

Ventura County Grand Jury 2014 - 2015



Final Report

Panhandling and Charity Soliciting in the City of Thousand Oaks

June 2, 2015

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Panhandling and Charity Soliciting in the City of Thousand Oaks

Note: See “Glossary” for definitions.

Summary

“Brother, can you spare a dime?”

So goes the best-known line from a song popularized by Bing Crosby in 1932. Its lyrics lament the fate of Al, who plowed the farms, fought in World War I, worked the railroads, and helped build skyscrapers. Yet during the Great Depression, this American Everyman winds up penniless, “standing in line, just waiting for bread.”

Fast forward to 2015, as the nation emerges from the recent Great Recession. Breadlines may be a thing of the past, but begging—also known as “panhandling”—is conspicuously still with us, though the Als of today would scorn a measly dime and may never have held a steady job. In California, moreover, in-person soliciting for charities (and other causes) has become a near-universal feature of shared public spaces like shopping malls, entertainment complexes, and restaurant rows.



Captive audience: Drivers stopped at traffic signals frequently become targets of panhandlers’ pitches. This panhandler was working cars facing in both directions of his corner at the intersection of Moorpark Road and the 101 Freeway in Thousand Oaks.

*(Grand Juror photo
taken 4/26/15)*

In this context, the 2014-2015 Ventura County Grand Jury (Grand Jury) received a complaint about soliciting in public places within the City of Thousand Oaks (City). (In this report, the word “soliciting” used by itself will indicate asking for monetary donations in public, for any purpose. Related behaviors, e.g., passing out leaflets for political causes, are not discussed here—though the relevant legislation covers them all.) The Grand Jury responded by initiating an investigation.

The Grand Jury began by studying federal, state, and local legal issues—a major focus of the complaint—surrounding soliciting in public. The Grand Jury reviewed

the City's policies, procedures, and practices involved in processing calls for police intervention in acts of soliciting. The Grand Jury spoke with City public-safety officers and conducted informal, in-person interviews with store managers, pedestrians, and solicitors in Thousand Oaks shopping malls. The Grand Jury also did extensive online research into social issues related to public soliciting.

The Grand Jury learned key facts about the diverse and divisive legal issues surrounding soliciting. Personal and charity soliciting are treated the same under the law. Federal and State Supreme Courts differ in their interpretations of free speech rights within private shopping malls, but the State has the right to its broader interpretation. The State only generally regulates soliciting, leaving specific policies and procedures up to cities and counties. The Grand Jury further learned that local law enforcement efforts toward public soliciting fall into two main categories: compassion and criminalization. The City favors compassion, as evidenced by its policies and practices.

The Grand Jury found that the Ventura County (County) Sheriff's Office and its officers serving in the Thousand Oaks Police Department (TOPD) have an accurate understanding of the complicated legal issues surrounding soliciting in public places but that numerous members of the public may not. Innovative programs demonstrate that the City places a high priority on effectively managing soliciting and other quality-of-life issues and is committed to open-minded, collaborative, community-oriented approaches. When surveyed, City residents did not mention either "charity soliciting" or "panhandling" as a concern. However, "homelessness" did show up as a midlevel concern. Since many people believe most panhandlers are homeless, some survey respondents may be mentally combining the two issues.



Dueling signs: At "The Promenade at Westlake" mall in Thousand Oaks, a charity solicitor's station is positioned in front of Bristol Farms market, inches away from a sign saying the shopping center disowns such activity.

(Grand Juror photo taken 11/23/14)

The Grand Jury's investigation resulted in several recommendations to the Thousand Oaks City Council (City Council), including to:

- Add a "Frequently Asked Questions" (FAQ) section to its "Panhandling Resources" webpage;
- Develop a survey for panhandlers and charity solicitors, possibly to be conducted by volunteers, that could enhance the City's strategic response by gathering important local information; and
- Put questions about public soliciting as separate from homelessness into its biennial Community Attitude Survey.

Background

In response to a public complaint, the 2014-2015 Ventura County Grand Jury opened an investigation into the issue of panhandling (public begging) and in-person charity soliciting in the City of Thousand Oaks.

The Grand Jury wanted to answer the following principal questions:

- Does the US Constitution's protected right to free speech include in-person public soliciting?
- When soliciting takes place on private property open to the public—such as in a privately owned shopping mall or at the entryway to a market or restaurant—are solicitors violating the owner's private property rights?
- What are the State, County, and City laws governing this issue?
- Are State laws or County and/or City ordinances being routinely ignored by public-safety personnel, as asserted in the complaint?
- Is the issue of public soliciting a serious concern for a significant number of City residents?
- Are there additional steps that the City should take in regard to soliciting?

