrancy law that the City of Cambridge had relied upon to arrest a panhandler in Harvard Square.

Cities and towns have since had to refine ordinances and tailor policies to meet that legal stan-

dard. Northampton revised its ordinances a few years back, replacing a loitering law with one designed at the time to deal with a proliferation of teens playing Hackey Sack, the mini bean-bag tossed foot to foot. The ordinance makes obstructing the sidewalk or store entryways a violation of law.

In recent months, merchants argued for stronger laws. But city officials and others say current ordinances are sufficient to deal with the new influx of panhandlers and argue that anything stronger would run afoul of the SJC's ruling. The police chief says the results from the new efforts are already showing.

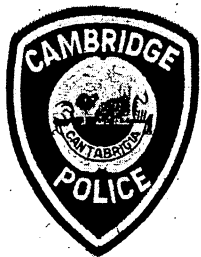
On a recent day, there were only a few people on Main Street asking for spare change.

Also, while some residents worry that Northampton's response to panhandlers represents a worrisome shift in the city's liberal tradition, others say the mantle of do-gooding, at times like these, may be too much to carry.

"This is a liberal, progressive place, almost to a fault," said Jon McGee, operations manager at Thornes Marketplace, a downtown indoor shopping court. "When we come out as not doing things that are super-liberal, we're seen as hypocritical. That's frustrating."

Sarah Schweitzer can be reached at schweitzer@globe.com.

B



Cambridge Police Department

Ronnie Watson • Police Commissioner
 5 Western Avenue, Cambridge, MA
 (617) 349-3300 (telephone), (617) 349-3320 (fax)
**Statistics compiled by the Crime Analysis Unit*



Number of Arrests in the Squares for Public Nuisances

2001	Crime	Harvard Sq.	Central Sq.	Inman Sq.	Kendall Sq.	Porter Sq.
	Drinking in Public	6	5	2	0	1
	Drugs	24	41	22	2	8
	Disorderly Person	15	18	5	3	3
	TOTAL	45	64	29	5	12
2002	Crime	Harvard Sq.	Central Sq.	Inman Sq.	Kendall Sq.	Porter Sq.
	Drinking in Public	8	11	2	0	3
	Drugs	14	31	8	5	8
	Disorderly Person	13	13	1	0	6
	TOTAL	35	55	11	5	17

Homeless Persons in Cambridge

January 1st to December 7th, 2002

Homelessness has been evident in the city of Cambridge for years, and accounts for a considerable amount of activity throughout the city. Since the beginning of 2001, there have been 455 arrests of homeless persons, which accounts for 18% of the arrests made throughout 2001-2002 time span. Many of the offenders are repeat offenders, and many are know to the city. High traffic areas usually produce the highest amount of homeless persons, such as Central Square, Harvard Square, Porter Square, as well as areas where there are shelters such as 240 Albany St. The following report depicts what crimes have been occurring in Cambridge, and by which homeless persons. This information is broken down numerically and spatially, and highlights the top homeless offenders based on past offenses.

Crime	2001 Arrests	% of total 2001 arrests for this crime	2002 Arrests	% of total 2002 arrests for this crime
Assault – Aggravated	4	4%	15	12%
Assault – Simple	15	14%	8	6%
Auto Theft	1	1%	0	N/A
Burglary – home or business	6	6%	7	6%
Burglary – from motor vehicle	2	2%	3	2%
Disorderly/Affray	8	7%	3	2%
Drinking in Public	11	10%	14	11%
Driving Offenses	0	N/A	1	1%
Forgery/Fraud	1	1%	3	2%
Indecent Exposure	2	2%	4	3%
Larceny/Theft (excluding shoplifting & larceny from MV)	3	3%	1	1%
Narcotics Possession/Sale	10	9%	12	10%
OUI	0	N/A	1	1%
Peeping & Spying	1	1%	0	N/A
Rape	0	N/A	1	1%
Receiving Stolen Property	2	2%	2	2%
Robbery	4	4%	4	3%
Shoplifting	26	24%	36	29%
Trespassing	7	6%	5	4%
Vandalism	3	3%	2	2%
Violation of Restraining Order	1	1%	1	1%
Warrants	2	2%	1	1%
TOTAL	108		124	

