

Panhandler law found to need toughening

District chief calls some judges too easy

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Buffalo has a new law that makes it easier for police officers to arrest aggressive panhandlers, but some city leaders think more must be done to address the problem.

Some judges make it tough to crack down on panhandling, according to the police chief responsible for patrolling downtown. Central District Chief Donna Berry said some City Court judges think freedom of speech gives panhandlers the right to “beg on the street.”

“It’s very frustrating,” Berry told Mayor Byron W. Brown and other members of the city’s accountability panel.

The city passed a law last spring that gave more teeth to panhandling restrictions. It prohibits aggressive panhandling in any public place, then uses six categories to define aggressive tactics.

Any physical contact is an offense, even a slight tap on the shoulder. Panhandlers are also banned from soliciting within an arm’s length of anyone without the individual’s consent, and from soliciting anyone inside a vehicle, near banks, ATMs, bus shelters or off-street parking areas.

Fines range from \$25 to \$250, and repeat offenders could face up to 15 days in jail.

But the city continues to get complaints about in-your-face panhandlers. One such beef was discussed at Wednesday’s CitiStat meeting. West Side resident Mark Spears raised concerns in an e-mail that panhandling in Allentown could hurt businesses.

The mayor said he calls the police when he spots aggressive panhandlers, claiming they create “uncomfortable” situations.

Brown hopes to meet with City Court officials to discuss strategies that might be more effective in ad-

ressing the nuisance. If the goal is to alter panhandlers’ behavior, Brown said, then fines might not be the answer.

“A fine probably isn’t going to work with people who have no resources,” he said.

City Corporation Counsel Alisa A. Lukasiewicz said perhaps alternative sentencing strategies could be discussed with judges.

Some panhandlers are mentally ill, and police officers reach out to various social services agencies in these instances.

“You do get to know who some of these people are who have particular problems,” said Police Commissioner H. McCarthy Gipson.

But Buffalo’s chief planner thinks it’s unrealistic to expect to totally rid the city of street beggars.

“I would challenge anyone to go to a progressive city and not find panhandlers in their downtowns,” said Strategic Planning Director Timothy E. Wanamaker.