Methodology

The Grand Jury performed the following actions as part of this investigation:

- Researched the US Constitution, State Constitution and Penal Code, and case law to determine whether they offer guidance to law enforcers in dealing with in-person solicitors and/or whether they offer protections to solicitors;
- Looked into County and City policies and procedures related to soliciting;
- Spoke with representatives of the City's police department;
- Conducted an informal, in-person interview of pedestrians in selected City shopping malls (Att-01, Att-02);

- Conducted an informal, in-person interview of selected merchants (managers or assistant managers) in selected City shopping malls (Att-03, Att-04);
- Analyzed seven months' worth of logged "calls for service" to City police;
- Assessed the results of the City's Community Attitude Survey for 2013 and the partly completed survey for 2015;
- Reviewed Sheriff's Office press releases involving Thousand Oaks for all 2014 and the first four months of 2015; and
- Performed extensive online research on the social/community impacts of soliciting, which included examining relevant public-agency websites, news articles, and material published by universities and think-tanks.

Facts

- FA-01.** The First Amendment to the US Constitution reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." [Ref-01]
- FA-02.** The First Amendment has often been cited in debates about the legality of public soliciting for almost anything: personal and charity donations, voter registrations, support for political and religious causes, signatures on petitions, contributions of food/clothing/toys, and so on—all of which some interpreters say fall under the First Amendment. [Ref-02, Ref-03, Ref-04, Ref-05, Ref-06, Ref-07, Ref-08, Ref-09, Ref-10, Ref-11]
- FA-03.** The difference between personal and charity soliciting "is not a significant one for First Amendment purposes." [Ref-02]
- FA-04.** In the case of *Lloyd Corp. v. Tanner*, the US Supreme Court took up the issue of free speech in private shopping malls. Donald Tanner, a Vietnam War protestor, was told to leave Lloyd Center Mall in Portland, Oregon, for peacefully distributing antiwar leaflets. Protestors filed suit against Lloyd Corporation in the US District Court, alleging their free speech rights had been violated. The District Court decided in their favor, as did the Court of Appeals. In 1972 the US Supreme Court reversed the decision in a 5-4 ruling "that Tanner was not entitled to distribute handbills within Lloyd Center." [Ref-04, Ref-05]
- FA-05.** Article 1, Section 2, of the State Constitution, originally adopted in 1879, now reads: "Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press." This article has been widely interpreted to protect "speech and petitioning, reasonably exercised, in shopping centers even when the shopping centers are

privately owned...,” although soliciting is “subject to reasonable regulations adopted by the shopping centers.” [Ref-06, Ref-07, Ref-08, Ref-12]

FA-06. In the 1970s, the case *Pruneyard Shopping Center v. Robins* brought the issue to the fore again. This case involved high school students soliciting signatures for a political petition in privately owned Pruneyard Shopping Center in Campbell, California. When argued at the State level, the students prevailed; then the case went to the US Supreme Court.

The justices’ unanimous opinion, issued June 9, 1980, made legal history. They reaffirmed their *Lloyd Corp. v. Tanner* decision that the “essentially private character of a store and its privately owned abutting property does not change by virtue of being large or clustered with other stores in a modern shopping center.” At the same time, they established that “states can provide their citizens with broader rights in their constitutions than under the federal Constitution, so long as those rights do not infringe on any federal constitutional rights.” In other words, “it was within California’s power to guarantee this expansive free speech right since it did not unreasonably intrude on the rights of private property owners.” [Ref-06, Ref-07, Ref-08, Ref-09, Ref-12, Ref-13, Ref-14, Ref-15]

Close encounters of the soliciting kind: Shoppers at Cost Plus World Market in The Promenade encounter a charity solicitor on the concrete walk outside the store.

(Grand Juror photo taken 11/23/14)



FA-07. Courts in New Jersey, Colorado, Massachusetts (to a limited degree), and Puerto Rico have since adopted similarly “expansive” free speech rulings. [Ref-07, Ref-14, Ref-15]

FA-08. Along with free speech, private property rights, defined by common law rather than the Constitution, have been often cited in debates about the legality of public soliciting—especially with regard to property owners’ “right to prohibit trespass.” (“Common law” is primarily based on legal decisions already made in similar cases rather than on statutes.) [Ref-09, Ref-16, Ref-17, Ref-18, Ref-19, Ref-20]

FA-09. *Pruneyard* established the State’s authority to deny property owners’ right to prohibit trespass to solicitors if their property was “equivalent to a traditional public forum”—a phrase that in California includes shopping malls. [Ref-06, Ref-07, Ref-09, Ref-13, Ref-16, Ref-17, Ref-19]

FA-10. The *Pruneyard* decision has undergone numerous legal challenges, but so far State courts have reaffirmed it—with these notable clarifications:

