

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: 09/19/05

Prepared Date: 09/12/05

Reviewed by: _____

SUBJECT: Panhandling in Albany

REPORT BY: Judy Lieberman, Assistant City Administrator

RECOMMENDATION

Refer this issue to the City's Economic and Social Justice Commission to provide a recommendation to Council.

BACKGROUND

Over the summer the City's Police department was contacted by various individuals expressing concern about the presence of a panhandler in front of the Bank of America building on Solano Avenue. There is currently no regulation in Albany Municipal Code specific to panhandling.

DISCUSSION

Panhandling is a controversial issue in many ways, involving community beliefs about individual liberty, freedom of speech, public civility, community well-being, the role of police, and both societal and individual responses to poverty. Public policy perspectives on panhandling are of two views. One view is that panhandling is essential to destitute people's survival, is an expression of the plight of the needy, and an opportunity for the more fortunate to help. This view generally rejects intensive police involvement in the issue. The other view sees panhandling as a blight that contributes to further community disorder and crime and does not address the panhandler's underlying problems. The latter view believes that panhandling should be heavily regulated by police.

Legally, the issue has been hotly debated. Issues of freedom of speech and expressive conduct have resulted in numerous lawsuits when jurisdictions have attempted to regulate panhandling. On the other hand, aggressive panhandling in which passersby are confronted or followed by panhandlers can be easier to regulate. It is also possible to regulate location of panhandlers, such as in front of banks and ATM machines (which some find inherently threatening), and to address specific types of conduct (such as public inebriation). In addition, the enforcement of laws regulating or prohibiting panhandling plays only a part in controlling the problem. Public education to discourage people from

giving money to panhandlers, informal social control and adequate social services (especially alcohol and drug treatment) are the other components of an effective and comprehensive response.

A variety of approaches and model ordinances are available. Since this issue is deeply rooted in beliefs about individual liberty, public order, and social responsibility, it would be helpful for the Economic and Social Justice Commission to explore this issue and to provide a recommendation to Council about the need for an ordinance and the aggressiveness with which the police should enforce such an ordinance. Staff has gathered some background materials on this issue to provide to the Commission. It will also be important to involve the City Attorney for any discussions and recommendations.

FINANCIAL IMPACT

None at this time.