Crime

The Crime Analysis Unit (CAU) understands that the complaint of the average citizen or business is “visible” problems such as public intoxication, aggressive panhandling, and sleeping on public benches – *not* criminal incidents. However, the CAU suspects that if the average citizen or business comprehended the extent of crimes committed by homeless individuals – particularly in the Central Square area – their priorities would rapidly shift. Here are some quick facts:

- ▶ 18% of all arrests from January 1, 2001 to December 7, 2002 in our arrest database involve an offender who gives his/her address as “homeless” or as one of the known shelters in Cambridge, Somerville, or

9

Boston. We expect this percentage would be higher if we broadened our search to include shelters in other cities and towns, but we do not have all of this address data.

- ▶ The most common address given by someone arrested in Cambridge is 240 Albany St., accounting for 40% of the homeless arrests since January 1st, 2002. The second most common is simply "homeless".
- ▶ Four out of five most common addresses given by persons arrested in Cambridge indicate homelessness or residence at a homeless shelter (the fifth, which is a short-term residences on Mass. Ave., indicates transience but is not counted in our "homeless" statistics).

Though accounting for about .5% of the population in Cambridge, homeless individuals make up 18% of the total arrests. Crimes influenced heavily by vagrant activity include simple assault (usually homeless fighting each other), burglary of homes, businesses, and automobiles, disorderly conduct, drinking in public, indecent exposure ("flashing" or public urination), and trespassing. In June of 2002, a known homeless man was arrested on Putnam Ave. for possession of heroin and again in August for brutally beating a woman he was staying with. The attacker used a baseball bat to cause sever facial trauma to the woman, requiring extensive reconstructive surgery.

Crime concerns dealing with the homeless and vagrancy since the beginning of 2002 include the following:

- ▶ **Shoplifting** consisted of the most frequent crime in 2002 with 33 arrests of homeless individuals. 2001 also recorded the greatest number of arrests of shoplifting with 31 incidents out of the total. The Cambridge-side Galleria, Harvard Square's, and Central Square's plethora of retail establishments are sure bets for shoplifting, as they were in over 50% of the arrests in 2001-2002.
- ▶ The majority of **aggravated assaults** involving the homeless involve altercations, fights, and use of deadly weapons against other homeless individuals. The major hotspot over the past two years has been in and around Harvard Sq. Areas near the shelters are also hot spots for assaults, including an incident in early April when two residents of 240 Albany St. got into a physical fight outside of the shelter. Stemming from a verbal argument, the assailant lunged toward the victim, put him in a 'choke-hold' against a brick wall and assaulted the victim. Other hotspots include Central Square and Porter Square where arguments more frequently break out when alcohol is involved. Frequently, volatile situations arise after a domestic altercation and/or when service is denied at a local bar or liquor store.
- ▶ **Trespassing** arrests are usually the result of sleeping in ATMs, attempting to enter commercial locations that these persons have been denied access to, as well as going onto campuses like M.I.T. and into their buildings. So far in 2002, nine arrests of homeless persons have been made, including an incident in the middle of May when two men from 240 Albany St. were found in a bus owned by the Union Baptist Church, which they had been living in; and boarded up so that they could not be seen.
- ▶ **Disorderly/Affray** incidents involve situations that range from not cooperating with the police, acting belligerent due to intoxication, yelling obscenities, to urinating in public. All of these incidents thus far in 2002 took place in Central Square, largely due to the fact of the availability of liquor.
- ▶ **Simple Assaults** usually occur for such similar reasons as aggravated assaults. Arguments develop as the result of domestic situations, usually when liquor is involved and are also between two or more homeless people. Half of the arrests for this type of crime took place in Central Square.
- ▶ **Drinking in Public** is most commonly done in areas such as Central Square, Harvard Square, and in parks such as Sennott and Vellucci. Over fifty percent of arrests in 2002 occurred in Central Square, two of which took place in Sennott Park. Six of the eleven arrests so far in 2002 were executed during the warmer months of the year, from May to July.