(1) In *Golden Gateway Center v. Golden Gateway Tenants Assn.* (2001), a 4–3 majority of the California First District Appellate Court decided for various reasons that California’s free speech right does not apply to private apartment complexes. [Ref-08]

(2) In 2010 a 20-year legal dispute between Los Angeles International Airport and the Hare Krishna religious group ended when the State Supreme Court decided against the Krishnas on the basis that an airport, unlike shopping malls, was not a “public forum.” [Ref-18]

(3) In April 2012 a California appeals court found in favor of Ralph’s Market in El Segundo in its attempt to bar members of the Missionary Church of the Disciples of Christ from soliciting donations in front of its store. The court decided that “the rulings which compel shopping malls to allow solicitation do not apply to a single [stand-alone] retail store.” [Ref-20]

Note: One example of case law is given above for each significant clarification, though others exist.

FA-11. Federal and state constitutional laws and local ordinances require that soliciting must be nonaggressive and that free-speech rights must be “reasonably exercised.” Aggressive panhandling is illegal. “Aggressive begging...is uncommon panhandling, a type of harassment bordering on extortion that is practiced by a minority of street people.” [Ref-12, Ref-13, Ref-17, Ref-19, Ref-20, Ref-21, Ref-22]

FA-12. The State Penal Code specifies that a person is “guilty of disorderly conduct, a misdemeanor,...who accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms.” [Emphasis added.] [Ref-23]

FA-13. The State Penal Code gives classifications of and sentences for misdemeanors but does not stipulate how public-safety personnel should respond. [Ref-24, Ref-25]

FA-14. Nationwide studies have shown that local law enforcement efforts toward quality-of-life incidents, including public soliciting, fall into two broad categories: compassion and criminalization, also called sympathetic and unsympathetic. [Ref-10, Ref-21, Ref-26]

FA-15. “The traditional approach to quality of life crimes is to create as many laws as possible to outlaw the activities of the poor and homeless and to increase enforcement.” This has been called “criminalizing poverty.” [Ref-10, Ref-21, Ref-26, Ref-27, Ref-28]

- FA-16.** According to the Center for Problem-Oriented Policing, a public-safety think-tank, "Understanding the factors that contribute to your panhandling problem will help you frame your own local analysis questions, determine good effectiveness measures, recognize key intervention points, and select appropriate responses." [Ref-26]



Pass on by: Signs are a popular way to deter soliciting. This one, outside the Best Buy store in Village Square mall on Moorpark Road in Thousand Oaks, advises customers, "If you wish to discourage solicitors from interrupting your shopping experience, we suggest you simply ignore them."

(Grand Juror photo taken 11/22/14)

- FA-17.** "Many studies have found that only a small percentage of homeless people panhandle, and only a small percentage of panhandlers are homeless." Other sources assert the opposite. A San Francisco business district did its own local survey and came to the conclusion that 80% of panhandlers in its area were indeed homeless. [Ref-26, Ref-27]
- FA-18.** Currently no County ordinances regulate access to public areas for soliciting. If passed in the future, such an ordinance would apply only to County unincorporated areas, not to areas within cities. [Ref-29]
- FA-19.** The City of Thousand Oaks has more than 128,000 residents and is located in the southern portion of Ventura County. The City is a "general law city," meaning that it has not adopted a charter, is organized by California State law, and is managed by a five-member City Council responsible for enacting local ordinances. [Ref-30, Ref-31]
- FA-20.** The City contracts with the County Sheriff's Office for law-enforcement services. A City webpage devoted to its police department reads, "Thousand Oaks is a leader in the development of proactive law enforcement strategies and prevention programs, all intended to keep our community safe and to maintain the quality of life our residents expect...Thousand Oaks provides specialized services in response to community concerns and input..." [Ref-32, Ref-33]

