

# Overview of Panhandling, Solicitation, and Available Strategies

City Council Briefing  
February 3, 2021

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**City of Dallas**

# Overview



- Background
- Constitutional Issues
- Available Tools
- Next Steps



# Background – Departmental Input & Collaboration



- **This is a multifaceted issue. Effectively addressing it requires a multifaceted approach – across many City departments.**
  - City Attorney's Office
  - Office of Homeless Solutions
  - Dallas Police Department
  - Office of Integrated Public Safety Solutions
  - Dallas City Marshal's Office
  - Court & Detention Services
  - Dallas Fire Rescue
  - Office of Community Police Oversight
  - Public Works Department



# Background – City Initiatives



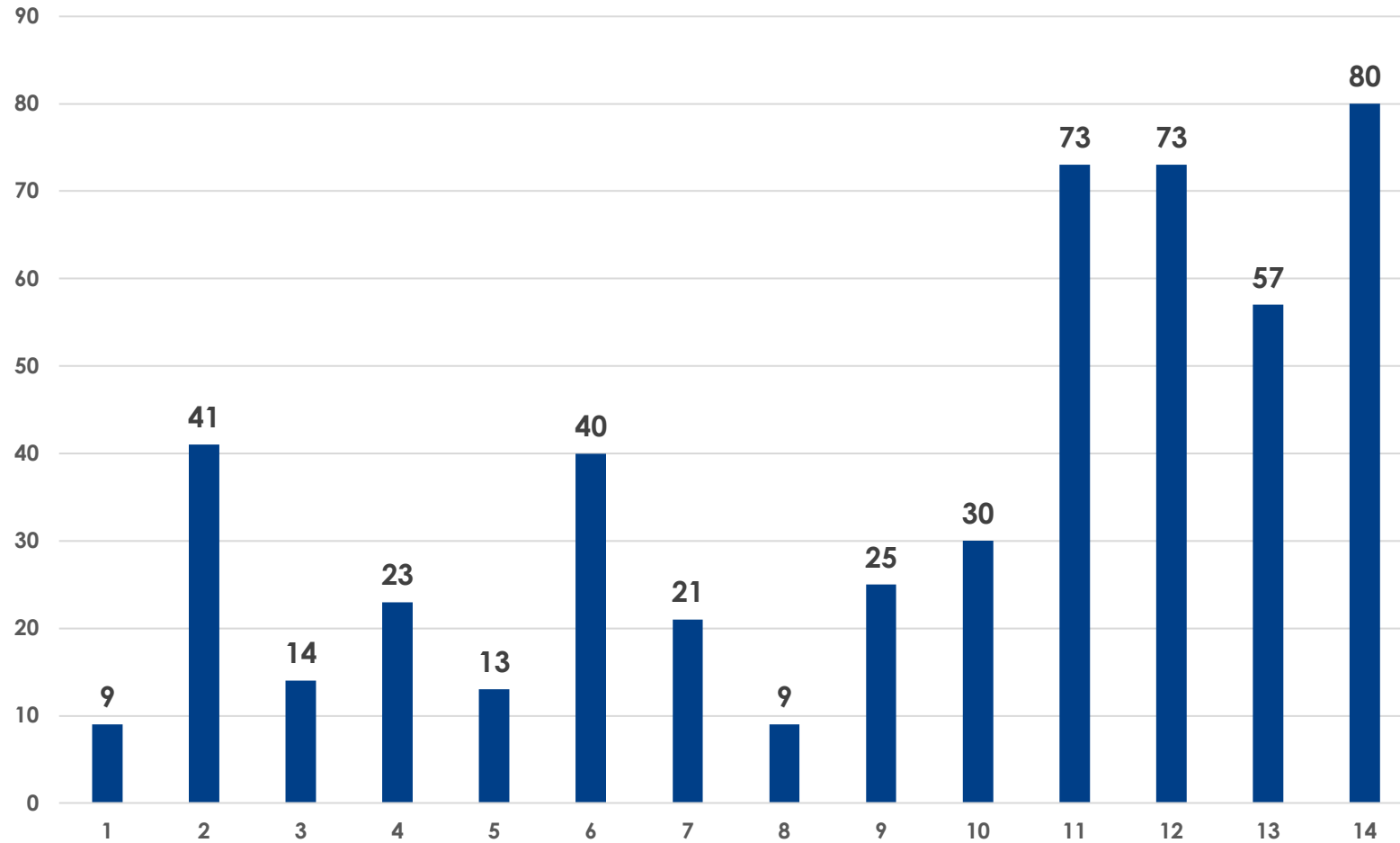
- **Dallas Police Department** – DPD enforces laws to address issues related to panhandling through citation and/or arrest. In 2015, DPD recommended placing “Keep the Change” signs in high traffic areas.
- **Community Court** – Community Courts assist individuals issued quality of life citations associated with panhandling. Along with addressing their criminal offenses, the courts help individuals with mental health, housing, job placement, substance abuse, and other supportive services.
- **Dallas City Marshal’s Office** – A program is being developed at the City’s Detention Center to refer individuals to community-based support providers to provide them assistance when they are facing quality of life challenges such as homelessness, unemployment, substance abuse, or mental health issues.
- **Office of Community Care** – In 2018, the End Panhandling Now initiative used data to respond to panhandling with social services and referrals delivered by street outreach workers coupled with a social media and outreach campaign designed to educate the community about panhandling and discourage giving directly to panhandlers.
- **Office of Homeless Solutions (“OHS”)** – Panhandling outreach has transitioned to OHS as the research showed a high percentage of individuals that panhandle were individuals experiencing homelessness and/or on the continuum (e.g. living day-to-day in motels).



