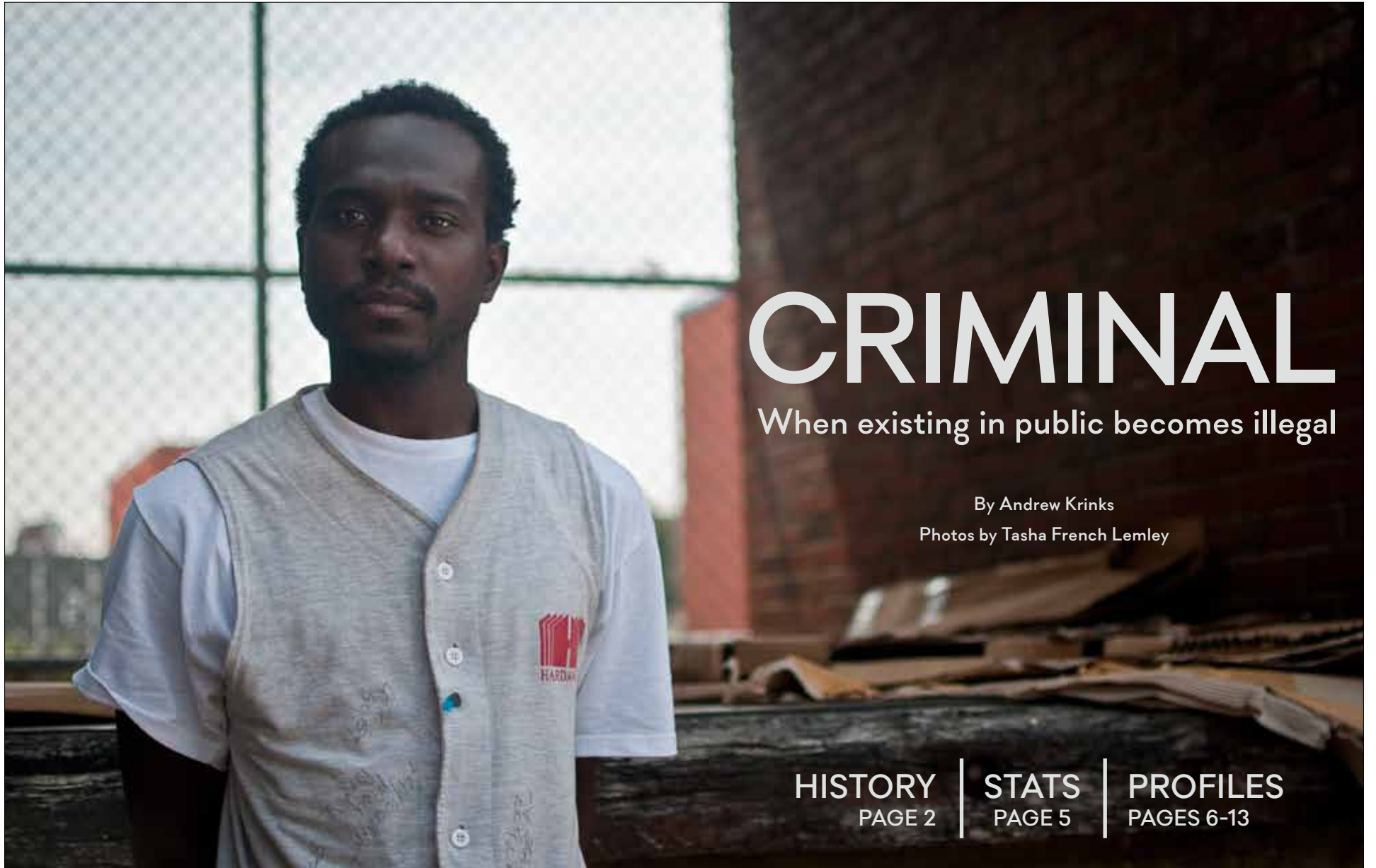


*Diverse perspectives on homelessness. Genuine opportunities for advancement.*

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## CRIMINAL

When existing in public becomes illegal

By Andrew Krinks

Photos by Tasha French Lemley

HISTORY  
PAGE 2

STATS  
PAGE 5

PROFILES  
PAGES 6-13

After spending the weekend of June 21-23 in jail, Eric Jobe, currently experiencing homelessness in Nashville, stands at the exact site where he was arrested for criminal trespassing three days prior, his seventh arrest for standing, sitting or sleeping in public in the last year. *Photo by Tasha French Lemley*

In the early morning hours of April 7, 2013, a 28-year-old woman named Charlotte was digging through a trashcan outside the Rite Aid at Rosa Parks Blvd. and Jefferson St. when a police car approached. An hour or so later, Charlotte sat in a Davidson County jail cell, where she would remain for the next two days. The charge? Criminal trespassing. As the arresting officer put it in the affidavit, "Defendant was observed at arrest location going through trash

can. Right next to where defendant was standing in plain view there was a sign posted no trespassing, loitering, or standing." After more than 48 hours behind bars, Charlotte was released back to the streets of Nashville, Tennessee, U.S.A.

Charlotte went to jail because she violated a law that prohibits persons from being on private property after business hours. But did Charlotte plunge her arm into the filth of a trashcan because she is a criminal, or because her state of poverty left her with few other options? It de-

pends on who you ask. To her arresting officer, and perhaps to the culture within which that officer works, digging through a trashcan in the middle of the night—an action only a person living in poverty would be so desperate to commit—constitutes criminality. But that Charlotte spent two days in jail simply for struggling to survive begs the question: is it a crime to be poor?

Unfortunately, Charlotte's story is not as unusual as it might seem. In this special issue, we present the first-hand accounts of people whose pov-

erty has placed them on the other side of the law. While people experiencing homelessness are cited and arrested for a variety of offenses, we focus here on just two: "criminal trespassing" and "obstructing a passageway."

The concept of this issue is as follows. Rather than write a lengthy feature story—many of which could certainly be written on this subject—we opt here for a more personal, narrative approach. With the permission of each of our 17 subjects, we returned with them to the place of their arrest or citation, photographed them as they

were when officers first approached, and asked them to tell us their account of the events that took place. Accompanying each photograph and narrative is data regarding the date, time, place, court disposition, costs owed and, in some cases, the police affidavit describing the reason for the arrest or citation. Our hope is that the faces and stories within these pages may function as a human question mark imposed upon what is often called the "criminalization" of homelessness.

[Continued, Pages 2, 5-13]

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### ON THE INSIDE...

Our Editor explains the "criminalization" of homelessness through brief historical context and theories undergirding law enforcement policies.

PAGE 2

Stats acquired from the police department and sheriff's office place the "criminalization" of homelessness into local perspective.

PAGE 5

We traveled with 17 different individuals back to the exact site of their arrest or citation to recreate their "criminal" acts.