- FA-21.** The City does not require solicitors on private property, including the privately owned local malls, to register or have licenses. [Ref-34]
- FA-22.** The Thousand Oaks Municipal Code (Code) has detailed sections that regulate soliciting:
- The Code does not consider unaggressive begging (passive panhandling), soliciting, or occupying of travel corridors on private property a violation for those who have permission: "Any conduct in public places that are privately owned where such conduct is in conformity with permission granted by the owner of said premises or by the person entitled to the possession of said premises." [Ref-35]
 - For aggressive soliciting, no person shall be cited unless she or he continues to beg "after having been notified by a law enforcement officer that the conduct violates" the Code. Even if a shopper or store manager has complained, an officer may not cite the solicitor who cooperates with the officer's first-time request to desist. [Ref-36]
- FA-23.** The Code is worded so as to leave enforcement up to the discretion of public-safety officers: "Upon determining that a provision of this code has been violated, an enforcement officer has the authority to issue a civil penalty citation to any responsible person." In other words, an officer can, but is not required to, cite a violator. [Ref-36]
- FA-24.** The City has ongoing programs to address soliciting:
- The TOPD partners with local social services organizations to promote the message "Make Your Spare Change Count." The campaign urges residents, via a brochure and website page, to help by donating to local support agencies instead of to solicitors. [Ref-32, Ref-37]
 - A program called Community Oriented Policing and Problem Solving (COPPS) "focuses on establishing community/police partnerships to solve neighborhood problems and to reduce the incidence of crime. This team of experienced officers will respond to community concerns by conducting a thorough analysis to identify the root causes of each situation. They follow-up by involving other service providers, including expert City staff, to seek a resolution that enhances the quality of life in each affected neighborhood." [Ref-32]
 - The TOPD manages a "Business Watch" program that offers business owners/managers free help "dealing with panhandlers and other loiterers who scare off customers," as well as help with more serious offenses. [Ref-38]
- FA-25.** A Sheriff's deputy working for the TOPD told a reporter, "We've been lucky [panhandlers] are not violent and they usually take no for an answer. When a new one pops up, we go introduce ourselves and let them know the rules so they don't harass people." [Ref-39]
- FA-26.** Aggressive (illegal) panhandling in Thousand Oaks is not tolerated. Sheriff Geoff Dean has written, "[M]any communities have local ordinances that

prohibit aggressive panhandling. Deputies continue to respond to these calls and enforce ordinances, where they legally apply, whenever such situations occur.” [Ref-13, Ref-19, Ref-22, Ref-35, Ref-39]

- FA-27.** Most pedestrians interviewed by Grand Jurors in malls were not seriously bothered by solicitors and said solicitors were not aggressive. Several pedestrians reported feeling guilty for not donating even when solicitors were polite; several expressed sympathy for the solicitors’ plights. (Att-01, Att-02)
- FA-28.** Solicitors with whom jurors spoke regard Thousand Oaks shopping mall patrons as affluent. “Diners and grocery shoppers are good targets because dining and grocery shopping remind them of the contrast between their relative wealth and panhandlers’ apparent poverty.” [Ref-24] (Att-02)
- FA-29.** With one exception, business owners and/or managers in malls interviewed by Grand Jurors did not mention soliciting as a concern until prompted. All but one said they were not much bothered by solicitors and agreed that most were cooperative and unaggressive. One manager mentioned a radical political group whose members were uncooperative, but they drove into the City only once or twice a year, so the manager considered them a minor problem. (Att-03, Att-04)
- FA-30.** Business owners and/or managers interviewed are likely to take action (e.g., asking a solicitor to move, calling the police or a security guard) only when customers complain or business is being disrupted. [Ref-26] (Att-02)
- FA-31.** Some City malls and/or store owners post signs advising shoppers/pedestrians that they do not endorse soliciting. [See photos pages 2 & 6.]

Saving the spot:

A solicitor takes a break from seeking donations, leaving various possessions just outside the barrier posts of the Best Buy store on Moorpark Road in Thousand Oaks.

*(Grand Juror
photo taken
11/23/14)*



- FA-32.** In a two-part 2013 Community Attitude Survey, the City’s residents were asked, “If the City government could change one thing to make Thousand Oaks a better place to live now and in the future, what change would you

like to see?" In Part One, conducted by phone to 400 randomly chosen residents, "Address homelessness issue" ranked as number 16 out of 25 concerns, mentioned by 1.5% of respondents. In Part Two, conducted online, "Address homelessness issue" ranked as number 9 out of 25 on the list of concerns, mentioned by 3% of those surveyed. No respondents mentioned soliciting as the one thing they would like to see changed. [Ref-40, Ref-41]

A similar 2015 survey was in process at the time of this writing; in the completed phone portion of the survey, soliciting again was not mentioned by anyone, while homelessness ranked number 9 out of 20 concerns, mentioned by 3.7% of those surveyed. Online results were not yet available. [Ref-42]

- FA-33.** The County Sheriff is aware of soliciting issues and has written about them on the editorial page of a local newspaper with the heading "Trespassing is not always easy to recognize" (also posted on the Sheriff's Office website with the title "Panhandling not prohibited at shopping centers"). [Ref-13, Ref-19]
- FA-34.** A review of all press releases issued by the Sheriff's Office during the past 16 months showed that none dealt with panhandling/soliciting in Thousand Oaks. [Ref-43]
- FA-35.** The Grand Jury's analysis of 2014 TOPD call-logs for seven months when soliciting typically occurs (e.g., summer, holiday times) revealed no calls asking for police service on that subject.
- FA-36.** In the City's two most recent Community Attitude Surveys, 96% and 97% of respondents, respectively, rated the City's quality of life as "excellent" or "good." [Ref-40, Ref-41, Ref-42]

