



City of San Antonio

Agenda Memorandum

File Number:16-5747

Agenda Item Number: 3.

Agenda Date: 11/8/2016

In Control: Criminal Justice, Public Safety and Services Committee

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, Council member Mike Gallagher requested City staff conduct a review of the current panhandling ordinance and related procedures to address illegal panhandling. Cities across the nation have sought to establish and strengthen existing panhandling ordinances in response to concerns related to aggressive panhandling. However, the judicial system has limited the ability of municipalities to restrict individuals from this type of activity. As a result, cities have focused their efforts on enhancing coordination with social service organizations to offer services and resources to those in need and raising public awareness on the importance of responsible charitable giving.

BACKGROUND INFORMATION:

Aggressive Solicitation Ordinance

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:

- Marked crosswalks
- Parking garages
- ATMs
- Banks
- Bus stops
- Parking meters/pay stations
- Outdoor dining areas
- Charitable campaign meters

In 2011, the ordinance was amended to extend the 25 ft. restriction to 50 ft. for the locations listed above.

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.

Major Cities Comparison

City	Ordinance Features
Austin	Offense committed if person solicits in aggressive manner in public area such as bus stop or within 25 feet of ATM, bank entrance, marked crosswalk school/childcare facility entrance, patio area of restaurant/bar or Downtown Business area between 7pm-7am.
Dallas	Offense committed if solicits, begs contributions, distributes advertising materials upon the premises of a hotel, private office building or public building without prior written approval from owner or person in charge. Person commits offense if conducts solicitation by coercion in any outdoor area in the city anytime between sunset and sunrise on any day of the week and within 25 feet of ATMs, banks, public pay phone, self-service fuel pump, public transportation stop or outdoor dining area. Identifies several solicitation-free zones. Fine not to exceed \$500.
Ft. Worth	Requires solicitors to be at least 18 years old and obtain permit. Permit allows solicitation at specified intersection for no more than two days between 9am - one hour before sunset. Person/organization may only obtain one permit per calendar year. Individuals must have insurance, approved signs and safety vests. May not impede traffic and can enter/remain in roadway only while traffic signals prohibit vehicular movement. Ordinance identifies prohibited intersections where solicitation is prohibited within 1,000 ft.

Phoenix	Unlawful for any person to solicit money or anything of value in an aggressive manner in public area, within 15 feet of bank entrance, within 10 feet of bus stop signage, in any public transportation vehicle. Violators may be sentenced to perform community service.
San Diego	Prohibits aggressive coercion, harassment, threats, intimidation and hounding for the solicitation of money or goods on the streets, sidewalks or other public places whether privately or publicly owned.

Contributing Factors

Synthetic Marijuana

Field observations made by the Mental Health Unit/IMPACT Team indicates that the increase in aggressive panhandling coincides with the emergence of kush and synthetic marijuana which is relatively inexpensive and causes some users to become aggressive, unresponsive and dependent. In effort to address this growing concern, the SAPD is participating in the Synthetic Drug Initiative pilot program which allows individuals in possession of these drugs to be arrested. Since its inception on September 1, 2016, there have been a total of 106 arrests made and 3,238 grams of synthetic marijuana seized.

Mental and Substance Abuse Issues

In 2015, The IMPACT was created to specifically identify and address the needs of the homeless to improve quality of life in the downtown area. Through this effort, a number of partnerships have been forged which allow at-risk individuals to receive services and resources needed to promote their health and well-being. The table below provides statistics on the results of the IMPACT Team/Mental Health Unit since October 1, 2015:

Number of Contacts	1036
Refused Services	337
Referrals	379
ED's	141
Sobering/Detox	179

Of the 379 referrals made to date, 74% have been to the following organizations: Haven for Hope, Crisis Health Center, NIX Hospital, Methodist Hospital and the Salvation Army.

The Department of Human Services, in coordination with Bexar County, has introduced proposed state legislation for funding to improve the commitment process and access to substance abuse and mental illness treatment for the chronically homeless.

Strategy

The SAPD will continue to enforce the existing panhandling ordinance while also focusing on the following:

- Public Awareness Campaign
- Proactive Community Service
- SAFFE Outreach and Social Service Engagement
- Support state legislation for additional resources

RECOMMENDATION:

SAPD recommends formulating a comprehensive strategy, in coordination with DHS, City Attorney's Office, Development Services and social service organizations, to identify and address the factors that contribute to aggressive panhandling and to develop an action plan to proactively address locations throughout the city where panhandling is observed.