PAGES 6-13

# The crime of existing in public

By ANDREW KRINKS  
Editor  
[andrew@thecontributor.org](mailto:andrew@thecontributor.org)

One early morning back in late April, I went to the Criminal Justice Center on 2nd Avenue North to visit with a man named Rodney. After passing through a maze of two security checkpoints and at least five steel doors opened by unseen operators, I entered a large gymnasium with bunk beds stacked on the far side of the room where maybe a hundred men in orange jumpsuits milled about. When I told the guard the person I was there to visit, she shouted Rodney's last name into the enormous warehouse of a room, and after a moment, he emerged from the sea of orange.

My visit with Rodney was during his eighth jail stay in just over two months. Every single one of his jail stays during those two months was for the same offense: criminal trespassing—most of them in the middle of the night, and under the same exact bridge in East Nashville.

After our brief visit, I didn't know whether to be angry or baffled. Five steel doors, two security checkpoints and an army of guards and officers, all to confine a man who doesn't have a place to live, who was in jail precisely because he doesn't have a place to live and knows only to seek shelter anywhere he can find it: away from the maddening crowds, in the relatively peaceful solitude of a bridge's shadow.

Rodney's story—one of literally hundreds I have encountered in the last six months as I have conducted field research and interviews in preparation for this issue—is an all-too concrete example of a phenomenon known as the "criminalization" of homelessness. The phenomenon goes like this: people who do not have homes are arrested and taken to jail or are cited and summoned to court (at rates disproportionately higher than non-homeless persons) for everyday acts of living—sleeping, sitting, stand-

ing—that, when committed in public (because they have no other place to commit them), are regularly treated as offenses against the law.

The purpose of this special issue of *The Contributor* is to illuminate the criminalization of homelessness through embedded portraits and firsthand accounts—all in order to call into question the legitimacy of a network of systems that responds to poverty with handcuffs rather than homes or resources.

As you'll see, the photographs and stories of criminalization in this special issue speak for themselves with great volume and clarity. But in order to more fully make sense of the fact that people go to jail because their homelessness leaves them no other place than public spaces in which to struggle to survive, it is important to have a sense of the wider historical context and trajectory in which such arrests and citations continue today.

Society has long been wary of visual reminders of the fact that people in our midst do not have what they need to thrive as human beings. From the so-called "ugly laws" of the 19th century that outlawed unsightly poor people from certain areas, to the "sundown towns" that prohibited certain undesirables from remaining in town after sunset, to the "bum blockade" in 1930s California that sought to exclude unemployed persons from living in the state, and to multiple other historical examples of laws targeting vagrant populations in the U.S., Europe and beyond, societies often seem predisposed to refuse even the very sight of poverty. Thus, because the disorder of poverty tends to offend the order and decorum of upstanding society, upstanding society is always prepared to make acts that characterize it actual offenses against the law.

The more recent pseudo-criminological theory that actualizes the need to make poverty invisible goes by the name of the "broken windows"

theory. Developed in the early 1980s by James Q. Wilson and George Kelling, the broken windows theory follows the saying that "He who steals an egg, steals an ox," and thereby holds that visual signs of disorder and poverty—such as a broken window in an abandoned building—will serve to attract more serious disorder and crime. Therefore, fixing broken windows—disappearing any visible sign of poverty—will protect municipalities against further, more serious "crime."

In the wake of the "broken windows" theory came the push, through the 1980s and into the 90s and today, for the enforcement of ordinances that allegedly enhance the "quality of life" in downtown city centers. By directing police attention toward visual reminders of poverty that limit the "quality" of life of more financially stable residents, cities deploy ordinances against loitering, trespassing or impeding passageways in order to legally justify the minimization of visual poverty and thereby enhance a city's "quality of life."

In 2007, for instance, Nashville rolled out its infamously named "Please Help, Don't Give" campaign aimed at curbing panhandling downtown. But beyond this Nashville Downtown Partnership sponsored campaign, a 2010 report from a subcommittee of the Metro Homelessness Commission found that the city's police department enforced "quality of life" ordinances in such a way that they resulted in drastic increases in arrests of homeless persons from 2004 to 2009 for petty offenses such as criminal trespassing and obstructing a passageway. As such, the term "quality of life" inevitably begs the question: whose quality of life are we talking about?

Intertwined with the notion of poverty as an offense against social order is the notion that poverty is the result of individual irresponsibility and moral deficiency. This popular myth has it that anyone who is poor is so because of her or his own choosing—because, as the story

"Society has long been wary of visual reminders of the fact that people in our midst do not have what they need to thrive as human beings."

goes, anyone who wants to can get ahead in this world if only they apply themselves. The problem with this conception of poverty is that it imagines human beings apart from the multitude of interlocking forces and systems that impact an individual's livelihood. Personal choices absolutely play a role in one's life position; but they do not, in themselves, define it absolutely. Rather, poverty is the result of many political, economic, social and personal circumstances, policies and decisions, making a conception of poverty that considers it merely the result of moral deficiency sorely inadequate.

In the end, the criminalization of homelessness represents a response to visual poverty in urban spaces motivated in large part by a need to *make invisible* a reality that disrupts the order of society and to effectively *punish* (put in jail, fine hundreds of dollars) the people whose very poverty, it is assumed, is the fruit of individual moral deficiency.

On a technical level, Rodney did in fact break the law by trespassing on someone else's property. But I remain convinced that thinking of Rodney's presence under a bridge first and foremost as a *criminal act* is the least helpful way to respond to Rodney's homelessness. Not only does such a response depend upon misguided concepts of poverty—that it is merely the result of individual moral deficiency, and that making it invisible will make it and other "crime" go away—but criminalizing a person's struggle to survive in public constitutes a kind of crime against the humanity and dignity of people with complex stories to tell. It is just a few of those stories of criminalization we are pleased to share with you in this very special issue. Thank you for reading. ♡

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The information below is intended to place the criminalization of homelessness in Nashville in statistical perspective. **Arrest and citation totals are of persons whose address is listed in Metropolitan Nashville Police Department (MNPd) or Davidson County Sheriff's Office (DCSO) records as the Nashville Rescue Mission (Men's and Women's), Room In The Inn, or "homeless."** Percentages are calculated in relation to *all* (homeless and non-homeless) corresponding arrests or citations in Davidson County. The MNPd's jurisdiction is comprised of the whole of Davidson County (including Nashville proper, plus satellite cities such as Berry Hill, Bellevue, etc.). The 2010 Census count for Davidson County was 626,681. The most widely agreed upon number of persons living without stable residence on any given night in Davidson County is at least 4,000. Thus, Nashville's unhoused population comprises less than one percent (.63 percent) of the population of Davidson County. Yet, as the following numbers show, arrests and citations of persons experiencing homelessness for criminal trespassing or obstructing a passageway make up far more than .63 percent—often more like 50 percent or higher—of all such arrests and citations in Davidson County.