Findings

- FI-01.** Case law is complex and dynamic with respect to soliciting's relation to freedom of speech and private property rights. California is one of a handful of places where the State Supreme Court interprets freedom of speech broadly enough to include in-person soliciting in privately owned malls, which are considered "public forums." The US Supreme Court has upheld the State's right to this broad interpretation. These facts do not seem to be widely known outside the legal and public-safety communities. (FA-01, FA-02, FA-03, FA-04, FA-05, FA-06, FA-07, FA-08, FA-09, FA-10) (Att-02)
- FI-02.** Within general State directives, individual police departments and city councils are free to develop their own specific policies and procedures regarding both aggressive and nonaggressive panhandling. These policies and procedures can vary significantly from city to city. (FA-11, FA-12, FA-13, FA-14, FA-15, FA-16, FA-21, FA-22, FA-23, FA-24, FA-25, FA-26)
- FI-03.** The Sheriff's Office and its officers serving in the TOPD have an accurate understanding of the legal issues surrounding soliciting in public places.

The police respond appropriately given the City's commitment to open-minded, collaborative, community-oriented approaches involving public education and social services. Public-safety personnel are proactive on this issue, and the Grand Jury found no evidence that directives embodied in State laws or County or City ordinances were being ignored. (FA-22, FA-23, FA-24, FA-25, FA-26)

- FI-04.** Opinions vary widely about how many panhandlers are homeless. Local factors, social and environmental, no doubt are major determinants. Since understanding the factors that contribute to local panhandling is key for effectively managing the issue, the City could benefit from additional data collection and analysis. (FA-16, FA-17)
- FI-05.** Residents responding to the City's two latest Community Attitude Surveys did not mention either "charity soliciting" or "panhandling" as a concern. However, "homelessness" did show up on both surveys—as the 16th concern in 2013 and the 9th concern in 2015. Since many people believe most panhandlers are homeless, some survey respondents may be mentally combining the two issues. (FA-17, FA-32)
- FI-06.** Respondents to the City's two latest Community Attitude Surveys rated the quality of life in Thousand Oaks as very high, leading to the conclusion that a majority of residents believe public-safety personnel are doing a good job of handling soliciting and other quality-of-life concerns. (FA-36)

Polite placement:

A charity solicitor's station is set up against the far curb, across the drive-lane in front of Whole Foods market in the shopping center on Moorpark Road.

(Grand Juror photo taken 11/22/14)



Recommendations

- R-01.** The Grand Jury recommends that the Thousand Oaks City Council develop a "Frequently Asked Questions" section for its "Panhandling Resources" webpage. This section could include information about the discretion left to

cities in enforcing State laws; the legality of nonaggressive soliciting in California in most public places, even when privately owned; the illegality of aggressive soliciting; and advice on how to deal with both types of soliciting. (FI-01, FI-02)

- R-02.** The Grand Jury recommends that the City Council design an anonymous survey of solicitors, which could be conducted by volunteers. This would provide local information that could be valuable in determining additional strategic responses to the issue and aid with the COPPS goal of “conducting a thorough analysis to identify the root causes.” (FI-04)

The survey might include questions such as: Why do you choose to solicit in Thousand Oaks? Have you ever been asked to be part of a group that is driven in a van to locations in Thousand Oaks or other cities? How much do you receive in donations in an average day? Have you ever been given a police citation for aggressive soliciting?

- R-03.** The Grand Jury recommends that the City Council direct its survey consultants to include questions about public soliciting separate from homelessness into its biennial Community Attitude Survey to gain a clearer picture of how residents feel about each issue. (FI-05)

Responses

Responses required from:

Thousand Oaks City Council (FI-01, FI-02, FI-04, FI-05) (R-01, R-02, R-03)

Responses requested from:

Thousand Oaks Police Department (FI-01, FI-02, FI-03, FI-04, FI-05, FI-06) (R-01, R-02, R-03)

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Attachments

- Att-01.** Questions for Shoppers/Pedestrians in Thousand Oaks Malls
- Att-02.** Selected Responses from Shoppers/Pedestrians
- Att-03.** Questions for Business Owners/Managers in Thousand Oaks Malls
- Att-04.** Selected Responses from Business Owners/Managers

