

City of Wilmington



MICHAEL S. PURZYCKI
Mayor

December 12, 2024

The Rev. Patrick Burke, Rector
Episcopal Church of Saints Andrew & Matthew
719 N. Shipley St.
Wilmington, DE 19801

Dear Rev. Burke,

The City of Wilmington is in receipt of your letter dated December 5, 2024, expressing concerns about recent encounters with officers from the Wilmington Police Department (“WPD”) and signed on to by 250 additional organizations and individuals. It is somewhere between disturbing and amusing to me how little it takes for members of the clergy and other neighborhood groups to so loudly signal their virtue when they have heard only one side of a story. To be very clear, the City welcomes working in partnership with our faith-based and non-profit organizations to address the needs and concerns of our residents. But the misstatements contained in your letter are not only counterproductive to a collaborative partnership they undeservedly defame members of an outstanding police department doing a difficult job. Let me take this opportunity to correct the record.

Your letter states in a general manner that the Wilmington Police Department has taken “increasing aggressive tactics and actions” that “dehumanize our neighbors and infringe upon our congregational rights, and the rights of those we faithfully serve,” accusing WPD officers of “harassment and intimidation” and issuing threats to members of the Episcopal Church of Saints Andrew and Matthew and the Friendship House. You then specifically cite the removal of benches from the corner of 8th and Orange streets in late October as an example of “mistreatment.” This is utter nonsense. It is a gross, and unfair, mischaracterization of the interactions between our officers and you, the Friendship House, and the unhoused population we all serve. As explained below, our officers acted professionally in explaining and seeking your assistance to resolve an unsafe and unsanitary situation taking place in a public right-of-way next to your property. They treated the unhoused individuals they encountered outside your church with compassion and understanding. In no way has the WPD “dehumanized” or infringed on the rights of unhoused individuals.

OFFICE OF THE MAYOR

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As you know, in the months leading up to the removal of the three benches, police had received multiple calls for service and complaints from the community, including calls from you and other members of the Church, regarding disorderly conduct, offensive touching, assault, suicidal individuals, terroristic threatening, and drug use/overdose in this area. Police also received several calls to “check on the welfare” of individuals. On October 23rd, officers again received a complaint concerning a disorderly group in the 700 block of North Orange Street. While there, responding officers detected a strong odor of urine in the area of the benches and observed stains on the sidewalk they believed were caused by bodily fluids. As a result, officers arranged to have the area cleaned.

That day, officers spoke to you and representatives from Friendship House to discuss the public health and safety concerns in the area and that the benches had become a place where individuals urinated, engaged in drug use, and stored large amounts of personal belongings. In response to questions concerning the ownership of the benches, you stated that you were unaware of who owned the benches because you had only been here for a year and assumed they were the City’s benches. You also expressed your understanding that the Church had no responsibility or authority over the actions of the individuals occupying the public space outside the boundaries of your property; that the Church would only address unlawful behavior occurring on Church property. Your expectation was that the police would address illegal activity occurring in the public right-of-way. Regarding the removal of the benches, you stated that if given a choice, you would not want the benches removed because you considered such action to be an “anti-homeless tactic” but if the City determined that the benches should be removed because it’s the law “then so be it, [you] can’t control that.” When the officers stated they would look into having the benches removed because they were in the public right-of-way, seemingly without the City’s authorization, you indicated your understanding, even though it was not your preference. You also expressed your belief that a “prostitution ring” in the area was the “root cause” of the individuals remaining in the location, and that if this issue were addressed, perhaps the individuals would not remain in the area. The officers agreed to increase patrols in the area to address the prostitution.

It is also our understanding that members of WPD later spoke to staff from the Friendship House and, during their discussion, explained the City’s law related to public nuisances where a property owner may be held responsible for unlawful conduct occurring in public when that conduct originates from within private property. Officers also asked staff if they would like to keep the benches and offered to bring the benches on to the Church’s property. Staff declined the offer.

As you are aware, later that day, to remediate the public health concerns, the benches were removed from the sidewalk, and, with the assistance of Downtown Visions, the sidewalks were cleaned and power washed. The City continues to store the benches. As stated by the officers that day, you are welcome to the benches, but they cannot be placed in the public right-of-way.

The discussion between you and the officers regarding the benches and the activity in the area was not at all threatening, harassing, or intimidating, and we take issue with that characterization. It was a respectful, thoughtful and professional discussion. Likewise, officers were not “threatening” Friendship House staff but explaining the City’s laws. Further, to suggest that the benches were removed without consultation is simply inaccurate. Putting aside the question of the benches’ ownership, the fact remains that the benches were in a public right-of-way in a heavily trafficked part of Downtown, making them the responsibility of the City to police and maintain when issues of public health and safety arise.