## CRIMINAL TRESPASS

From Tenn. Code Ann. § 39-14-405 (2013)

(a) A person commits criminal trespass if the person enters or remains on property, or any portion of property, without the consent of the owner. Consent may be inferred in the case of property that is used for commercial activity available to the general public or in the case of other property when the owner has communicated the owner's intent that the property be open to the general public. (b) It is a defense to prosecution under this section that: (1) A person entered or remained on property that the person reasonably believed to be property for which the owner's consent to enter had been granted; (2) The person's conduct did not substantially interfere with the owner's use of the property; and (3) The person immediately left the property upon request. (c) The defenses to prosecution set out in subsection (b) shall not be applicable to a person violating this section if the property owner posts the property with signs that are visible at all major points of ingress to the property being posted and the signs are reasonably likely to come to the attention of a person entering the property. (d) For purposes of this section, "enter" means intrusion of the entire body. [Section (e), regarding railroad or utility right-of-ways properties, omitted.] (f) Criminal trespass is a Class C misdemeanor.

2012

**1,015 ARRESTS**

(52% of all trespassing arrests in Davidson County)

**1,040 CITATIONS**

(38% of all trespassing citations in Davidson County)

2013

(January 1 - June 15)

**180 ARRESTS**

(19% of all trespassing arrests in Davidson County)

**537 CITATIONS**

(49% of all trespassing citations in Davidson County)

(Source: MNPd and DCSO)

## OBSTRUCTING A PASSAGEWAY

From Tenn. Code Ann. § 39-17-307 (2013)

(a) A person commits an offense who, without legal privilege, intentionally, knowingly or recklessly: (1) Obstructs a highway, street, sidewalk, railway, waterway, elevator, aisle, or hallway to which the public, or a substantial portion of the public, has access; or any other place used for the passage of persons, vehicles or conveyances, whether the obstruction arises from the person's acts alone or from the person's acts and the acts of others; or (2) Disobeys a reasonable request or order to move issued by a person known to be a law enforcement officer, a firefighter, or a person with authority to control the use of the premises to: (A) Prevent obstruction of a highway or passageway; or (B) Maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot or other hazard. (b) For purposes of this section, "obstruct" means to render impassable or to render passage unreasonably inconvenient or potentially injurious to persons or property. (c) An offense under this section is a Class C misdemeanor. [Section (d) omitted.]

2012

**105 ARRESTS**

(67% of all obstructing arrests in Davidson County)

**61 CITATIONS**

(53% of all obstructing citations in Davidson County)

2013

(January 1 - June 15)

**22 ARRESTS**

(67% of all obstructing arrests in Davidson County)

**16 CITATIONS**

(53% of all obstructing citations in Davidson County)

(Source: MNPd and DCSO)



1.



2.

**1. Michael Hutchison**

**Citation Arrest**  
**Obstructing a Passageway**

**T.C.A. 39-17-307**

**Misdemeanor C**

**Arrest Date:** September 2, 2012

**Arrest Time:** 11:45 a.m.

**Arrest Location:** 600 Church St. Nashville, TN 37219  
 (Church Street Park)

**Court Disposition:** Guilty

**Date Convicted:** January 7, 2013

**Court Costs Owed:** \$300.28

**Michael:** "I was sitting next to the bench, just having a conversation. All the benches were full—there was no other place to sit, other than right next to the bench where I was talking to some people. I had actually been talking to three or four different officers in the park about a crime ring that preys on the homeless, asking [homeless people] to take goods back to Walmart and Lowe's that they had stolen. So, I wasn't just law-abiding; I was trying to help the police. So, the police came over. He asked me for my I.D., ran it, I came back clean other than, obviously, the crime that was being committed at the time, which I had no idea was a crime. I didn't know sitting in the park was a crime. That picture is a picture of me breaking the law. And the cops were there as the picture was being taken; they very well could have served an arrest right then and there. The long and short of the story is, I had a long night at the Mission, I overslept, was late for my court date, got there, tried to explain the circumstances, the public defender just told me to plead guilty, [said] all it would be would be 30 days out of the [Church Street] Park, which of course ended the help I could give as far as the people that were preying on the homeless, trying to get them to take stolen goods back to the stores, because that's where most of it was going on. So, they got me on an Obstructing the Passageway charge, which, as the photographs will show, was silly, as opposed to solving some real crimes that had to do with theft and preying on homeless people."

**2. Jerry Jackson**

**Physical Arrest**  
**Criminal Trespass**

**T.C.A. 39-14-405**

**Misdemeanor C**

**Arrest Date:** February 6, 2013

**Arrest Time:** 2:10 a.m.

**Arrest Location:** 908 Division St. (Habitat for Humanity ReStore)

**Court Disposition:** Guilty

**Date Convicted:** February 6, 2013

**Time in Jail:** 3.2 days

**Court Costs Owed:** \$305.45

**Affidavit:** "ON 02/06/2013 AT APPROXIMATELY 0210 HOURS WHILE ON A BUSINESS CHECK OFFICER LOCATED MR. JERRY JACKSON AT 908 DIVISION STREET (SLEEPING ON THE LOADING DOCK OF THE BUSINESS). THIS LOCATION IS KNOWN TO POLICE AS A LOCATION THAT IS FREQUENTLY TRESPASSED UPON, AND POLICE OFTEN CHECK THE LOCATION FOR ANY VIOLATIONS. ADDITIONALLY, THE LOCATION HAS AN ACTIVE AND VERIFIED TRESPASS WAIVER, AND THERE ARE SIGNS POSTED STATING TRESPASSING IS NOT ALLOWED (SPECIFICALLY, WITHIN ONLY A FEW FEET FROM MR. JACKSON). MR. JACKSON HAD NO VALID REASON FOR BEING AT THE LOCATION, AS IT WAS CURRENTLY CLOSED FOR BUSINESS. SUBJECT DID NOT QUALIFY FOR A MISDEMEANOR CITATION (4 FTA'S/FTB'S WITHIN THE LAST 5 YEARS) AND WAS THEREFORE TAKEN INTO CUSTODY FOR THE OFFENSE OF TRESPASSING."

**Jerry:** "I tried to get into the Mission, but I was too late getting there, so a buddy of mine, we'd been sleeping on the back dock of the Habitat for Humanity. Anyway, we went up there—didn't have anywhere else to go—and it was kinda gettin' cold outside, and I was scared it was gonna start raining. So we went up there to sleep, and was there for a couple hours, and a policeman come up, and wanted to know what I was doing up here, and I said, 'Well, I don't have anywhere to go, and this is the safest place I can

be right now.' And he asked if I'd been drinking, and he checked, and I hadn't been. Didn't have any alcohol on my breath and I didn't have anything with me. I tried to say, 'Well, I can move.' And he says, 'No, I'm gonna have to take you in.' He said, 'I'm trying to do you a favor.' I said, 'Well, letting me leave would be a favor, but do what you have to do.' And he took me to jail. I had to plead guilty and they just kicked it out. They didn't do anything more. I spent two nights in jail. It was terrible. I was trying to explain to him my situation, and he really didn't care. He wasn't listening to anything I had to say. I tried to talk him into letting me go somewhere else, you know, that I would just get outta there, but he wouldn't have it. I explained to him that I hadn't been drinking. I don't do drugs. There's no alcohol on my breath. I really wasn't hurtin' anything. I'd been doing it for a while and nobody said anything. I always clean up and make sure the place is in better shape than whenever I got there. And he wouldn't have it. They could be a little kinder about it. You have to understand, we don't have anywhere to go. I tried to get into the Mission and I was too late. And where can you go after that? There's nowhere to go. It's either walk around all night or try to find somewhere to go so you can crash. I'm in housing now, and it's been great. It's been a blessing, big time. I never in my wildest dreams thought it would happen. I've been trying to get housing for a long time. I just keep running into dead ends. It's just really hard to do. I'm still just amazed at all the help we've gotten. It's just been like a dream almost."