Glossary

<u>TERM</u>	<u>DEFINITION</u>
Aggressive panhandling	"Aggressive begging is...uncommon panhandling, a type of harassment bordering on extortion that is practiced by a minority of street people." – <i>Roger Conner</i> ; the opposite of passive panhandling (see below)
Alms	Donations to the poor
Call for service	A call to a police dispatcher asking for an official police response to a perceived situation
Charter city	"Has supreme authority over municipal affairs...can provide for any form of government including the 'strong mayor' and 'city council' forms...may establish own election dates, rules, and procedures" – <i>California League of Cities</i>
City	City of Thousand Oaks, Ventura County
City Council	Thousand Oaks City Council
Code	City of Thousand Oaks Municipal Code
Common law	"Common law is generally <i>uncodified</i> . This means that there is no comprehensive compilation of legal rules and statutes...common law...is largely based on <i>precedent</i> , meaning the judicial decisions that have already been made in similar cases." – <i>Berkeley Law Library website</i>
COPPS	Community Oriented Policing and Problem Solving, a program that "Promotes and requires partnerships and 2-way interaction with the community. Is proactive, not reactive. Encourages problem solving as a tactic. Attacks the causes, not the symptoms, of crime and disorder." – <i>Thousand Oaks Police Department website</i>
County	Ventura County, California
General law city	"A city that has not adopted a charter, is organized by California State law, and is managed by a five-member city council" – <i>California League of Cities</i>
Grand Jury	2014-2015 Ventura County (Civil) Grand Jury

<u>TERM</u>	<u>DEFINITION</u>
Panhandling	Soliciting money or food from strangers for personal use; also commonly called “begging”
Passive panhandling	Panhandling without accosting, approaching, following, raising one’s voice, or otherwise being confrontational; e.g., sitting or standing with a sign and collection receptacle
Public forum	A common area where residents can freely mingle; for soliciting purposes, in California this includes most privately owned shopping malls, especially if they have one or more of the following: courtyards, plazas, gardens, health clubs, public meeting areas, coffee bars, or picnic areas
Quality-of-life violations	Less serious misdemeanors, e.g., graffiti vandalism, aggressive soliciting, disorderly conduct, and exceeding regulated noise levels during specified hours
“Right to prohibit trespass”	A legal phrase referring to an owner’s right to bar certain persons from coming onto her or his private property
Soliciting	“Asking for”; in this report, asking for donations of money, either for yourself or for a charity
State	State of California
Think-tank	“An institute, corporation, or group organized for interdisciplinary research (as in technological and social problems)” – <i>Merriam-Webster.com</i>
Trespass	“[T]he act of knowingly entering another person’s property without permission. Such action is held to infringe upon a property owner’s legal right to enjoy the benefits of ownership.” – <i>Cornell University Law School</i>

Attachment 01

Questions for Shoppers/Pedestrians in Thousand Oaks Malls

Questions for Shoppers/Pedestrians in Thousand Oaks Malls

Name (optional) or description:

Location:

Date: 4/26/15

Time:

Jurors present:

1. How do you feel about panhandlers?

- Have you ever given them cash or food?
- Has a panhandler ever been overly aggressive or insistent, in your opinion?
- If so, what did you do?

2. What about donating to people soliciting for charities?

- How do you feel about them?
- Have you ever donated?
- Have you ever asked to see a license or other verifying document?

3. Do you avoid going into a business if there are panhandlers/charity solicitors/ political petitioners you would have to pass by?

4. Do you think the city does enough about public solicitors? If not, what else should they do?

5. Were you aware that California is one of only five states that allow soliciting in shopping malls?

6. Any other comments?

Thank you for your cooperation.

Attachment 02

Selected Responses from Shoppers/Pedestrians

Selected Responses from Shoppers/Pedestrians (and two solicitors)

Paraphrased from notes taken during in-person interviews conducted by two Grand Jurors on Sunday, April 26, 2015, between 1 and 5 PM, in front of Trader Joe's, PetCo, Best Buy, Whole Foods, Rite Aid, Target, and in the Janss Marketplace. All were asked if they realized most other states (all but three plus Puerto Rico) *prohibit* soliciting in shopping malls; only one person—a lawyer—knew this.

► *"Solicitors don't bother me. They're not aggressive, they're polite. We wouldn't avoid a store because they were there."* – Anglo male, about 38 years old, with his children

"It's not a big deal. I'm torn. If we said no to these solicitors, we'd have to say no to the Girl Scouts and groups like that. They're not aggressive here. They drive me nuts at Whole Foods, though—they're more aggressive there. The amount of enforcement is okay—it's not a high priority." – Anglo female, about 30 years old

► *"It's okay with me. They have the right. But I think we over-regulate, which creates bad expectations. We lose the sense of getting along with people in a crowd."* – Anglo male, about 68 years old

► *"They do bother me, though they're not overly aggressive. I definitely try to go around them, but they still get to you and guilt you. I would love to see stricter regulation—like a designated area for them. I haven't noticed an increase here [in Thousand Oaks], but I stopped going to the LA mall, it got so bad."* – African American mother, about 27 years old, with her children

► *"They're not aggressive, but sometimes I feel bothered. I'm ambivalent. I used to always give, but not anymore."* – Anglo female, about 40 years old

► *"I feel bothered if they look like they could work but not if they have disabilities. No one has ever been aggressive with me, but I think there should be more regulation."* – Hispanic male, about 33 years old

