

APPLICABILITY OF PROPOSED ORDINANCE, SMC 15.48.900, TO CITIZEN COMPLAINTS

Summary of proposed ordinance, SMC 15.48.900:

“Aggressive solicitation” includes:

- b. Intentionally using physical gestures or profane or abusive language that would cause fear or alarm to a reasonable person while making a solicitation. (*NOTE*: Individuals complained of hearing profanity and abusive language *after* refusing to give money. However, the profanity does not appear to have occurred *while* making a solicitation, and such expressive activity is likely protected by the First Amendment. If the language at issue is threatening then it can be prosecuted under SMC 12A.06.040, prohibiting harassment.)
NUMBER OF COMPLAINTS: 0
- c. Repeatedly soliciting a person who has given a negative response while remaining within 15 feet of the person
NUMBER OF COMPLAINTS: 4
- d. Following a person who has given a negative response to a solicitation while repeatedly soliciting the person
NUMBER OF COMPLAINTS: 4
- e. Providing or delivering, or attempting to provide or deliver, unrequested or unsolicited services prior to or without the consent of the person to whom the person is provided
NUMBER OF COMPLAINTS: 0
- f. Soliciting within 15 feet of person using ATM or paying for parking
NUMBER OF COMPLAINTS: 1

NOTE: We excluded SMC 15.48.900(a) from our analysis because it mirrors existing law, SMC 12A.12.015, prohibiting pedestrian interference. There is overlap between the complaints in letter “c” and letter “d”, as these complaints often appear to fall into both categories. Additionally, although many of the complaints were somewhat vague, we attempted to include each of them in summarizing our analysis of the way that they related to the proposed law. Complaints that were not included in the tally are noted with an asterisk in the chart below.

<i>Date of Email</i>	<i>Summary of Email</i>	<i>Applicability of Proposed Law</i>
2/2/2010	Individual approached complainant twice in a 2-week period and asked for money, once as complainant was parking; visitors feel safer in other cities.	<i>New law would address complaint of being solicited while paying for parking.</i>
2/1/2010	Store manager had problems with aggressive panhandler in front of store, individual was asked to leave, then went into store, was angry, grabbed complainant.	Can be addressed under existing law—assault is prohibited by Seattle Municipal Code.
1/29/2010	Complainant is solicited by numerous different people, unhappy that homeless youth and others congregate at Westlake Park, smells urine and feces on sidewalks and alleys, sees drug deals and violence at corner of 3 rd & Pine.	New law unlikely to address complaint.
1/27/2010	Individual yelled at complainant and others on the sidewalk. In different incidents, complainant was followed by individual asking for money, was yelled at after refused to give, was approached quickly by individual asking for money who then stood very close.	<i>New law would address complaint of being followed and repeated solicitation while standing within 15 feet. Unclear whether approaching rapidly and standing closely would be considered to be a “physical gesture” referred to in new law.</i>
1/27/2010*	Complainant gets solicited often downtown by homeless and non-profit organizations, complainant’s girlfriend was panhandled in pay parking lot and while parking her car.	<i>New law may address complaint re: Greenpeace workers following and repeatedly soliciting within 15 feet of complainant.</i>
1/27/2010*	Complainant sees mentally ill and dangerous-looking people, was chased and harassed by a panhandler, knows of tourist getting attacked.	<i>Unclear if new law will address vague complaint of being chased and harassed. Can be addressed under current law—assault and harassment are prohibited by Seattle Municipal Code.</i>