**3. Don Nash**

**Citation Arrest**  
**Criminal Trespass**

**T.C.A. 39-14-405**

**Misdemeanor C**

**Arrest Date:** June 2, 2013

**Arrest Time:** 10:20 a.m.

**Arrest Location:** 1101 Broadway (Exxon Tiger Mart)

**Court Disposition:** Guilty (30 days suspended and never enter property again)

**Date Convicted:** June 20, 2013

**Court Date:** October 28 (Appealed to Higher Court)



**Affidavit:** “THE DEFENDANT WAS SEATED ON SIDEWALK AT THE WEST SIDE OF THE EXXON TIGER MART AT 1101 BROADWAY FOR 30 MINUTES ABOUT 20 FEET FROM A POSTED SIGN ‘NO TRESPASSING – NO LOITERING.’ TIGER MART HAS A TRESPASS WAIVER ON FILE WITH THE METRO POLICE DEPARTMENT. SUBJECT HAS NO OUTSTANDING WARRANTS OR HISTORY OF MISSING COURT.”

**Don:** “I work from 5:45 to 10 o’clock everyday—a.m.—out on 13th Ave, which is a block away, selling papers. And when I get off work, I always go up to Exxon and get either a Coke and cigarettes or a Coke or just cigarettes or one of the two. I always go—every single day. For two years I’ve been doing it. After I purchase it, I’ll go outside and sit on the side and just rest my feet for a while until I can move on somewhere else—either to go get papers or whatever. Well, I was doing that that day, and an undercover car comes up, pulls up beside me, in front of me, and he walks up to me and goes, ‘You got any ID?’ and I said, ‘Yeah, I got some ID.’ And he said, ‘Let me see it,’ and I said, ‘OK,’ and he gets in the car. I’d been sittin’ there about 15 minutes when he done this, and he gets in his car and sits in there 15 more minutes, and I’m thinking, *What in the devil is he doing, man? I ain’t got no warrants on me. What’s taking him so long—to validate my ID?* Finally he motions me over to the car and I says, ‘Man, what’s going on?’ and he says, ‘Put your finger on here,’ and I said, ‘What do you mean put my finger on there?’—the fingerprint scanner. And he goes, ‘I’m arresting you for criminal trespassing.’ And I said, ‘What?? What do you mean criminal trespassing, man? I bought a Coke and a pack of cigarettes a while ago. I’m just chilling my feet out for a little bit before I move on. I’ve been doing that for over two years and employees don’t say nothing about it.’ And he goes, ‘Well how long you been at the Mission?’ I said, ‘I ain’t *at* the Mission! I been gone from the Mission for two years. The paper got me out of the Mission.’ And he goes, ‘Well, how long you been selling the paper?’ And he was saying it real snobby and all. And I said, ‘For about over two years. I’m telling you, it’s what got me out of the Mission—the paper.’ Then he continues on with the process, and then he says, ‘I need you to sign here,’ and I said, ‘Man, this is crazy. Why can’t you just tear up the ticket? I won’t do it no more. I’ll make sure I go to the bus bench. I didn’t think it was illegal. I thought that was for vagrants, people who didn’t have money,

comin’ over here and hangin’ out and bumming customers.’ And he goes, ‘No, you know what that sign means. You know better than what you’re doin’.’ I said, ‘Man, this is wrong. But I’ll sign it.’ And that was it. I gotta go to court on Monday. It made me very, very mad. My blood was boiling. Especially when he said, ‘How long you been at the Mission?’ Right then and there, I knew he was harassing a homeless person. I wasn’t homeless, but he thought I was. And I think that’s exactly why he come over there and done it. If it’d been a person sitting there a little bit better dressed than I was, I think he would’ve pulled up and said, ‘You need some help?’ instead of, ‘Let me see your ID.’”

**Editor’s Note:** *The judge sentenced Don to 30 days suspended and never to step foot on the property again. As of publication, Don plans to take the case to trial to fight the charge.*

#### 4. Michael Reed

**Physical Arrest**  
**Criminal Trespass**  
**T.C.A. 39-14-405**  
**Misdemeanor C**

**Arrest Date:** September 27, 2012  
**Arrest Location:** 3rd Ave. N. & Jefferson St.  
**Court Disposition:** Guilty  
**Date Convicted:** September 28, 2012  
**Time in Jail:** 1.6 days  
**Court Costs Owed:** \$394.65

**Affidavit:** “on 09-27-12 the defendant was found asleep encamped inside a tent next to the Jefferson st bridge at 3rd ave north. this area was metro nashville government property; the defendant was cited and warned on 09-26-12 by officer mayas for trespassing at the same location. the defendant was fully aware he was to be trespassing and continued to do so.”

**Michael:** “I was camping at Jefferson and 3rd Ave N. It was probably about 10 o’clock at night. The cops came in, he took a flashlight and made two passes along the ground, and then threw—you seen something fly out of his hand and he picked a bag of marijuana up the size of your little finger and says, ‘Look what I found.’ He came to the conclusion that he found it on the ground, but when I came to court, it was in his

report that it was inside the tent. I told the judge, ‘How could he find it in the tent if he never looked inside the tent?’ I was arrested and taken to jail. I was there overnight, but ended up spending a week for the marijuana charge. It was wrong for them to arrest me, because if you have nowhere else to sleep, where are you supposed to go? Because if you go to the Mission, you might as well be in prison, because they tell you what time to eat, what time to get up, what time to go to bed, what time to shower. If I’m going to be told all that I might as well be in jail.”