**The 5 Most Common Addresses
Given by Persons Arrested in
Cambridge Since January 1st, 2002**

240 Albany St. (CASPAR)	50
"Homeless"	49
Long Island Shelter, Boston	3
Pine Street Inn, Boston	3
Other Shelters	8

Offenders

The offenders in Cambridge whom are homeless are usually know to the Cambridge Police Department, and many of the offenders have a criminal record that dates back to years ago. The following are some statistics on this population with the city of Cambridge:

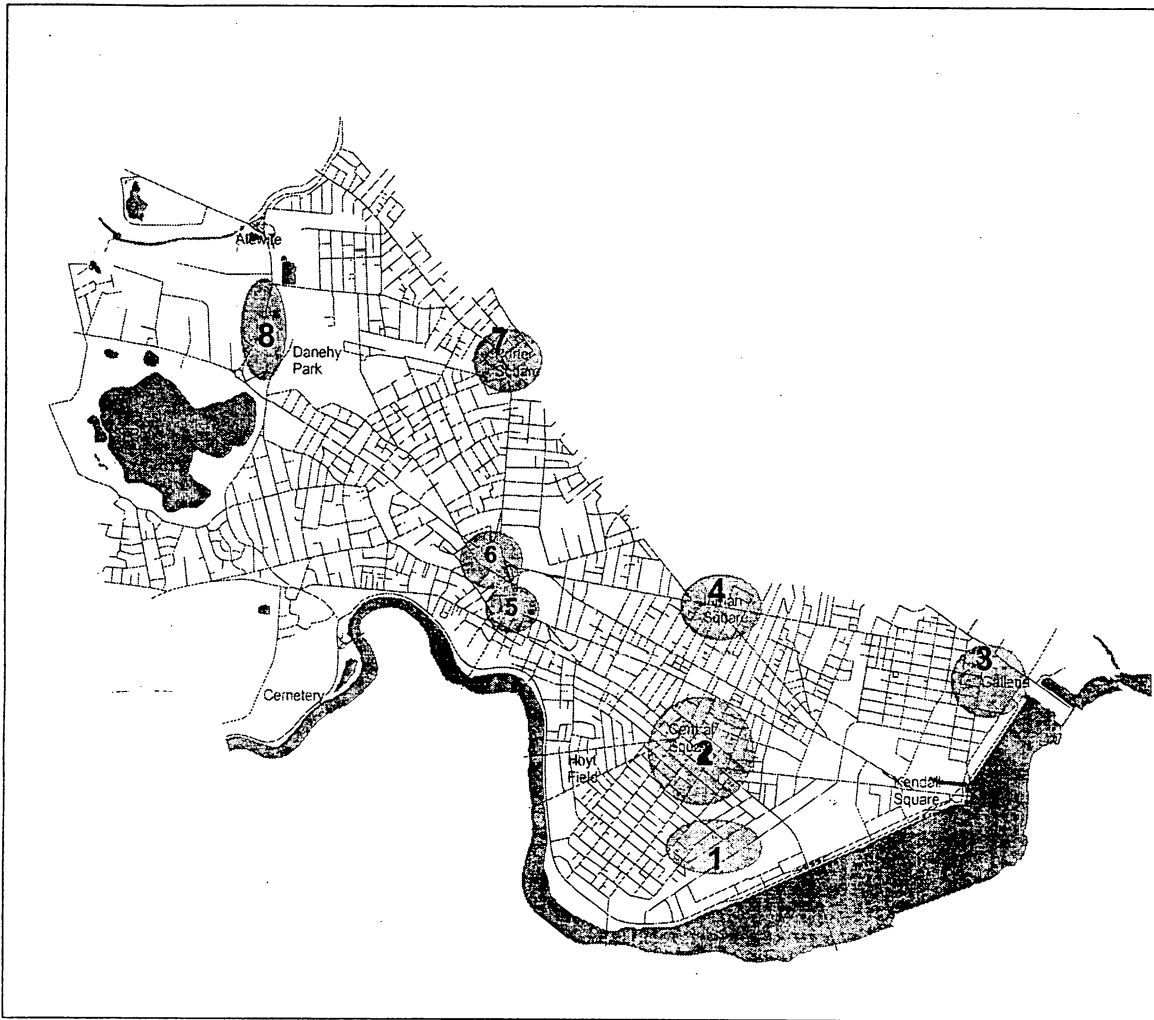
- ▶ Since 1996, seventeen homeless people have been arrested more than 10 times, for various offenses. There are currently 335 arrested homeless persons in the arrest database, who have all been arrested more than once.
- ▶ Each individual has been arrested an average of 1.2 times. The most prolific repeat offenders have been arrested three times. So far in 2002, eleven individuals have been arrested twice, and one additional perpetrator has been arrested three times.
- ▶ 11% (12) offenders are female while 89% (102) are male.
- ▶ The oldest person is 60; the youngest is 18. The average age of an arrested homeless offender is 39.
- ▶ Most arrested homeless offenders are between the ages of 32 and 49. This age range accounts for 57% of the arrests from 2000-2001.
- ▶ There are 12 repeat offenders ranging from two to three arrests, which accounts for 13% of the homeless arrested population. Of the 114 arrests made, this selected population is accountable for 22% of the arrests.

