

Downtown Austin Community Court Advisory Committee

July 15, 2010

Honorable Mayor Lee Leffingwell
City Hall, 301 W 2nd Street
Austin, Texas 78701

Re: Council Resolution to consider amendments to City Ordinance 9-4-14 Sitting or Lying Down on Public Sidewalks in the Downtown Business Area Prohibited

Dear Mayor Leffingwell,

At its July 15, 2010, meeting, the Downtown Austin Community Court Advisory Council unanimously supported a motion opposing recommendations that may result in the amendment of City Ordinance 9-4-14 *"Sitting or Lying Down on Public Sidewalks in the Downtown Business Area Prohibited"*.

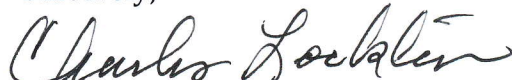
Community Court staff and Advisory Council members participated in two meetings hosted by City Health and Human Services staffs, May 26 and June 7, to discuss possible additional exceptions to the ordinance and the possible need for additional benches downtown. Based upon information and statistical data provided by Community Court, the Community Court Advisory Council has no reason to believe that the current ordinance is being enforced unfairly by APD, or that Community Court is improperly adjudicating people that violate this ordinance.

We recognize that the current ordinance provides exemptions for medical emergencies and disabilities. The current language gives law enforcement officials broad discretion to respond appropriately to physical and/or medical conditions that may be present at the time of enforcement. In the rare occasions where a case comes before the court where the prosecutor finds that a charge was filed improperly, (due to the presence of a medical condition or disability, or for any other reason) the cases are dismissed.

The Downtown Austin Community Court was created nearly 11 years ago to address the treatment needs of habitual class C misdemeanor offenders. The Court provides creative sentencing alternatives and often serves as a gateway for the most service-resistant offenders to access treatment and services they need.

The Community Court Advisory Council finds that providing exceptions to the ordinance that would allow people to sit or lie down on the sidewalks is not in the offenders' best interests and does not facilitate the mission of the Court to get habitual offenders the treatment they need. We, therefore, do not support any amendment of the current ordinance.

Sincerely,



Charles Locklin, Chair

Cc: Austin City Council Members
Michael McDonald, Assistant City Manager
Pete Valdez, Court Administrator