#### 5. John Holder (Dr. John)

**Citation Arrest**  
**Obstructing a Passageway**  
**T.C.A. 39-17-307**  
**Misdemeanor C**  
**Arrest Date:** July 17, 2010  
**Arrest Time:** 10:30 a.m.  
**Arrest Location:** 526 8th Ave. S  
**Court Disposition:** Dismissed Request of State  
**Date Convicted:** July 28, 2010

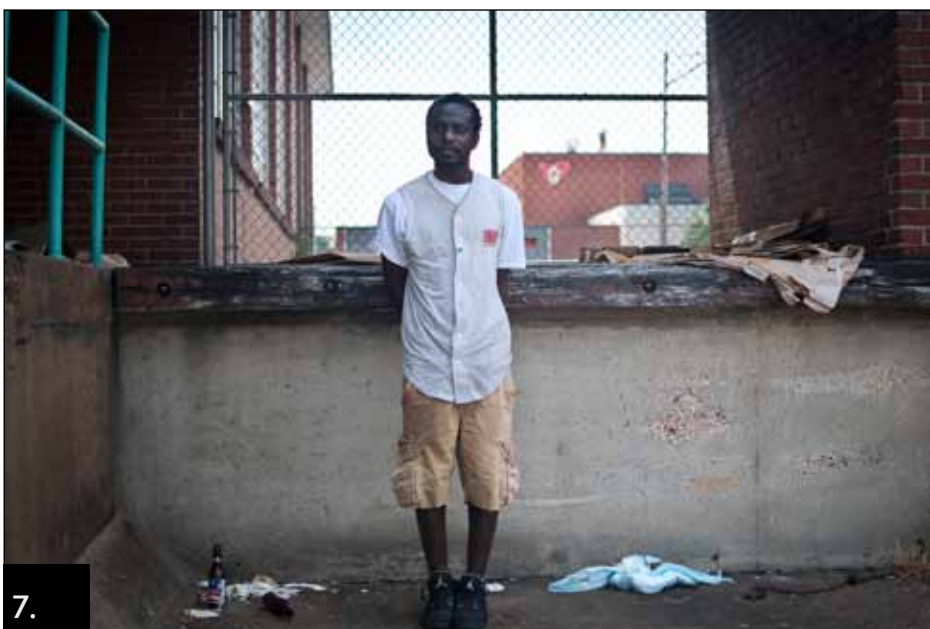
**John:** “When I came out of the Campus, this other man, he was coming out of the Clinic, and he was walking down there to the bus, and there was like 15 people out there—it was the smoking area. The police pulled up right in front of the bus. I thought he was up there dropping somebody off or picking somebody up. The man next to me said, ‘Are we supposed to walk back up there to him? Or is he gonna come around?’ Eventually the bus just came on around. And when I went to get on the bus, [the officer] said, ‘No! You come back here! You! You got ID?’ I said, ‘Yes, I do. Why do I need it? I catch the bus here everyday.’ He said, ‘No, you stand right there, you obstructing the flow of traffic on the sidewalk.’ It’s a bus stop! I had my bags in my hand cause I was fixing to get on the bus! So he kept me there until he gave me the citation. He also gave Charles one. He gave everybody down there one. Some of them people was just in the Clinic and was out there taking a cigarette break. Eventually I got in touch with the bus driver, all of ‘em put down their telephone number and their code number, and said that, ‘This man catches the bus here at 10 o’clock every day except Sunday, when he catches it at 9.’ So I gave it to the judge, and they dropped the charge.”



5.



6.



7.

“IT’S NOTHING YOU CAN DO. YOU’RE NEVER RIGHT. YOU’RE ALWAYS WRONG.”

### 6. John Holder (Dr. John)

**Citation Arrest**  
**Obstructing a Passageway**  
 T.C.A. 39-17-307  
**Misdemeanor C**

**Arrest Date:** July 10, 2012  
**Arrest Time:** 12:46 a.m.  
**Arrest Location:** 8th Ave. S. & Gleaves St.  
**Court Disposition:** Guilty  
**Date Convicted:** August 6, 2012  
**Court Costs Owed:** \$259.33

**John:** “My legs—they was swelling up like they are now. And they told me I need to elevate them. I had milk crates and a sheet. I stretched the sheet out ‘cause I knew it was gonna rain any minute. The police came up on me and said, ‘You got some ID?’ I said, ‘Yes sir, I do.’ This was 12 o’clock at night, and it was raining. I just had my feet propped up, and I had a sheet to lay on to keep my feet elevated. He ended up giving me a citation for obstructing the passageway. I wasn’t cross-ways on the sidewalk; I was long-ways. I didn’t appreciate being up under there ‘cause it smells like urine. It’s not a place that I hang at. I just knew I had to be some place out of the rain to hold my feet up! I needed to get off of ‘em—like I do today. Ten-dollar fine and court costs. That’s \$120. They give you a year to pay it. And the year is up. So they subject to arrest me at any time. There’s no way. I do alright. I make just enough money to survive everyday. Ain’t no way I’m gonna build up no daggone 120 dollars. Ain’t no way. So they want to eventually put me in jail. It’s nothing you can do. You’re never right. You’re always wrong. The cops don’t show up for it unless you plead not guilty, and then they put it up on the 5th floor or 6th floor [of the courthouse] and then the cop has to show up, but

then they make a deal with you before it comes to court. ‘Cause it ain’t worth the trouble, really. And it’s rampant, it’s all the time. Just like two weeks ago when they started the CMA, they cleaned downtown. The jail was already full when it started. When I went to jail...everybody down there was from the Mission, Room In The Inn...”

### 7. Eric Jobe

**Physical Arrest**  
**Criminal Trespass**  
 T.C.A. 39-14-405  
**Misdemeanor C**

**Arrest Date:** June 21, 2013  
**Arrest Location:** 613 Division St.  
**Court Disposition:** Guilty  
**Date Convicted:** June 21, 2013  
**Time in Jail:** 2.5 days  
**Court Costs Owed:** \$289.80

**Affidavit:** “The defendant was observed sitting in the driveway area of 613 Ewing Ave. There are no trespassing signs visibly posted at this location, and there is a trespass waiver on file for this location. The business was closed and the defendant did not have any legal reason to be at this location. The defendant did not qualify for a citation due to a history of FTA/FTB (3 FTA’s and 2 FTB’s).”

**Eric:** “I usually stay at the Mission. I was sitting there, I was just thinking about what’s going down tonight. I was gonna watch the country music people. I love watching the country music people. I was just resting and thinking. Some police pulled up, and they just wanted to check me out for a minute, check me out, make

sure everything’s going OK, everything’s going smooth. I don’t think he was gonna [arrest me]. I thought he was gonna be more relaxed. He was a nice guy. I wasn’t doing something wrong. I live around here. [...] I don’t wanna go back to that place—that place is crazy, CJC (Criminal Justice Center). That place is crazy.”

### 8. Michael Moore

**Citation Arrest**  
**Obstructing a Passageway**  
 T.C.A. 39-17-307  
**Misdemeanor C**

**Arrest Date:** August 15, 2012  
**Arrest Time:** 12:05 a.m.  
**Arrest Location:** Ewing Ave. & Lafayette St.  
**Court Disposition:** Retired  
**Court Date:** September 10, 2012

**Michael:** “Well, I had showed up at the Holy Trinity Church and there was some people that had been drinking in the courtyard and Father Bill, who runs the church, had shut the yard down for a couple weeks, and I didn’t realize what had happened until I got there and it was 1 o’clock in the morning. I didn’t have any place to go so I decided to sleep outside of the churchyard fence on the sidewalk, up against the fence, out of everybody’s way. And the cops showed up and proceeded to write me a citation for impeding pedestrian traffic. I had to go to court. The DA dismissed it because she thought it was kinda stupid. I couldn’t believe the cop would actually do that at 1:30 in the morning when there wasn’t anybody actually out here. I mean, it was in the middle of the night, nobody was walking up and down the sidewalks. I wasn’t bothering anybody. I think he was just harassing me because I’m homeless—that’s what I think was going on.”