# Background – Panhandling Service Requests 2020



Panhandling Service Requests by Council District





# Background – Local Factors



- Individuals panhandle for a variety of reasons.
- According to the City's street outreach during the End Panhandling Now initiative:
  - *Most individuals are fulfilling basic needs, such as food or shelter.*
  - *Most individuals are considered homeless and/or on the continuum.*
  - *Mental health prevents many from getting and keeping traditional employment and from seeking social services, including shelters.*
  - *Individuals earn anywhere from \$20-\$300 daily.*
- These findings are consistent with other studies conducted across the country.



# Background - Sites



Of the 508 service requests in 2020, 32 sites were more heavily trafficked (See Appendix 1) – with 6 of those being the most trafficked.

- Martin Luther King Jr. Blvd
- Samuell Blvd. & Jim Miller Road
- Galleria
- N. Central Expressway & Royal Lane
- 7950 Forest Lane
- Walnut Hill & N. Central Expressway SB



# Constitutional Concerns



- The Supreme Court and lower courts have repeatedly found that asking for help is protected speech under the First Amendment.
- Courts regard the act of asking for money as protected speech and generally prevent cities from criminalizing panhandling or soliciting for money.
- Enforcement which specifically targets panhandling likely violates the First Amendment.
  - *Banning “aggressive panhandling”*
  - *Prohibiting panhandling in specified areas or at specific times*
  - *Requiring panhandlers to obtain solicitation permits*





# Available Tools



Addressing the issues associated with panhandling will require a combination of:

- **Implementing supportive solutions**
- **Modifying existing ordinances and adopting new ordinances**
- **Enforcing existing ordinances and state law**



# Criminal Offenses



- Cities may regulate illegal conduct associated with panhandling.
  - *Littering*
  - *Pedestrian in the Roadway*
  - *Obstructing Highway or Other Passageway*
  - *Impeding Traffic*
  - *Urinating or Defecating in Public*
  - *Criminal Mischief*
  - *Reckless Damage*
  - *Disorderly Conduct*
  - *Assault*
  - *Robbery*



# Municipal Ordinances



- **Broad solicitation ordinances that are content-neutral might survive a constitutional challenge, so long as there is a compelling governmental interest, and they are narrowly tailored.**
  - *Banning all forms of solicitation*
  - *Prohibiting giving to any solicitors*
  - *Requiring all solicitors to obtain solicitation permits*
  - *Prohibiting solicitation at certain times*



# Municipal Ordinances



- **Ordinances that indirectly address panhandling might survive a constitutional challenge.**
  - *Restricting sitting or standing on a sidewalk less than 36 inches*
  - *Require specific land uses that serve individuals who panhandle to develop a “Code of Conduct” that prohibits panhandling by clients; and a plan to manage panhandling in a specified area around the approved land use*
- However, based on the specific language of the ordinance or the specific application of the ordinance, they may face constitutional challenges.