► *"They're lovely people—not aggressive. One we see a lot has mental problems. We wouldn't report them—they have it tough enough."* – Anglo couple, late 60s

► *"We're not bothered. They're not aggressive."* – Dutch female & male tourists, late 20s

► *"Yes, I feel bothered and I avoid them. They're not overly aggressive, but it's a chronic problem. I've never asked to see a license."* – Anglo male, about 47 years old

► *"At times I feel annoyed. It's not a big deal. If they're not asking for money, I'll take their card or whatever they're handing out. I've never complained. There are a lot of them around Target."* – Asian American male, about 40 years old

► *"I've learned to live with them. They haven't been aggressive with me, and I've never seen an incident involving others. I sometimes go out of my way to avoid them, but I wouldn't want to see more regulation. What's really annoying is when firefighters stand in the median of the road collecting with a boot—that's really dangerous."* – Anglo female, late 40s

► *"Doesn't bother me." "I don't care—I think they need food."* – Two Hispanic females in their 20s

► *"They're no bother—not aggressive. I don't know about anywhere else in this city. I live in Hollywood and only come here [to Janss Marketplace]."* – Anglo male, about 30 years old

(continued)

Shoppers' (and two solicitors') quotes, p. 2

- ▶ *"I don't care—I live and let live."* – Anglo male in his 60s
- ▶ *"They don't bother me; I'm jaded. I wouldn't go out of my way to avoid them. Maybe they should be on public streets and sidewalks only. I think society should take care of these people."* – Anglo male, about 25 years old
- ▶ *"I avoid them if I can, even though they're not overly aggressive. I feel kind of sorry for them."* – Anglo female, about 70 years old
- ▶ *"I'd prefer them not to be there, but I wouldn't avoid going in a store because of them. I never give anything. A few have been verbally aggressive, but I've never complained to anyone."* – Anglo female, about 55 years old
- ▶ *"They're usually very cordial—never aggressive, not even verbally. I have no idea about regulations." "They get in my way and are aggressive sometimes. No idea about regulations either."* – Two Anglo males in late 40s
- ▶ *"Sometimes I feel bothered. Occasionally I'll give. They're not aggressive but even 'God bless' can cause guilt. I like to give what I can online." "They're not as much of a problem here as in a lot of places. Ones with children bother me—I mean, don't bring your kids. I've even seen kids in nice clothes! If they're able-bodied and young, get a job, right?"* – Two Anglo females, about 30 years old

Comments from two charity solicitors:

- ▶ *"I volunteer once every two weeks—I come up from LA in a group. I'm dropped off about 9 in the morning and picked up again at 6:30. We're licensed by the city [shows license], and we do good in the community. We run four or five sober-living homes and might give out a \$100 gift card to someone in need. I do get hassled by store management or the police at times."* – African American male, about 45 years old, soliciting for a little-known charity
- ▶ *"You know, you never think that you're going to get old, but suddenly you are. After I retired from 36 years in the Marines, I really needed something to do—not because of the money. They don't pay me for this, I volunteer one day a week. I work in different cities—Long Beach, Burbank, here. They provide transportation in a van; it drops me off at 9 and picks me up at 6:30. We're licensed [shows it]. We come to Thousand Oaks because it's affluent; Simi Valley's really nice, too. I like it; I meet and talk to people. We do well here. One guy, a poker player, gives us \$100 every Friday. I think he does it because he feels guilty for winning."*

"Most people who do this are okay. We don't get in each other's way. We have a code of ethics among solicitors—petitioners excepted. Some organizations are bad news, but I checked this one out. They're legitimate. They run several homes and really help lots of people."

"Most of the stores don't want us. They call the police if a solicitor gets aggressive or disrupts business. Target will take people to court if they're disruptive. But WalMart invites us in; they put a yellow box inside the store for us." – African American male, 75 years old, soliciting for the same little-known charity under a different name at a different mall



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Attachment 03

Questions for Business Owners/Managers in Thousand Oaks Malls

Questions for Business Owners/Managers in Thousand Oaks Malls

Name:

Store name:

Location:

Property management co.:

Date:

Time:

Jurors present:

1. What is your title and function?
2. How long have you held this position?
3. How do you like managing a store in this area?
4. Do you have any “pet peeves”? If so, what are they?
5. Have you witnessed or are you aware (e.g., from customers) of any incidents or conditions outside the store (in immediate vicinity) that were a cause for concern?
6. (a) If they mention soliciting/busking/panhandling:
 - What do you do in such a case?
 - Keep a log or any kind of record? [If yes, can we see?]
 - Have you ever asked or told a solicitor to leave your storefront area, & if so, what was the response?
 - If they refused, what action did you take, if any?(b) If no mention of soliciting to this point, prompt by saying “What about things like noisy skateboarders, political petitioners, charity solicitors, or Girl Scout cookie drives?” Then follow with same questions as in 6 (a).
7. Have you (or the owner/manager) ever called the police to handle something? If so, what was the occasion? What was the police response?
8. [Depending on answer to above:] Have the police ever said you would need to agree to testify before they could issue a citation? Have the police ever suggested that you file a citizen’s arrest?
9. Do you know of any company policies or anything in the store’s lease agreement directing how things are handled re panhandlers/solicitors/pickers, etc.?
10. Any other comments?
11. Anyone else we should talk to?

