

Panhandlers: Police response is complaint-driven

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The offense can carry a penalty or a fine not to exceed \$700 or imprisonment not to exceed 180 days. Each day a violation occurs is chalked up as a different offense. The ordinance, however, is not enforced, especially if there is not another offense, such as disorderly conduct.

"The problem with it is, there are basically case laws out there that contradict" the city's ordinance, Ham said.

A person could claim citing or arresting someone for panhandling is a suppression of their First Amendment rights, Ham said. And many people have done so. In at least Arizona, Utah, Michigan and California in the past four years, courts have struck down different types of panhandling laws, ruling they are unconstitutional since the First Amendment protects the right to free speech, according to the nonpartisan First Amendment Center.

'If it truly is a community livability problem, then the community as a whole is going to have to not support the activity — whatever it is.'

— Dave Ham
Seaside police chief

After being made aware of this situation and realizing "we might be setting ourselves up for some bad decisions," Ham said, the department as a whole backed off citing people for only panhandling based on advice from the city.

Now police response is complaint-driven and officers will not initiate contact with a panhandler unless he or she is aggressively panhandling, using profanity to threaten another person, following an individual, blocking sidewalk traffic or using some other kind of aggressive tactic to solicit, Ham said. When a person

calls the department to report an incident of panhandling, the dispatcher often will ask if it only is panhandling or if there are other aggravating factors that would require an officer to respond to the situation. The same applies to street performers.

Wider perspective

Even when officers do respond, they handle the incidents as informational or educational opportunities, Ham said.

Besides the possibility of being sued for repressing people's First Amendment rights, citing someone who claims to be in

need could be seen as impractical, Ham said.

"What's the point of citing someone to get a monetary fine from someone who can't afford it?" some may ask, Ham said, which has led the department to question, "Is it really worth the enforcement action in the manner of issuing a citation and having them appear into court?"

Police instead try to approach the problem with a wider perspective that aims to treat it at its root. The department would prefer to offer or suggest resources for people who claim to need assistance. Those could include referrals to Helping Hands, the South Clatsop County Food Bank, food programs at community churches, the Department of Human Services and others. The problem, Ham said, is options for officers to help are limited, and the panhandlers they encounter are living in a wide range of situations. Some are transients, for whom begging has become an

integral part of their lifestyle as they travel from place to place; some are homeless and truly need assistance; and others may not need food or work as much as they just desire money.

True need?

That is what some community members are experiencing when they interact with panhandlers, as well.

Residents have shared a number of stories about certain panhandlers quickly disposing of donated food by tossing it into the nearby parking lot, or simply rejecting it outright and insisting they only want money.

But there also are stories of recipients who seem to truly be in need and respond with gratitude when offered food or help from passers-by.

One man, who did not want to be named for the article, said he is not from Seaside, but more or less passing through. Panhandling isn't something he always does, he said, but he's "going through

hard times" and is waiting for unemployment benefits and other social services to get sorted out. He has a car for transportation and just uses the money he collects for gas and food, he said.

Several people in an online discussion on the Seaside Oregon Virtual Garage Sale Facebook page expressed frustration about not being able to distinguish between those who truly are in need and those who aren't. Some suggested giving the individuals information to Helping Hands or other resources when giving them food or money.

For those who are frustrated by the panhandling that often transpires in front of Safeway or elsewhere in town, Ham would suggest they don't give to those people.

"If it truly is a community livability problem, then the community as a whole is going to have to not support the activity — whatever it is," he said, adding if you don't feed an issue, it might go away.

Council: 'It could have gotten out of control'

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Seidel repeated that LaMear was under arrest and began to read her a Miranda warning advising her of her legal rights. As Johnston approached and introduced himself, Seidel said: "Hello Chief Johnston, you're under arrest as well."

Johnston, who was not in police uniform and did not have his handcuffs, tried to escort Seidel from the council chambers. But Seidel struggled and Johnston took him to the ground.

Johnston, who had alerted police dispatch, urged residents who had packed the council chamber for the debate on the Riverfont Vision Plan to call 911 as Seidel squirmed beneath him.

"Criminals! You're all criminals!" Seidel shouted at one point during the struggle.

Two Astoria Police officers arrived and took Seidel into custody. He was taken to Clatsop County Jail and charged with criminal trespass, disorderly conduct and resisting arrest.

Seidel, an activist, has attended City Council meetings in the past. While disheveled, he did not appear angry or threatening before he spoke Monday night, but was confused about the agenda item before the council. He tried to speak about a previous item when LaMear intervened.

LaMear said afterward she was grateful to Johnston. "It could have gotten out of control," she said.

The mayor said she did not know what Seidel was going to do, "but I also did not feel particularly intimidated by him, because I felt like I needed to control the meeting."

Johnston, who is also the assistant city manager, said Fire Chief Ted Ames told him he had never seen such an incident in 18 years of attending City Council meetings.

Others could also not recall a similar disruption.

Johnston said he does not think the incident will prompt tighter security at council meetings. "It was very unexpected," he said. "It is an isolated event."

He said he might "look at some things I do differently, but I don't know that we'll do anything differently for security" for the City Council.

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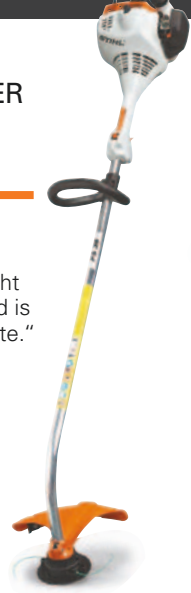
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