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**9. Ernest Flanagan**

**Citation Arrest**  
**Criminal Trespass**  
**T.C.A. 39-14-405**  
**Misdemeanor C**  
**Arrest Date:** April 28, 2012  
**Arrest Location:** 400 Charlotte Ave. (Music City Central)  
**Court Disposition:** Guilty  
**Date Convicted:** May 21, 2012  
**Total Costs:** \$334.15

**Ernest:** "I fell asleep at the bus stop while I was waiting for the bus. The bus station was closed. It was cold out. The bus was only running about every 45 minutes at that hour. That room was open, so I went in there and was sitting waiting for 45 minutes until the buses started running. Next thing I know—I must've fallen asleep—I was tapped on the shoulder, and a police officer told me it was nothing to worry about, he was just gonna give me a citation. He said, 'I just gotta write you up this citation. The main thing is you wanna go to court for this citation. You wanna make sure you don't miss this court date.' That's when I found out it was only gonna be a \$50 ticket plus the court costs. But the court costs was like \$300. So it was like \$350. I don't have that kinda money. I have a monthly bus pass, which I felt gives me a little bit more of a right than someone who was just hanging out at the bus station. I use the bus everyday. At the time I was living in an apartment on Murfreesboro Road, which was a long ways to walk, and I didn't want to walk through a bad neighborhood late at night, so I thought it was best to wait 'til the morning, and I had less than an hour to wait. I thought it was safer than to walk. I felt that the whole thing was a

joke. I thought they were trying to use the system against me. The whole thing is that, if it'd only been \$50, I could afford that. It's ridiculous. Especially when I have a 31-day bus pass and I can't sit there waiting for the bus. I was just waiting for the bus. I thought it was terrible how they treated me. For anyone to be treated that way I think is bad. It's not like I was intoxicated or anything. Even the police said, 'I can tell you're not intoxicated.' Of course I'm not. I'm waiting for the bus to go home."

**10. Tina Carter (McKinney)**

**Citation Arrest**  
**Obstructing a Passageway**  
**T.C.A. 39-17-307**  
**Misdemeanor C**  
**Arrest Date:** October 16, 2009  
**Arrest Location:** 7th Ave. N. & Church St.  
**Court Disposition:** Guilty  
**Disposition Date:** January 30, 2012  
**Time in Jail:** 10 days  
**Court Costs Owed:** \$344.10

**Tina:** "I was just standing next to the bench, between the bench and the railing by the garden—there used to be a bench there—and I was just talking to some friends when a police officer decided that he was going to come up and talk to me because, apparently, the business had called and told them that somebody was standing in the sidewalk, obstructing the passageway, so the customers couldn't walk on the sidewalk, because somebody was in the way. So he came up and cited me for being in the way. I thought it was a little strange because I wasn't in the way. And he didn't cite the

three other people that were actually sitting on the bench. So I didn't really know what to think. I just blew it off. I was supposed to go to court, but I didn't go to court, 'cause I thought it was just trying to get people tickets just to be givin' 'em tickets. So I really didn't think nothing of it, until I found out that I had a warrant out for my arrest because of it. I was arrested and I got 10 days in jail. It was not fun, 'cause you're in a 5x5 cell with one other person, and it was not fun. I just hope it doesn't happen to anybody else, 'cause I mean, it's pointless, you know. Find somebody else that is doing something worse than standing in a sidewalk."

**11. Alan Cobb**

**Physical Arrest**  
**Criminal Trespass**  
**T.C.A. 39-14-405**  
**Misdemeanor C**  
**Arrest Date:** February 26, 2013  
**Arrest Location:** 1 Symphony Place  
**Court Disposition:** Guilty  
**Date Convicted:** September 27, 2013  
**Time in Jail:** 1.3 days  
**Court Costs Owed:** \$305.45

**Affidavit:** "Security at the Symphony Hall (1 Symphony Pl) called about the defendant sleeping on the stairs. When I arrived, I found the defendant sleeping in front of the emergency exit door at the bottom of the stairs. This location does have an active trespass waiver on file. I attempted to give the defendant a state citation, but he stated he did not want to sign it. The defendant was taken to jail for criminal trespassing."



**12. Charles Francis**

**Citation Arrest**  
**Criminal Trespass**  
**T.C.A. 39-14-405**  
**Misdemeanor C**  
**Arrest Date:** June 21, 2013  
**Arrest Time:** 12:09 a.m.  
**Arrest Location:** 613 Ewing Ave.  
**Booking Date:** July 8, 2013

**Affidavit:** “The defendant was found loitering on the property at this location. The business was closed for operation and the defendant was not the owner nor an employee of the location. Several signs were posted stating no trespassing. This location had an active trespass waiver on file for the MNPD to enforce. No warrants- no fta; 1 ftb.”

**Charles:** “I just had gotten a [trespassing] citation maybe just a couple of hours before then. I came through the church where I sleep on occasion. It was raining that evening, and I went next door to the hot dog stand. The police came and took our IDs. They didn’t give us any citation. It was an older policeman; he was very nice. He said he wasn’t going to give us any tickets or anything because he knew it was raining, and he knew it was hard because we slept at the church. He said, ‘Well, after it rains a little bit, you can go across the street.’ So I walked across the street, me and a friend of mine, I believe his name’s Eric, you know just standing there talking. It was raining lightly; we were waiting for the rain to stop, and the officer said we could go over there, and then here come some more officers. They gave me a ticket and they arrested Eric. It was really very stressful and a little bit humiliating, because they had just gave me one a few hours ago. It wasn’t the same officers, but it was on record. So, they knew I had already had one. And I just felt that it was a little bit humiliating, and I thought they were just kinda harassing. I felt harassed in a way, you know, being homeless—and they know who I am. But I was very cooperative. And the first officer was an older gentleman, and he was understanding, but I just don’t understand why he said we could go across the street, because people were taking the no trespassing signs down, and he said there were no signs over there, so you can go over there. And then I got a citation. I think that it is kinda like a way of taking away my freedoms, because I wasn’t breaking or entering, I was just trying to get in out of the rain. I feel it to be like harassment in a way, because I had just got one a couple of hours ago. And it’s kinda like taking away my freedoms. Because,

I’m not bothering anyone, I’m just trying to have peace and be out of the rain. I just don’t think it’s right. I just think that instead of writing the tickets, and taking the taxpayers’ money, and the time for court, they should tell the person to just move along. He’s obviously not bothering anyone or breaking or entering. It’s a waste of time, taxpayers’ money, and most of the people just don’t have any place to go. Most of the time they’re tired, they’ve been walking all day, maybe hungry, maybe ill. And they don’t really trust anyone, because everyone is against them, because they’re homeless. So a lot of people don’t understand.”

