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**Strathcona County Panhandling Response****Report Purpose**

To provide Council with options on how to respond to panhandling in Strathcona County.

**Recommendation**

THAT Administration develop a standardized approach to the way that officers engage with panhandlers in the County using current legal tools, including when and how referrals to Family and Community Services will take place; and

THAT Administration prepare a report with an update on panhandling in Strathcona County by the end of Q1 2025, be approved.

**Our Strategic Goals**

Goal 2 - Healthy and Safe Community

Goal 2 Priority - Social supports that enhance community well-being and safety, and build community connection

**Report**Background

In March 2023, Council requested Administration prepare a report for Council's consideration with options to deter, assist and promote the safety of individuals engaged in panhandling in Strathcona County. Since this time, Administration has gained an in-depth understanding of panhandling in Strathcona County and reviewed available policy responses.

Panhandling is defined as "a request, whether by spoken, written or printed word, or gesture, for donations of money or other things of value for oneself or for any other person". Panhandling is a legal, informal economic activity that:

- occurs on the streets;
- exists outside of paid employment;
- is not covered under criminal law; and
- is often policed as a sign of urban disorder.

Informal economic activities such as panhandling offer individuals ways to meet their basic needs without resorting to criminal activities. Research shows that individuals will panhandle just enough to meet their next most urgent need. In Alberta, an average of \$40/day is earned through panhandling, with income most often going toward housing (Freistadt, 2014).

Canadian panhandling laws date back to 15<sup>th</sup> century English vagrancy laws. The status of being a "vagrant", or "the wandering poor" was a crime in Canada until 1954. In 1953/54, vagrancy laws shifted to criminalize the *act of committing* vagrancy. Panhandling was decriminalized federally in Canada in 1972, with the regulation being left to provinces and municipalities. While there was a period of resurgence in panhandling laws in the late 1990s and early 2000s, many municipalities who enforced strict responses, such as Winnipeg and Vancouver, have since shifted to embrace more workable solutions. Ensuring access to stable housing, employment, a living wage and other efforts to reduce poverty, alongside

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wraparound supports, all relieve the need for individuals to participate in the informal economy and undertake activities such as panhandling.

The problems associated with panhandling - such as following people, blocking the paths of pedestrians or vehicles, verbal and physical harassment, or public intoxication all have the following legal mechanisms for enforcement:

- The *Traffic Safety Act* can be used when meridians are used for panhandling, or when any traffic corridors are blocked due to panhandling.
- The *Criminal Code* can be relied on to charge individuals for harassment and attempted robbery in extreme cases of aggressive panhandling.

If a person is threatened, followed to their car, or made to feel unsafe by a person panhandling, these tools equip officers to take appropriate legal action.

#### Local context

In addition to the legislation and tools that currently exist to manage panhandling in Strathcona County, our current response is to engage every person panhandling.

Current process involves officers:

- Introducing themselves and running a lawful background check.
- Building rapport, assessing if the individual requires community support, and if decided, referring to Family and Community Services (FCS).
- Requesting panhandling cease and advising individuals to move along.
- There have been no charges under the Criminal Code or the Traffic Safety Act at this time.

To date in 2023, there have been 17 panhandling files opened by RCMP and Enforcement.

FCS Navigation reports five referrals from RCMP & Enforcement in 2022 and one to date in 2023, with a small number of referrals of people who panhandle continuing to access services.

#### Options and considerations

Beyond the current legal tools used and engagement undertaken by enforcement, there are many available responses to panhandling, from legislation to addressing the root causes which lead to panhandling.

Administration reviewed and considered the following responses to panhandling:

- Pair enforcement with formal systems support
- Officer engagement with each individual panhandling
- Address root causes of panhandling
- Create a bylaw limiting where and when panhandling can occur
- Increase public education and awareness around Strathcona County's response to panhandling

The following considerations were used in the assessment and recommendation to Council:

- The problems associated with panhandling – traffic and traffic related-safety concerns, violent behaviour, harassment, and following people, have available legislation already in the *Criminal Code* and the *Traffic Safety Act*.

- Panhandling bylaws are not a deterrent: *"all participants would keep panhandling even if it was completely illegal, which some thought it was"* (McDonald 2013, p.26).
- Panhandling bylaws are often not enforced, and when enforced, 95-98% of fines go unpaid.
- Peaceful and non-obstructive panhandling is a *Charter of Rights and Freedoms* protected form of expression.
- Bylaws must apply to everyone equally, there is no picking and choosing who bylaws apply to. This means that both organized groups and individuals engaged in panhandling are subject to fines and equal treatment.
- Panhandling bylaws have been prone to Charter challenges.
- Select smaller cities in Ontario and BC seem to be moving toward a bylaw (Windsor, Maple Ridge, Quesnel, Penticton). However, other major hubs (Vancouver, Winnipeg) with past bylaws have moved away from bylaws to more workable solutions.
- Bylaws are shown to disproportionately negatively impact the most vulnerable members of a community and perpetuate the cycle of poverty. Bylaws *"created for the protection of certain users of public spaces, but places other users (i.e., panhandlers) at greater risk, which goes against the intent of law making and enforcement"* (McDonald 2013, p.27).

There is no "magic bullet" to eliminate panhandling. Instead, connection to housing, employment, income, and mental health services relieve the need for individuals to participate in the informal economy and undertake activities such as panhandling.

As Council is aware, Strathcona County is attending to many root causes of poverty through the Housing Affordability Strategy, the Community Safety and Wellbeing Strategy, the new Supportive Outreach Services for mental health, Walk-in Counselling, and Solutions Navigation's ongoing efforts to provide wrap-around services and ensure people can meet their basic needs with dignity.

These strategies and supports take time; however, they will reduce poverty and increase the supports needed in our community.

### **Council and Committee History**

March 14, 2023      THAT Administration prepare a report for Councils consideration by the end Q3 2023 with options, including but not limited to potential bylaws, fines and community support services, to deter, assist and promote the safety of individuals engaged in panhandling in Strathcona County.  
Motion 2023/75

### **Other Impacts**

**Policy:** n/a

**Legislative/Legal:** n/a

**Financial/Budget:** n/a

**Interdepartmental:** n/a

**Master Plan/Framework:** n/a

**Alternatives**

THAT Administration prepare, for Council's consideration, a bylaw prescribing the time, place and manner of panhandling within Strathcona County limits be developed; and

THAT a public education campaign be undertaken to ensure that individuals who panhandle are aware of the bylaw and their rights under the new legislation.

**Communication Plan** n/a

**Enclosure**

1                      Strathcona County panhandling response presentation