Hot Spots

The following is an analysis of where the hot spots for homeless activity to occur. As in the past, these areas are constant 'hang outs' for homeless people to gather and in some cases, to sleep.

1. **240 Albany St.:** Many incidents that occur at this location involve the residents of the shelter at this address. Typical situations involve verbal/physical quarrels between to homeless people, often involving an intoxicated party.
2. **Central Square/400-500 block of Mass Ave.:** The majority of homeless arrests are executed in this area. Since Central Square experiences such high foot and mobile traffic, it serves as a great outlet for homeless people to panhandle and steal from stores. Along with numerous liquor stores, Central Square has become a known 'hang-out' area for homeless persons.
3. **Galleria Mall:** situations that rise in this area usually involve shoplifting. Due to the commercial area, many homeless persons attempt to steal items from the Galleria and either pawn it on the street or stores. A popularly targeted item is compact disks and cassette tapes, which can later be pawned at numerous local used music establishments that ask no questions and require no identification from the sellers.
4. **Inman Square/1300 Cambridge St.:** Sporadic problems near CCH in the early morning hours. Citizens also complain about intoxicated homeless persons in Vellucci Park.
5. **Harvard Square:** A majority of incidents that occur here are due to vagrancy and intoxication. Homeless people tend to 'hang-out' in areas like these where a large amount of people are, and more opportunity for theft presents itself. Another common offense is trespassing onto campuses such as Harvard where homeless people are not allowed.
6. **Cambridge Common:** Out of the seven incidents in the Common, six were for either drinking in public, possession of narcotics, or indecent exposure.
7. **Porter Square:** Many complaints coming from Porter Square were from citizens and business owners for homeless persons hanging out in the area. They were irritating customers, especially in front of CVS Pharmacy on White St. in the Porter Square Shopping Center.
8. **Fresh Pond Mall:** Of the seven arrests reported from this shopping plaza, six were of shoplifting and the remaining one arrest was for drinking in public.

C4



S-21

Committee Report #3

Committee Report from Councillor Marjorie Decker, Chair of the Civic Unity Committee, for a meeting held on December 18, 2002 for the purpose of discussing enforcement of panhandling, public drinking and drug activity in and around Central, Harvard and Porter Squares.

In City Council January 13, 2003

**REPORT ACCEPTED.
PLACED ON FILE.**