

Memorandum

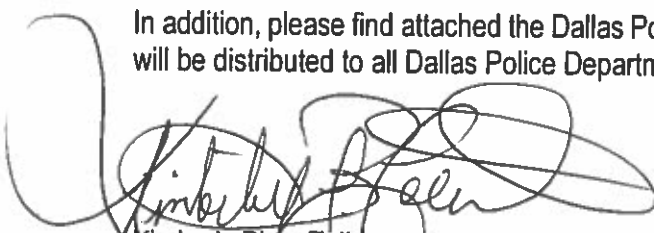


DATE December 29, 2017
TO Honorable Mayor and Members of the City Council
SUBJECT **Panhandling and Solicitation Enforcement**

There have been some inaccurate media reports regarding the Dallas Police Department's enforcement of solicitation offenses. There has not been an official memorandum or training bulletin issued by the Dallas Police Department instructing officers not to issue citations for solicitation.

Currently, officers continue to respond to solicitation-related complaints through the enforcement of Dallas City Code § 28-63.3 and Texas Transportation Code § 552.007, which prohibit solicitation by pedestrians on public roadways. Additionally, officers enforce a variety of other laws when aggressive solicitors engage in conduct that poses a threat to public health or public safety. These laws include Texas Penal Code § 22.07 (terroristic threats); Texas Penal Code § 22.01(a)(1) (assault); Texas Penal Code § 22.01(a)(2) (assault by threat); Texas Penal Code § 42 (disorderly conduct); and Dallas City Code § 7A (littering).

In addition, please find attached the Dallas Police Department's training bulletin on solicitation, which will be distributed to all Dallas Police Department officers.



Kimberly Bizer Tolbert
Chief of Staff to the City Manager

[Attachment]

cc: T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Biliera Johnson, City Secretary (Interim)
Daniel F. Solis, Administrative Judge
Majed A. Al-Ghafry, Assistant City Manager

Jo M. (Jody) Puckett, Assistant City Manager (Interim)
Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Nadia Chandler Hardy, Chief of Community Services
Raquel Favela, Chief of Economic Development & Neighborhood Services
Theresa O'Donnell, Chief of Resilience
Directors and Assistant Directors

ROLL CALL

TRAINING BULLETIN



#2017 – 18

Date: 12-29-2017

Document Control # 40-17

When solicitation on or adjacent to a roadway presents a public safety concern, a Dallas Police Department officer may enforce and cite the following laws:

DALLAS CITY CODE SEC. 28-63.3. SOLICITATIONS TO OCCUPANTS OF VEHICLES ON PUBLIC ROADWAYS PROHIBITED.

A person commits an offense if, while occupying any public property adjacent to any public roadway in the city, he knowingly conducts a solicitation directed to, or intended to attract the attention of, the occupant of any vehicle stopped or traveling on the roadway. An offense occurs when the solicitation is made, whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money, goods, or services takes place.

(c) It is a defense to prosecution under Subsection (b) that the person was:

- (1) summoning aid or requesting assistance in an emergency situation; or
- (2) a law enforcement officer in the performance of official duties.

(d) In addition to any enforcement action by a peace officer for a violation of this section, any person who is a victim of a solicitation prohibited under Subsection (b), or who witnesses a violation of Subsection (b), may file a complaint with the city attorney. Evidence to support a conviction for a violation of this section may include, but is not limited to, testimony of witnesses, videotape evidence of the violation, and other admissible evidence. (Ord. 25213)

TEXAS TRANSPORTATION CODE § 552.007. SOLICITATION BY PEDESTRIANS.

- (a) A person may not stand in a roadway to solicit a ride, contribution, employment, or business from an occupant of a vehicle, except that a person may stand in a roadway to solicit a charitable contribution if authorized to do so by the local authority having jurisdiction over the roadway.
- (b) A person may not stand on or near a highway to solicit the watching or guarding of a vehicle parked or to be parked on the highway.
- (c) In this section, "charitable contribution" means a contribution to an organization defined as charitable by the standards of the United States Internal Revenue Service.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

If you have any questions, please contact Assistant Chief Angela Shaw at 214-671-3939.