**13. David Jock**

**Physical Arrest**  
**Criminal Trespass**  
**T.C.A. 39-14-405**  
**Misdemeanor C**  
**Arrest Date:** September 17, 2012  
**Arrest Location:** 613 Ewing Ave.  
**Court Disposition:** Guilty  
**Date Convicted:** September 18, 2012  
**Time in Jail:** 0.8 days  
**Court Costs Owed:** \$409.65

**Affidavit:** “The defendant was observed sleeping on a loading dock at 613 Ewing Ave. The property has a trespass waiver [sic] on file, the defendant passed numerous no trespassing signs to get to his location, and the defendant had no legal reason to be on the property. The defendant was not issued a state citation due to having 4 FTA’S and 4 FTB’S. The defendant was taken into custody for criminal trespass.”

**David:** “It was raining really bad, and I just went there, just to get out of the rain for just a little bit, and the cops came, arrested me, and put me in jail. Maybe a day. I was just leaning up against that brick wall, and I was just listening to it rain. You know, when it rains, it makes you sleepy. And I was just kinda kickin’ back a little bit, just waitin’ on the rain to lighten up a little bit. And all the sudden there’s cop cars everywhere. And I said, ‘Why are you arresting me?’ And they said, ‘Because you’re trespassing.’ They just put them signs up, by the way [motions towards sign]. Them signs were not here before. ‘Cause I did look very carefully, ‘cause I know better. He just said, ‘I’m gonna get you outta the rain.’ That’s what he told me. And I said, ‘I





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don't need to get outta the rain.' And I had no choice. Handcuffed me, searched me. I thought the cops were pretty rude, to be honest with you. Just the way they talked. I've been arrested five times in one month, and I've never had any trouble with the police in my life—ever. I'm not a poor man. I may look like I am. I get a disability check every month. I'm just wantin' to get outta here. I'm from New York but I wanna go to Atlanta to visit with my kids."

#### 14. Anthony Gunter

**Citation Arrest**

**Obstructing a Passageway**

T.C.A. 39-17-307

**Misdemeanor C**

**Arrest Date:** February 15, 2013

**Arrest Time:** 4:09 a.m.

**Arrest Location:** 7th Ave N & Commerce St.

**Court Disposition:** Guilty

**Date Convicted:** March 4, 2013

**Court Costs Owed:** \$259.33

**Affidavit:** "THIS UNIT INITIATED A TERRY STOP ON THREE INDIVIDUALS AT THE CORNER OF 7TH AV N AND COMMERCE ST WHO WERE OBSTRUCTING THE SIDEWALK TRAFFIC. SUS/GUNTER WAS ONE OF THE INDIVIDUALS BLOCKING THE SIDEWALK WITH A MOTORIZED CHAIR THAT HE WAS SLEEPING IN. THIS PARTICULAR LOCATION IS A COMMON LOCATION FOR OBSTRUCTING A PASSAGEWAY DUE TO A HEATING GRATE THAT PEOPLE SLEEP ON WHEN IT IS COLD. I OBSERVED AN INDIVIDUAL TRY TO PASS THE GROUP THAT WAS BLOCKING THE SIDEWALK, AND THE INDIVIDUAL HAD TO WALK OFF OF THE SIDEWALK IN THE GARDENING AREA TO GET PAST THEM. SUS/GUNTER HAS O FTA, 1 FTB IN THE PAST 5 YEARS, AND NO OUTSTANDING WARRANTS."

**Anthony:** "The hockey game was that night and I missed the last bus. It was a Saturday. I sold [*The Contributor*] before and after [the game]. So I was stuck down here 'til 5:30 in the morning until the buses started running again. My cart was out of electricity, and I was sitting on the heating grate, up against the edge, and he came around the corner and he told me if I didn't move, he was gonna put my ass in jail and impound my scoot-

er. Then he wrote me a citation. Had to go to court on it. Ended up pleading guilty, cause I didn't want to tie up more time, 'cause time in court's time I'm not selling papers. It's a misdemeanor charge anyway, but the fact that I had to do that—I wasn't blocking the sidewalk. Four o'clock in the morning—who's on the sidewalk? He was very nasty. He just talked to me very disrespectfully. I had to bite my tongue. 'Cause I normally don't take that kinda stuff. I just didn't wanna go to jail. Woulda had to wait two days for them to throw it out. So I ran my car as far as I could toward the bus station and waited 'til the bus. Sat out there and froze."

#### 15. Frank Clements

**Citation Arrest**

**Criminal Trespass**

T.C.A. 39-14-405

**Misdemeanor C**

**Arrest Date:** March 19, 2012

**Arrest Time:** 9:15 a.m.

**Arrest Location:** 6th Ave S & Mulberry St.

**Court Disposition:** Guilty

**Date Convicted:** April 23, 2012

**Court Costs Owed:** \$359.15

**Frank:** "It was in the daytime. A friend of mine had just got hit by a truck, and his leg was hurt, and he sittin' in the stairwell going up to the property, and I was standing there on the sidewalk beside there, and this police officer come up and gave me a citation for trespassing. And there was another time that the man who owned the property up there had given us permission to be on his property, and we still got a citation. He had an old couch up there and he gave us permission to sit out there, and I told him, and the police officer went over there and asked the man, and he told him, 'Yeah, I give 'em permission to be out here,' and he still gave us a citation anyway. I had to go to court, but I didn't appear, and I ended up doing five days in jail. I think it's wrong. I mean, I wasn't hurtin' nobody against the wall on the sidewalk. The man done give us permission to be on his property; we should've never gotten citations. I think it was wrong, what they did. Actually, it's ridiculous. So many people going to jail over nothing—or getting citations—just because we're homeless, you know. It's not a crime to be homeless."



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### 16. Benny Crews

**Citation Arrest**

**Criminal Trespass**

**T.C.A. 39-14-405**

**Misdemeanor C**

**Arrest Date:** June 22, 2013

**Arrest Location:** 613 Ewing Ave.

**Court Date:** July 1, 2013

**Benny:** “I was sitting right here on Ewing St. at the building that’s right across from the building that I stays at sometimes—at the church. I sat there for just about probably five minutes. Living here by the church, they only let you come in at 9 o’clock at night, and it wasn’t quite 9, and I was really just gonna wait right here and hang because it was hot that day. It was probably 90 degrees. I was just resting because I didn’t have nowhere to go, and I was just waiting, walking around. With what I’m going through, I really ain’t got nowhere to go. So I sat right here for a little minute, cause I take medicine and stuff like that too. Being on medicine and stuff, and how I was born and stuff like that—I gotta lot of problems, probably about three or four different problems that be concerns to me. So I sat right here just about five minutes then the police came here and said that they had to check me out for my ID and stuff like that. Next thing I know they say I had to get a ticket. I told them I had just sat right there for about five minutes. I know you’re not supposed to sit there—I told ‘em that too. And they ended up still giving me a ticket anyway. And I’m just thinking to myself, *Man, they still gonna give me a ticket?* But I understand, though, ‘cause they say you couldn’t be here, sure, but I

was only here 5 minutes. He didn’t give me no option to move along. I told him it was my first time being here and everything like that. I’m not from here; I came here ‘cause I didn’t have no place else to stay, so I come over here [Holy Trinity], and over here [Nashville Rescue Mission], sometimes. I got a ticket where I gotta go to court. I was just thinking he shoulda gave me a chance, but he didn’t end up doing it, though. He ended up giving me my first ticket. So I thought, *OK, I understand, that may be their rules or whatever.* But I still think he coulda done something like that. They say we can’t be somewhere, but I think they should give people who are their first time, they should give people a chance.”

