

July 15, 2010

Mayor Lee Leffingwell
City of Austin
PO Box 1088
Austin, TX 78767-8865

Dear Mayor Leffingwell,

Earlier this week, a woman stabbed a man and a woman on Sixth Street near San Jacinto after they refused to give her money. This is unacceptable. The issue of panhandling can no longer be ignored. This crime is a prime example of why we need to strengthen our Solicitation Ordinance to ban panhandling downtown at all times.

We respectfully request that you sponsor a resolution to strengthen the Solicitation Ordinance to ban panhandling downtown at all times. By doing so, we give our partners at the Austin Police Department the ability to quickly and effectively halt panhandling. We need our city leadership to help us in this battle against crime by giving APD the tools to keep our community safe.

Last year, more than 25 downtown associations, social service agencies, businesses, property owners, churches and hotels supported an initiative to strengthen the Solicitation Ordinance. Organizations included the Downtown Austin Alliance, Caritas of Austin, Front Steps, Ending Community Homelessness Organization, the Austin Convention and Visitors Bureau and many others. Attached, you will find a document that includes a full list of organizations in support of a stronger ordinance.

This crime occurred right in the heart of our historic entertainment district, near award-winning restaurants, iconic businesses, our Convention Center and Waller Creek. As I am sure you will agree, panhandling has a significant negative impact on everyone who lives, works and visits downtown Austin. It is detrimental to the success of Austin's visitor and convention economy, disruptive to downtown social service agencies, contributes to the continuation of the cycle of drug and alcohol abuse, creates the perception of a lack of safety, and exposes the public to potential harassment, intimidation and fear.

We need to address our crime issue NOW in every way we can to ensure that our downtown continues to be a thriving neighborhood that generates millions in tax dollars for our city each year.

We know that in order to effectively mitigate the effects of panhandling, we must approach the issue from all angles. That's why we have worked very closely with social service agencies, law enforcement and other downtown stakeholders to develop a public awareness campaign to educate members of our community of the most effective way to help people in need – giving directly to social service agencies instead of giving to people who panhandle.

But the first step in alleviating panhandling is the strengthening of the ordinance.

Our social service agencies tell us that giving money to people who panhandle undercuts the effectiveness of Austin's social service agencies because it enables people to sustain life on the streets and avoid accessing essential supportive services. Despite the giver's best intentions, giving money to panhandlers often supports substance abuse addiction and sustaining an unhealthy lifestyle. Unfortunately for Brian Fiorello and Holly Ritchie, their good judgment left them with severe lacerations.

We look forward to speaking with you about how we can work together to alleviate the negative effects that panhandling causes in our community.

Sincerely,

Charles Betts
Executive Director

Attachments

Police: panhandler stabs couple on Sixth Street

http://www.statesman.com/blogs/content/shared-gen/blogs/austin/blotter/entries/2010/07/14/police_panhandler_stabs_man_an.html

By Isadora Vail
Austin American-Statesman
Wednesday, July 14, 2010, 06:24 PM

A woman stabbed a man and a woman on Sixth Street July 12 after they refused to give her money, according to an arrest affidavit.

Austin police say Paula Livsey, 26, was begging two passers-by, Brian Fiorello and Holly Ritchie, for money near Sixth and San Jacinto streets. When Fiorello said no, according to the affidavit, Livsey became livid and began hitting him.

The affidavit says Livsey then took a knife from her backpack and slashed Fiorello on his arms and hands. Police said one of his fingers was "missing a large chunk of flesh...that was later recovered."

When Ritchie tried to help Fiorello, she was cut on her neck, the affidavit said.

Fiorello and Ritchie both sustained severe lacerations, the affidavit said.

Livsey has been charged with felony aggravated assault with a deadly weapon and is in Travis County Jail with bond set at \$75,000.

Downtown Austin Community Court Frequent Offender Numbers

245 Frequent Offenders have 25+ cases for the life of the Court

- 52% of all docketed cases in 2009
- \$1.18M in 2009
- 95%+ are homeless
- 77% of those screened have serious mental illness

76 Frequent Offenders have cases since 1999

- All are homeless
- 86% have a felony conviction
- 3,400 jail bookings since 1999
- 50,000 nights in jail since 1999
- \$4.02 million spent just on court and jail since 1999
- \$52,906 per offender spent since 1999

Frequent Offender Aggressive Solicitation Statistics

Year	Case Count	Cases by 245 frequent offenders*	% of Total cases	Cases by 76 Original frequent offenders**	% of Total cases
2006	230	96	41.74%	26	11.30%
2007	208	71	34.13%	20	9.62%
2008	204	82	40.20%	18	8.82%
2009	324	180	55.56%	48	14.81%
2010	140	72	51.43%	18	12.86%
Total	1106	501	45.30%	130	11.75%

* Frequent Offenders = 245 individuals with 25 or more interactions with Community Court.

**Original Frequent Offenders = 76 individuals who have had interaction with the Community Court since its inception in October 1999. The 76 are included in the group of 245.

**ORGANIZATIONS SUPPORTING
A BAN ON PANHANDLING IN DOWNTOWN AUSTIN/
IMPLEMENTATION OF A RESPONSIBLE GIVING CAMPAIGN**
(September 2009)

- Austin Convention and Visitors Bureau
- Austin Downtown Commission
- Austin Downtown/Convention Center Courtyard and Residence Inn
- Austin Hotel and Lodging Association
- Avenue Lofts Board of Directors
- Austin Music Commission
- BOMA Austin (Building Owners and Managers Association)
- Brown Building Lofts Condominium Association
- Caritas of Austin
- CB Richard Ellis
- Central Presbyterian Church
- City Watch at 6th and Congress
- Downtown Austin Alliance
- Downtown Austin Neighborhood Association
- Downtown Austin Community Court Advisory Council
- The Driskill Hotel
- ECHO (Ending Community Homelessness Organization)
- Front Steps (Austin Resource Center for the Homeless)
- German-Texan Heritage Society
- Hilton Austin
- Hilton Garden Inn
- Kelly Engineering Resources
- Norwood Tower Management Company
- Plaza Lofts Board of Directors
- Radisson Hotel & Suites Austin-Town Lake
- Saint Mary Cathedral
- Salvation Army
- Sheraton Downtown Austin
- Sixth Street Austin
- SXSW Music (South by Southwest)
- Stephen F. Austin Intercontinental Hotel
- Texas Association of Realtors
- Thomas Properties Group Real Estate
- University Area Partners

Proposed Amendment to Strengthen the City Solicitation Ordinance (September 2009)

Overview and Request

Austin's current ordinance that regulates panhandling (Austin City Solicitation Ordinance 9-4-13, originally adopted in 1992) allows non-aggressive panhandling but includes restrictions on the time, place and manner in which solicitation may legally occur.

In December 2005, Austin City Council amended the Solicitation Ordinance to make panhandling illegal between the hours of 7p.m. and 7a.m. in the downtown business district – basically banning the activity at night.

The DAA, along with many other organizations, recognizes that the current ordinance does not achieve the desired effect of reducing the act or the negative effects of panhandling. Panhandling is a significant problem downtown and is now more frequent and aggressive than it has ever been.

The city ordinance must be amended to make panhandling an offense at any time in the central downtown area within the innermost boundaries of San Antonio Street, Cesar Chavez, the IH35 West Frontage Road and 11th Street.