Though not specifically mentioned in your letter, presumably the subsequent removal of an encampment along the 100 block of West 8th Street is included in your list of grievances and requires a response.

In early November, the City became aware of a tent that had been erected and maintained on a public sidewalk in violation of the Wilmington City Code, which prohibits any unauthorized encroachment into the public right-of-way. The tent was occupied at times by approximately four individuals and two dogs for several weeks.

On November 21st, police officers visited the site. The supervising officer on-scene provided the occupants and owner of the tent with written notice of the violation and gave them an opportunity to remove the encroachment by the following day. The officer made very clear that the individuals could remain at the location, but the tent was not permitted to be erected and maintained in the public right-of-way. It was the tent, not the people, that needed to be removed.

Importantly, that day, and over the course of the next several days, the officers, along with members of the Wilmington Police Department’s Partners in Care co-responder program and the ChristianaCare Community SOS team, engaged the occupants of the tent and others present, offering them medical, mental health, and substance abuse services, access to housing resources and other social service resources.

The individuals ultimately complied with the City's request, and the tent was eventually removed. But over the course of several days, WPD and its partners went to the location and undertook significant efforts to connect the individuals involved with much needed services. Two individuals accepted immediate treatment support and were transported by providers to treatment facilities. Two additional individuals were connected with transitional housing with the assistance of Partners in Care, and several other individuals were provided with referral information for additional assistance.

The way WPD and its social service partners engaged the individuals living in the tent should be applauded, not criticized. Officers were respectful, compassionate, and patient. In this instance, the officers' perseverance in continuing to engage with these individuals gained compliance with the law without the need to use traditional law enforcement methods.

Be advised that the decisions to remove the benches and the encampment located on the public sidewalk were not made unilaterally by the Wilmington Police Department but rather originated from this office. Further, the removal of the benches and the encampment were in no way an attempt by the City to enforce loitering and solicitation laws. In fact, on November 21st, the City reached out to the ACLU and informed them of the tent, that it was in violation of the City's law relating to encroachments in the right-of-way, that the City had provided the occupants with written notice of the violation, and that the City was attempting to connect the occupants with social services. The City specifically stated it was not enforcing any loitering laws, and was reaching out to the ACLU to ensure there was no misunderstanding regarding the City's actions and its compliance with the agreement reached between the Delaware Department of Justice, the City, and the ACLU in October. So, your suggestion that the City is not complying with its agreement is, again, simply wrong.

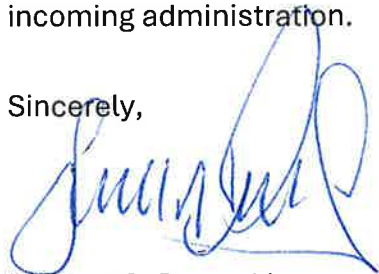
We are not insensitive to the plight of our unhoused neighbors in Wilmington. Homelessness is an entrenched, complex social issue nationwide that is rooted in poverty, lack of affordable housing, issues of mental health, substance abuse, and systemic barriers to support services. While we are limited in what we can do by our Charter as well as available resources - traditional public safety net programs in Delaware remain the purview of the State and the County - the City continues to address problems related to homelessness by supporting the building of affordable housing and job-training efforts, as well as building relationships with the unhoused community and connecting them to available services and support systems, as happened here. And we appreciate the on-going collaborations with our partners in the social service and public health fields, who work each day to connect Wilmingtonians in need with critical support to help improve their health and well-being.

At the end of the day, Wilmington has a responsibility to ensure public access to public rights-of-way for all members of our society, and to keep our public spaces clean and safe. No resident or visitor to our City should be forced to encounter unsanitary conditions – including human waste or bodily fluids -- while simply walking down a City street.

It should be noted that while you choose to focus on existing conditions outside your church, do not for one moment think that yours is the only such problem the government faces in maintaining cleanliness and safety throughout the City. There are encampments along Front Street, under I-95, and in Christina Park. There are individuals sleeping in doorways throughout Downtown with bedrolls and belongings strewn across sidewalks. People break into and occupy vacant houses. People sleep in abandoned cars. The City's awesome responsibility is to manage these human challenges with compassion and at the same time balance its strict obligations to the public at large. Perhaps the same sense of balance might come in handy for those of you who are so quick to criticize.

While we would be happy to engage with you in an ongoing conversation about these issues, given the timing of your request we feel that any such meetings would best be left to the incoming administration.

Sincerely,



Michael S. Purzycki

Mayor