

# 7 THINGS LAW ENFORCEMENT CAN DO TO REDUCE PANHANDLING



## 1. Accept the fact that you will never end the practice of panhandling in your community.

The courts have determined that panhandling is a form of protected speech under the First Amendment to the Constitution. Therefore, your community will never be able to stop this behavior by arresting people or by fining them. However, you can learn to manage the practice of panhandling by managing the problem of homelessness in your community, and data must be an essential part of this process. Unless your community has accessible data on every homeless person on your streets, you will never have a realistic chance of managing homelessness or panhandling.

## 2. Implement common-sense laws and ordinances.

A growing body of case law is helping communities more clearly understand the parameters to which they can go in order to manage panhandling activities and camping in public spaces. In light of these recent rulings, communities should revisit their local ordinances to make sure they are compliant with the Constitution. The key for each community is to find the right collection of laws and ordinances that can protect local commerce and ensure public safety while simultaneously preserving the constitutionally protected rights of its citizens.

## 3. Create diversion programs and alternatives to arrest.

Most law enforcement professionals know that it is impossible to solve homelessness-related problems by arresting people, and, although there are some panhandlers who are not homeless, most “chronic” panhandling is conducted by homeless people who have a mental illness and/or an addiction. Consequently, law enforcement officials need to collaborate with local government and with the private sector to create programs that can help and house these people.

## **4. Law enforcement officials must educate themselves regarding the best practices for treating addiction.**

Drug and alcohol addiction is common among the chronically homeless, and the chronically homeless are usually the most frequent and aggressive panhandlers. For this reason, local law enforcement must be knowledgeable about the best ways to help homeless people on their city streets who are addicted to drugs and/or alcohol and must have protocols in place for channeling these people into programs that work.

## **5. Internal training and education must be a high priority for all law enforcement officers.**

Panhandling does not exist in a vacuum. It is a byproduct of homelessness, which is often a consequence of mental illness and addiction. Officers should be trained, therefore, not only to understand and deal with these contributing factors, but also to understand the community's various programs for assisting those in need of intervention.

## **6. Law enforcement must realize that one of its highest responsibilities is to preserve the public spaces of its community.**

An emerging body of case law will better define the parameters to which a community can go in order to safeguard its public spaces. In the meantime, however, law enforcement should work with community leaders to make sure that "campers" can find alternative shelter. Law enforcement should also work to know and understand all the residents in all the makeshift camps that might arise within their jurisdictions. There are no quick or easy solutions to this growing problem, but homelessness (and camping) are better managed when law enforcement officials know the people who are living on their streets. To ignore these encampments or to avoid the people living in them is to invite unwelcomed behavior.

## **7. Law enforcement should work with community leaders to find meaningful solutions to these problems.**

No strategy for addressing panhandling or homelessness will survive apart from a collaborative approach that involves all the stakeholders in the community, and law enforcement stands in a unique position to lobby for this type of collaboration. Our current system was never set up so that jails and prisons could serve as shelters for homeless people, because it is much more costly to arrest and incarcerate the homeless than it is to house them. Law enforcement should use its hard-earned capital to lobby for more sensible policies and to bring community leaders together to find long-term solutions.

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