



# City of San Antonio

## Agenda Memorandum

**File Number:** 17-4756

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**Agenda Item Number:** 4.

**Agenda Date:** 8/23/2017

**In Control:** Public Safety Committee

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**DEPARTMENT:** Police Department

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

**COUNCIL DISTRICTS IMPACTED:** Citywide

### **SUBJECT:**

Homeless and Panhandling Update

### **SUMMARY:**

The San Antonio Police Department, in coordination with partner City departments and area organizations, provides a variety of services and resources to facilitate assistance to the chronically homeless. In addition, the SAPD works closely with the business community, neighborhood groups and individual residents to address concerns associated with homelessness and panhandling throughout the city.

### **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. 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. Violators are typically on the street within hours of being arrested.

In an effort to effectively reduce panhandling, the SAPD has proactively contacted businesses and property owners throughout the City to encourage individuals to sign and submit a criminal trespass affidavit which elevates violations to a Class B misdemeanor. SAFFE officers from every service area have been trained on the criminal trespass affidavit and offer it as a tool to businesses and property owners throughout the City that express concerns with panhandling activities on their property. The table below provides a year-to-date comparison of panhandling and criminal trespass arrests for 2016 and 2017 citywide and within the Downtown PID, respectively:

<b>Downtown PID</b>	<b>2016</b>	<b>2017</b>	<b>% Change</b>
Panhandling	187	175	-6%
Trespassing	165	182	10%
<b>Citywide</b>	<b>2016</b>	<b>2017</b>	<b>% Change</b>
Panhandling	1,099	937	-15%
Trespassing	1,027	1,202	17%

## Major Cities Comparison

<b>City</b>	<b>Ordinance Features</b>
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.

### *Mental and Substance Abuse Issues*

In 2015, The IMPACT Program 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:

<b>Number of Contacts</b>	<b>2,169</b>
Referrals	1,003
Refused Services	655
Emergency Detentions	263
Sobering/Detox	248

## Strategy

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

- Public Awareness Campaign
- Special Projects and Initiatives
- SAFFE Outreach and Social Service Engagement
- ID recovery
- Submission of Criminal Trespass Affidavits

The Department of Human Services (DHS) also serves as the coordinating department in managing City of San Antonio homeless initiatives and investments. This includes oversight of homeless investments in the amount of \$10.2 million annually. City investments support strategies to maintain the effective end of veteran homelessness and address chronic homelessness through targeted investments in transformational services including shelter, food, counseling, street outreach, mental health, and rapid re-housing.

As a part of these continued efforts, DHS in coordination with SAPD, South Alamo Regional Alliance for the Homeless (SARAH), local homeless non-profit, and faith based service providers, and multiple City departments will conduct Proactive homeless encampment outreach events for homeless individuals sleeping in encampments and drainage easements. The outreach team will conduct a total of 24 coordinated outreach

events focused in 7 high activity areas. The faith based initiative's homelessness and hunger action team will work in coordination with the encampment outreach team to develop an Interfaith Message for Alternative Giving to address Panhandling issues related to homeless encampments.

#### **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 homelessness and aggressive panhandling and to develop an action plan to proactively address locations throughout the city where panhandling is observed.