# Supportive Strategies



- **Strategies that address what is believed to be the reason why individuals panhandle are being implemented across the country.**
- Criminalization of panhandling often results in unpaid citations and outstanding warrants - limiting an individual's ability to obtain a driver's license, housing, or employment, and indirectly increasing or impacting homelessness.





# Modifying the Environment



- The physical environment can be modified to discourage panhandling:
  - *Removing benches; unused pay phones; and/or newspaper boxes*
  - *Adding signage re applicable laws and alternative giving options*
  - *Redesigning appropriate landscaping and lighting*
  - *Activating the space to promote activity – mural art, street musicians, businesses, etc.*



# Same-Day Pay Program



The program offers individuals who panhandle an opportunity to earn a daily wage – and create substantive steps towards finding a job, reconnecting with loved ones, or obtaining steady shelter.

City	Program	Funding	Details
Albuquerque, NM	<b><i>There's A Better Way Initiative</i></b>	City of Albuquerque and Various non-profits	The program pays participants a day's wage to beautify the community during each service day while connecting them with social services.
Philadelphia, PA	<b>Color Me Back: A Same Day Work and Pay Program</b>	City of Philadelphia, Scattergood Foundation, SEPTA, Sheller Family Foundation, and Mental Health Partnerships	The program offers individuals looking for work to assist with mural painting through a lottery program. They work for half the day and receive a paycheck. Participants can also be connected to city services, such as signing up for a city identification card and connecting to housing and mentorship.

*Syracuse, NY; Tulsa, OK; Denver, CO; Boston, MA; San Diego, CA; Fort Worth, TX; San Jose, CA; Portland, ME; San Antonio, TX; Atlanta, GA; Memphis, TN*



# Encouraging Alternatives to Giving Curbside



- **Giving to Non-Profits Serving Individuals Who Panhandlers**

- This program provides a meaningful way for individuals to give to organizations who serve individuals who panhandle, including text message or websites.
- OHS is working with San Antonio to develop a program in Dallas.
- *Philadelphia, PA; Atlanta, GA; Baltimore, MD; Denver, CO; San Antonio, Tx*

- **Using Technology to Give Directly to Individuals Who Panhandle - Samaritan App**

<https://www.youtube.com/watch?v=YZSgQLdGmkg>

- The program provides qualifying individuals with a small “beacon” (a key fob that functions as a smart wallet) which they can obtain through local non-profits.
- People who download the app get notifications when they cross paths with a qualifying individual and are invited to read their stories and donate money through the app.
- The “beacon holders” can then use their funds at local partner businesses or ask their counselors to apply the funds to their rent or a different purchase.
- *Jacksonville, FL; Atlanta, GA; Seattle, WA; Chicago, IL; Oklahoma City, OK; Orange County, CA*





# Voucher Payments



The program allows people to buy vouchers to give to individuals panhandling which are redeemable for food, shelter, transportation, or other necessities.

- a private, nonprofit organization prints and sells the vouchers and serves as the broker between buyers and merchants.
- vouchers are often accompanied with printed information about where they can be redeemed and what social services are available to the needy.

Los Angeles, CA; Berkeley, CA; Santa Cruz, CA; San Francisco, CA; Nashville, TN; Memphis, TN; New Haven, CT; Portland, OR; Chicago, IL; Seattle, WA; Boulder, CO; and New York, NY.



# Providing Social Services



- This may include:
  - assistance finding housing that is more affordable;
  - locating community food programs;
  - locating childcare programs;
  - connecting to other activities that decrease social isolation or reconnect with employment, training, education or needed health services; or
  - help navigating available social assistance benefits.





# Proposed Solutions



This multifaceted problem requires a commitment of resources to implement a solution that is a combination of:

- **Implementation of Supportive Solutions**
- **Considering City Code Amendments**
  - 1) prohibit all forms of solicitation;
  - 2) prohibit any giving to solicitors; and/or
  - 3) prohibit sitting or standing on a sidewalk/median less than 36 inches.
- **Enforcement**



# Next Steps



- Consider feedback and direction from City Council.
- Further develop options in coordination with appropriate departments.
- Provide follow up briefings to City Council.
- Draft appropriate ordinances.
- Implement enforcement and supportive strategies.



# QUESTIONS



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