### 17. Doc Mothershed

**Citation Arrest**

**Criminal Trespass**

**T.C.A. 39-14-405**

**Misdemeanor C**

**Arrest Date:** May 29, 2013

**Arrest Location:** 1st Ave. N. & Gay St.

**Court Disposition:** Guilty

**Date Convicted:** June 27, 2013

**Court Costs Owed:** \$261.00

**Doc:** “I wanted to get away from all the traffic and all the people, ‘cause Broadway is all packed with people. I didn’t see no trespassing signs. I was thinking about my mother who had recently passed away. I never got over it. So I thought I was gonna go down there and think about my mom. I wanted to take a nap too. I laid there about

an hour, and next thing you know a flashlight hit me. The cop asked me to go up there and said, ‘I’m gonna cite you for trespassing.’ And I said, ‘Well, can’t you give me a warning?’ And he said, ‘No, I’m not gonna do that. I’m gonna give you a trespassing and a court date.’ And so, he didn’t give me a warning. [*While walking, we finally pass a “No Trespassing” sign.*] There’s the ‘no trespassing’ sign—a block and a half away. The place where I was at, there was no signs that said, ‘no trespassing,’ and it looked like a dump, too. I was thinking, *They’re probably gonna arrest me or put me in jail.* I felt like I was charged for being homeless and for breathing air. He wouldn’t even give me a warning; he just wanted to run my name through. I just—pure harassment. I think what it is, is homeless people, they get harassed for being homeless, and it’s so easy to get ‘em with a trespassing charge. I wasn’t hurting nobody, I wasn’t stealing from nobody, I wasn’t on anyone’s private property, ‘cause federal property ain’t private property. And I was just sittin’ there breathin’ air, thoughts of my mom passing away runnin’ through my mind. And I thought I’d just take a nap, you know, I was up all day—tired, sleepy. And then, here he comes. I felt like I was being just pure harassed—being charged as a criminal for being homeless and breathing air. My court date—I was in the hospital, was admitted for two days. They told me, get a hold of ‘em by Friday. I got a hold of ‘em today, and they said, come in and we’ll get another court date. I gotta go in between 7 and 11. And this takes anywhere from about seven to 10 hours maybe. It might even be days. You can get up to 30 days, 60 days. Depending on what mood the judge is in. I’m just glad y’all is doin’ this, ‘cause somebody needs to speak up against this. This just ain’t right. It’s not humane.”

“HE COULDA JUST SAID, ‘GET ON OUT OF HERE. MOVE ALONG,’ AND I’DA MOVED ON. BUT AFTER HE ID’D ME, HE DIDN’T GIVE ME THAT CHOICE.”



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### 18. William McClain

#### Physical Arrest

#### Criminal Trespass

T.C.A. 39-14-405

#### Misdemeanor C

Arrest Date: April 19, 2013

Arrest Location: 225 Polk Ave.

Court Disposition: Guilty

Date Convicted: April 19, 2013

Time in Jail: 0.7 days

Court Costs Owed: \$365.65

**Affidavit:** “THIS UNIT OBSERVED AN INDIVIDUAL SLEEPING ON THE PROPERTY OF 225 POLK AV. THAT LOCATION IS GOVERNMENT PROPERTY. THE SUBJECT, DEF/MCCLAIN STATED THAT HE HAD NOWHERE ELSE TO GO, SO HE WAS NOT LEAVING THE LOCATION. I ASKED DEF/MCCLAIN IF HE WANTED TO GO TO THE RESCUE MISSION, AND HE STATED THAT IT WAS FULL, AND HE JUST WANTED TO GO TO JAIL. DEF/MCCLAIN DOES NOT QUALIFY FOR A CITATION DUE TO A REASONABLE LIKELIHOOD THE OFFENSE WOULD CONTINUE AND 2 FTB IN THE LAST 5 YEARS.”

**William:** “There was an entrance and an exit, and they’re both in about four feet. I was in the exit, off the sidewalk. This was at night, it was raining, storming. I was sittin’ down—wasn’t sleeping. I was just under there to get outta the rain. And this cop pulls up, and he tried to tell me I was sleeping, but I wasn’t sleeping. See, they don’t write me up. I’ve had so many ‘failure to appears’ that they don’t write

me up. They either take me to jail or let me go. So, he said I was trespassing, so I said, ‘OK, let’s go to jail.’ He said, ‘People have been damaging this property and the library people want you off of it.’ So I said, ‘OK.’ Then he ID’d me, couldn’t write me up with a citation, so he takes me to jail. I was just in overnight. They gave me a 30-day suspension (from the property). I couldn’t get arrested anywhere for 30 days. It’s up to the cop. If they want to do it, they can do it. Whether it’s good or bad, it depends on where you’re at. I was outside a fenced in, empty building. If a man’s inside a construction zone or something like that, that’s different. There was another man got arrested the same night. He was at his girlfriend’s house on the porch. Since he didn’t live there, and it said so on his ID, he got arrested. We were trying to get outta the same rain. Usually, they don’t bother me, because I don’t trespass that often. But it was just ridiculous. He was a new cop; that may have been the reason. He wasn’t one of the old ones; he was a new one. He was pretty good about it, but he said I was committing a crime, so... But they didn’t have to do it. He coulda just said, ‘Get on out of here. Move along, and I’da moved on. But after he ID’d me, he didn’t give me that choice. I don’t know the officer’s name, but he didn’t have to be that strict. But most of these cops, they got to prove to their sergeant that they’re doing the job. But in time, I think, they do change. It’s wrong, to a certain point. If a man is where he can do some damage, then sure. But the cops need to have an understanding of what the homeless have to go through—that 90 percent of them will not break a law, intentionally. But they don’t seem to wanna get together. They do their thing, and they don’t care what we... Like, they’re taking up all the benches on the street now. Four of ‘em today. All just because that’s where the homeless sleep. What they’re try-

ing to do is get all the homeless outta downtown. But where we goin’? If I stay here, there’s nowhere I can go. I don’t get food stamps, or a check, because of this warrant [in another state]. I have to stay where I can eat. I’m 73 with a heart condition. I just had open-heart surgery back in October or so. It’s either go to jail, or...”

“I FELT LIKE I WAS CHARGED FOR BEING HOMELESS AND FOR BREATHING AIR. HE WOULDN’T EVEN GIVE ME A WARNING... I WASN’T HURTING NOBODY, I WASN’T STEALING FROM NOBODY...”