Thank them for cooperation. Leave card (if not done).

Attachment 04

Selected Responses from Business Owners/Managers

Selected Responses from Business Owners/Managers

Paraphrased from notes taken during in-person interviews conducted by two Grand Jurors on Monday, January 19, 2015, between 1 and 5 PM, at The Lakes, Gelson's Market Plaza, Westlake Plaza and Center, North Ranch Mall Shopping Center, and Village Square in Thousand Oaks.

Asked about a "pet peeve," only one person brought up soliciting spontaneously. For the rest, when an interviewee did not mention solicitors by question six, jurors gave the prompt, "What about things like noisy skateboarders, political petitioners, charity solicitors, or Girl Scout cookie drives?" Interviewees then remarked "Well, yes, solicitors..." and jurors followed up with more direct questions. (See Att-03.)

- ▶ *"I love managing a store here. It's a great community, very friendly. A pet peeve? Well, teenagers tend to grab a few things—it's not that big a deal. This is the first [store name] I've worked in where we don't need security guards—most of our stores have them. Homeless people tend to hang out on outside couches here, because there are no guards.*

"I haven't seen an incident that was a cause for concern at this store. The charity solicitors don't block the entrance; they're respectful. By law they can be 10 feet outside our door. We let them come in to use our bathroom. On busy holidays we sometimes put out a 'No Soliciting' sign. I've never told someone to leave the front of our store but I've heard it happened.

"We rent this space from a property management company; they've given us guidelines that say we can call the security guards if we need to, which I haven't. I would say fewer than 5% of customers complain—but certain people always will. A customer complained that a man said 'Nice dress' to her. We are going to start locking our dumpster but only because we now have a recycling quota. We're close to 1% no waste."

- ▶ *"The property management company allows any solicitors with permits. We want the Girl Scouts and people like that, so we have to allow the others, too. We get solicitors about twice a month—every day during holidays, every other weekend if not. Sometimes Security will put up signs.*

"If solicitors are rude or aggressive, I would report them, that's [the management company's] policy. I've never seen or heard of an incident or condition outside the store that was cause for concern, though. This is a good place. I've also worked in Long Beach—it's horrific there."

- ▶ *"I love it here in Westlake—I don't have any complaints, no loud music, graffiti, problems with solicitors, anything like that. We do get a couple of panhandlers, but they go when asked. I've got no conflict with people sitting out front. At Christmas there's always a guy in white with a bell collecting money for some charity. I've been three years here and only called the cops once, when we had a customer on drugs."*

- ▶ *"How do I like managing here? I'm indifferent—it has its moments. I've been here six years. I like that it's a city that's more understanding, open minded. We get solicitors almost daily—I'm surprised they're not here now—Salvation Army, Girl Scouts. We've had a homeless group here for two years; they change their name. They're not overly aggressive; they're nice to staff. Political groups must stand across the parking lot.*

"We do get pretty regular complaints from customers. We have our own signs we put up. Sometimes solicitors are here for so long, customers won't come back. We can't do anything about that. A property management group runs things. They have their own security. We not supposed to interact with the people outside. We have a 24/7 live support hotline where we can report any problems, and the alarm system is always on.

(continued)

Business manager quotes, p. 2

“As far as police, they come to break up fights, like when people were fighting over their spots in the Black Friday lines. One time they came and ran off panhandlers who were urinating in public, but I don’t think they cited them” (the only interviewee who brought up solicitors without being prompted).

- ▶ *“Managing a store here is fine—no problems, no issues. Schools and nonprofits come in—they’re okay. I once heard about a petty theft in the parking lot. That’s about it.”*
- ▶ *“I’ve been with the company nine years; in this location two years. We don’t get any corporate instructions on dealing with incidents outside, but we try to watch what goes on. Panhandlers are the only problem; I’ve seen them pound on people’s car windows for money. We’ll call the police at the request of a customer; otherwise not.”*
- ▶ *“Managing a store here is the best. I’ve been here almost a decade and have no complaints. Most solicitors are cooperative. We do have a political group that’s not into cooperation, but they only drive in from down south once or twice a year, so it’s not a big problem.”*

