



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-5037

**Type:** Staff Briefing - Without Ordinance

**In control:** Governance Committee

**On agenda:** 9/21/2016

**Title:** A Council Consideration Request from Councilmember Gallagher, District 10, on Panhandling Ordinance [Erik Walsh, Deputy City Manager; William McManus, Chief of Police]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. CCR Gallagher - Panhandling Ordinance

Date	Ver.	Action By	Action	Result
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**DEPARTMENT:** Police Department

**DEPARTMENT HEAD:** William P. McManus, Chief of Police

**COUNCIL DISTRICTS IMPACTED:** Citywide

### SUBJECT:

Review and Assessment of Panhandling Ordinance

### SUMMARY:

On May 9, 2016, Councilmember Mike Gallagher requested City staff conduct a review of the current panhandling ordinance and related procedures to address illegal panhandling. The following are among the topics to be reviewed: best practices of other major communities, potential amendments to the existing ordinance to enhance enforcement, coordination with area nonprofit and social service organizations to offer assistance to those in need and achieve voluntary compliance and processing of repeat offenders.

### BACKGROUND INFORMATION:

In 2005, the City of San Antonio enacted an aggressive solicitation ordinance which defines aggressive solicitation as the use of sustained verbal and physical intimidation.

A person commits an offense if the person solicits:

- In an aggressive manner in a public area
- Within 50 feet of areas where public is considered vulnerable or where solicitation would interfere with the flow of traffic

Any person who engages in this type of activity is subject to prosecution for a Class C misdemeanor and a fine not to exceed \$500.00. Since 2014, the SAPD has issued a total of 10,832 citations for violations of the aggressive solicitation ordinance and the ordinance prohibiting the solicitation of occupants of vehicles. The table below provides an overview:

Violation	2014	2015	2016
Soliciting from occupants of vehicles	3,446	3,060	1,576
Aggressive Solicitation	342	406	175
Aggressive Solicitation in Certain Areas	711	869	247

Enforcement of the ordinance has had limited long-term effect in deterring panhandling due to the continuous cycle created by the arrest of violators which results in the issuance of a fine and immediate release by Municipal Court. Oftentimes, violators are back on the street within hours of being arrested.

An effective strategy to address panhandling will require a comprehensive approach focused on the following:

- Support for state legislation to increase the availability of resources to provide medical and psychiatric services to individuals with underlying medical and substance abuse issues
- Greater coordination with the business community and nonprofit organizations to implement proactive programs to identify, categorize and develop treatment plans for at-risk individuals
- Public awareness campaign to discourage donations to panhandler, identify aggressive panhandlers and monitor panhandling hot spots
- Development of restitution/community service program to deter repeat offenders and offer stability and services to individuals in need of long-term assistance

A review of panhandling ordinances confirms that the primary focus of cities that implement panhandling restrictions is ensuring that such prohibitions do not violate the constitutional rights of the individual. Among the restrictions that have been struck down by the Federal Court system is the requirement to obtain a permit to solicit.

## **RECOMMENDATION:**

SAPD recommends forwarding this issue to the Public Safety Committee for further discussion. In the interim, SAPD will meet with the Department of Human Services, Municipal Court, Parks & Recreation, the City Attorney's Office as well as local organizations to review and identify potential strategies to effectively address aggressive panhandling.