<i>Date of Email</i>	<i>Summary of Email</i>	<i>Applicability of Proposed Law</i>
1/26/2010	Complainant saw individual panhandling and blocking sidewalk in front of a couple, individual then followed couple for several blocks.	Victims did not complain; <i>New law would address complaint of being followed and repeatedly solicited.</i> Pedestrian interference is already prohibited under Seattle Municipal Code.
1/26/2010	Complainant saw a rude panhandler who cursed at people after they denied him money; tired of solicitors.	New law unlikely to address complaint; expressing negative emotion towards individual refusing to give money is permissible unless done <i>while</i> soliciting and causes reasonable person fear or alarm.
1/26/2010	Complainant was followed by a woman who wanted money, woman grabbed complainant.	Can be addressed under existing law—assault and aggressive panhandling are prohibited by Seattle Municipal Code.
1/7/2010	Lots of panhandlers constantly outside of business; panhandlers get hostile, yell obscenities, sometimes make threatening gestures when asked to leave and inevitably return.	New law unlikely to address complaint.
12/28/2009	Individuals were panhandling outside restaurant and disrupting diners by yelling and making gestures through window, individual stood outside of restaurant panhandling and cursed at people who did not give money.	New law unlikely to remedy complaint; expressing negative emotion towards individual refusing to give money is permissible unless done <i>while</i> soliciting and causes reasonable person fear or alarm.
12/16/2009	Lots of drug activity, violent behavior, and panhandling in Victor Steinbrueck park.	New law unlikely to remedy complaint.

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12/16/2009	A lot of drug dealing and panhandling on 5 th and Lenora, concerned for safety of colleagues.	New law unlikely to remedy complaint.
12/16/2009	Lots of panhandling downtown; sometimes individuals block entrances, insult you if you don't give them money.	New law unlikely to remedy complaint; expressing negative emotion towards individual refusing to give money is permissible unless done <i>while</i> soliciting and causes reasonable person fear or alarm.
12/16/2009	Lots of panhandlers; sometimes panhandlers curse at you if you do not give them money, complainant has chased individuals out of restaurant, individuals have used then destroyed restaurant bathroom, defecated on restaurant windows.	New law unlikely to remedy complaint. Expressing negative emotion towards individual refusing to give money is permissible unless done <i>while</i> soliciting and causes reasonable person fear or alarm. Trespass and property destruction are prohibited under the Seattle Municipal Code.
12/16/2009	Lots of panhandlers downtown; some are aggressive and intimidating.	Vague complaint.
12/15/2009*	Lots of panhandlers, drug dealing, and violence; some panhandlers pursue individual for a block.	<i>Unclear if new law will address vague complaint of people being followed.</i> Drug dealing and violence can be addressed under existing law.

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12/9/2009	Panhandler grabbed complainant's arm, cursed at complainant, repeatedly asked, and followed complainant; panhandlers approach car windows at highway exits and stand in the street; many panhandlers at 5 th and Jackson; panhandlers follow individuals who they are soliciting.	<i>New law will address complaint of being followed and repeated solicitation while standing within 15 feet. Pedestrian interference is prohibited under the Seattle Municipal Code.</i>
11/16/2009	Panhandler asked complainant for money, when ignored panhandler reached out and touched complainant's dog, panhandler continued walking behind complainant using derogatory language.	Complaint is vague, may be addressed by new law.
11/03/2009	Many panhandlers and drug dealers downtown, problems with harassment, urination, defecation, and vandalism; complainant has seen panhandlers shout obscenities at people refusing to give; one panhandler spit at complainant when complainant refused to give money.	Can be addressed under existing law. Expressing negative emotion towards individual refusing to give money is permissible unless done <i>while</i> soliciting and causes reasonable person fear or alarm. Assault (spitting on someone) and property destruction are prohibited under the Seattle Municipal Code.
10/14/2009	Many panhandlers in the international district, complainant has witnessed panhandlers harassing individuals; drug activity.	Complaint is vague, new law unlikely to address complaint.
10/14/2009	Complainant wants new panhandling law prohibiting solicitation near ATMs, bus stops, or while individuals are getting in and out of cars, but has no specific complaint.	Complaint is vague.
10/7/2009	Complainant was followed for one block by panhandler; is concerned about drug dealings and shooting.	<i>New law will address complaint of being followed and repeated solicitation while standing within 15 feet.</i>

<i>Date of Email</i>	<i>Summary of Email</i>	<i>Applicability of Proposed Law</i>
10/5/2009	Complainant wants new panhandling law prohibiting solicitation near ATMs, bus stops, or while individuals are getting in and out of cars, but has no specific complaint.	Complaint is vague.