

Limiting Aggressive Panhandling



A POLICY DISCUSSION

12/4/2013

Purpose of Discussion



- Respond to citizens' concerns
- Listen to Sheriff's recommendations
- Hear from Community Services about potential impacts
- Provide direction for staff about code language preferences
- Would not prohibit panhandling

Why is this an issue?



- **Citizen complaints/public safety**
- **Tool for Sheriff's Office**
- **Consistency among local jurisdictions**

Community Service Concerns



- Vulnerable populations such as people experiencing homelessness, mental health disorders, chemical dependency or low-incomes will be disproportionately more likely not to pay the fine or appear in court thus finding themselves charged with a crime. A criminal record poses barriers for obtaining employment, housing and access to other services making their circumstances worse.
- Can not compel people into treatment when the crime and the underlying offensive behavior are unrelated. Current sentencing guidelines allow courts to order chemical dependency treatment when there's a correlation between the crime and the guilty individual's addiction. Must follow the Involuntary Treatment Act (ITA) RCW 71.05 (adults) and RCW 71.34.700 (children). Can't mandate a person get mental health treatment unless the person is detained under the ITA laws. Individuals must voluntarily agree to participate in mental health treatment as a diversion to prosecution.

Types of limitations



- **Location**
- **Behavior**
- **Time**
- **Distance**

Location Limitations



- Automated teller machines, exterior public pay phones, self-service car washes and gas stations (isolated locations)
- Using or waiting for public transportation; vulnerability could cause people to avoid public transportation
- Entering or exiting vehicles; could distract people from surroundings; could startle or frighten

Location limitations, cont...



- **Persons operating motor vehicles; could result in car/pedestrian collisions or vehicle collisions when solicited driver swerves to avoid panhandler**
- **Public places; contributes to loss of access and enjoyment of public places; adds to sense of fear, intimidation and disorder**
- **Solicitation of public by person on private property without consent of owner**

Limitations on distance/time



- **Maintaining distance of 25 feet will help protect people from intimidating solicitations set forth above; will provide uniform distance to guide law enforcement and citizens**
- **Solicitation at night or of people entering or leaving buildings makes people more vulnerable, or perceive they are more vulnerable, to crime because of limited visibility and options to avoid attacker or thief**

Limitations on behavior



Coercive solicitation:

"Coercion" means:

1. To approach or speak to a person in such a manner as would cause a reasonable person to believe he or she is being threatened with either imminent bodily injury or commission of a criminal act upon that person or another person or upon property in the person's immediate possession
2. To persist in solicitation after the person solicited has given a negative response
3. To block, either individually or as part of a group, passage of a solicited person
4. To engage in conduct that would reasonably be construed as intended to compel or force a solicited person to accede to demands
5. To use violent or threatening gestures toward a person
6. Willfully providing or delivering, or attempting to provide or deliver, unrequested or unsolicited services or products with a demand or exertion of pressure for payment in return
7. To use profane, offensive or abusive language inherently likely to provoke an immediate violent reaction

Next steps/outreach



- **Finalize code**
- **Set hearing**
- **Decide on effective date**
- **Outreach/education**
- **Probationary period/warnings**