

The facts on lurking

What is lurking? *“No person, in any public or private place, shall lurk, lie in wait or be concealed with intent to commit any crime or unlawful act”* (Minneapolis ordinance: 385.80)

-A police officer must determine someone’s intent simply by judging appearances.

So why should you care?

Because it’s costing you money

Since 2003, 800 people have been arrested for lurking.

If the accused was to spend two nights in jail, it would cost about \$230.00 per arrest (according to data from 2004). This price does not include costs incurred by the City Attorney, Public Defender’s Office, and Community Corrections, and any processing or booking fees.

Since 2003, the city of Minneapolis has spent at least **\$184,000** processing lurking tickets. Between 70% - 90% of lurking charges are eventually dropped or dismissed. Dropping those charges means the City of Minneapolis has wasted at least **\$147,000 for processing these tickets**. Furthermore, the Minneapolis Police Department is currently five million over budget.

Because it doesn’t make you any safer

There are already laws that protect your safety.

- In the loitering ordinance there are already statutes that say it is illegal to loiter with the intent to solicit prostitution and illegal to loiter with the intent to sell drugs.
- Attempting to commit crimes is already against the law; in fact it is a more serious penalty to be charged with attempted robbery than lurking. Giving someone a lurking ticket would let real criminals off easier.
- 37% of those cited for “lurking” were cited for another primary offense, which means that they did need the lurking ordinance to cite them.
- Of the 100 largest cities in the country, Minneapolis is one of **two** that have a stand alone lurking ordinance, if it was an effective way to combat crime, why don’t any other cities have it?

Because it’s applied discriminatorily, and violates peoples’ Human Rights

This law is applied extremely discriminatorily and is subjective. It targets people of color, the homeless and other low income persons. According to the data collected from 2003 – 2007, the ACLU of Minnesota found that

- African Americans are nearly **eight times** more likely than a Caucasian to be cited for lurking.
- Native Americans are **nine times** more likely than a Caucasian to be cited.
- A homeless person is **twenty times** more likely to be cited for lurking than a non-homeless person

Having an arrest on your record increases the barriers for someone to emerge from the cycle of homelessness. It makes it harder to get a job, to rent an apartment; it is one more barrier that KEEPS homeless people on the streets. According to International Human Rights Conventions, all people have a right to have access to housing and to live free from discrimination.

The above data was collected from the City of Minneapolis, Council Member Cam Gordon, Council on Crime and Justice & the American Civil Liberties Union of Minnesota. Questions? Contact Joshua Lang from St. Stephens at 612.870.2279 or Jana Kooren from ACLU of Minnesota, 651.645.4097 x123.