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Sacramento County politicians eye panhandling crackdown

Officials base new policy on assumption that panhandlers are liars, addicts

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Characterizing panhandlers as nuisances who cause traffic accidents and use kids to engender sympathy, Sacramento County leaders moved to eradicate their presence last Tuesday.

A new ordinance due for a final vote on May 13 aims to chase panhandlers from their chosen spots near traffic medians, bus stops, ATMs, grocery stores and other businesses. These new rules would also allow law enforcement to arrest panhandlers without a witness or victim statement.

Officials say they're merely trying to rid the county of aggressive solicitation, not eliminate it. But this is already illegal under public-nuisance laws. According to the California Penal Code, anyone who "accosts other persons in any public place ... for the purpose of begging or soliciting" is guilty of disorderly conduct, which is a misdemeanor.

Sacramento County Capt. Matt Morgan, who commands the sheriff's department's north-area division, acknowledged at an April 22 board of supervisors meeting that the policy's intent was to curtail panhandling "even if it is not aggressive."

The ordinance does so, he added, by relieving law enforcement of the need of a credible victim or witness statement to cite or lock up a solicitor.

The city of Citrus Heights realized an estimated 85-percent reduction in panhandling in the four years since it leveled a similar ordinance, a county staff report states.

The first two violations under the proposed policy would be treated as infractions, requiring an appearance in traffic court, Morgan said. A third infraction within six months of the previous one would be treated as a misdemeanor, potentially subjecting someone to less than a year in jail if prosecuted. Prosecution would be at the discretion of the Sacramento County district attorney's office, he added.

If enacted, sheriff's officers would spend the first 60 days informing both solicitors and the public of the new law. Deputies would hand out fliers similar to ones used in the city of Auburn, which claim that most panhandlers have homes and use the money for drugs and alcohol.

Not everyone shares that cynical take.

"Homeless or not, people panhandle because they are impoverished and have no other alternatives, a right protected under the First Amendment," said Shahera Hyatt, director of the California Homeless Youth Project.



Hyatt cited a recent survey by the Union Square Business Improvement District in San Francisco, which determined that more than 80 percent of that city's panhandlers were homeless. "Honestly, I give to homeless people on the street because it's the only time I can be sure that a dollar I spend will go directly to the person in need," she added.

Hyatt and other homeless advocates plan to oppose the policy's adoption on May 13, and press for alternative solutions that would stop short of criminalizing the poor, like having a social worker assess panhandlers' needs and direct them to services.

Morgan said deputies would give solicitors pocket guides listing nearby charities where they could seek aid.

A "multidisciplinary team" consisting of county staff, law enforcement, DA's office and legal counsel based its plan on discussions with business associations, as well as local property and business owners.

Homeless advocates were not consulted, nor were they present at last week's hearing. Both Erlenbusch and Hyatt were contacted later.

Morgan said aggressive panhandling typically fell into the top-three concerns he hears from residents at community meetings. That message was reiterated Tuesday by representatives of three business associations.

Fulton Avenue Association executive director Melinda M. Eppler said her area's "fairly high-end customer base," especially those patronizing local auto dealers, didn't want to deal with the nuisance of people hitting them up for money. She also asked supervisors to term the offenders "panhandlers" rather than "solicitors," lest those gathering signatures in front of Trader Joe's be targeted.

"So we don't arrest Girl Scouts selling cookies," quipped Supervisor Susan Peters.

Watt Avenue Merchants Association executive director David Kuhnen asked whether prostitution would be considered a form of aggressive solicitation, while a Florin Road Partnership representative wanted the sheriff's office to work more closely with private security firms already patrolling the area.

Sacramento County's new panhandling regulations could land more beggars in jail.

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Bob Erlenbusch, executive director of the Sacramento Regional Coalition to End Homelessness, later pointed out another kind of "aggressive solicitation" that elected officials conveniently forgot. "What about lobbyists?" he said dryly. "Politicians have their hands out all the time."

Panhandling is a protected form of free speech, and laws to curtail it have been knocked down by the U.S. Supreme Court in the past. Morgan believed the county had crafted an ordinance that complied with the First Amendment.

Sacramento County cities that have successfully limited panhandling with similar ordinances include Sacramento, Citrus Heights, Elk Grove, Rancho Cordova and Galt.