


# City of Alpharetta Department of Public Safety

## 02-57 Panhandling and the First Amendment

Distribution: All Police Personnel	Date Issued: July 18, 2024	Date Revised: N/A	Date Effective: July 18, 2024
Review Date: Annually			Authorized by: 

**PURPOSE:** To ensure that police department members do not violate the First Amendment rights of citizens who are engaged in lawful panhandling or other forms of protected speech in public spaces.

**POLICY:** It is the policy of the Alpharetta Department of Public Safety to respect and protect the First Amendment rights of members of the public to engage in protected speech in public spaces, including the right to protest or express unpopular views. Panhandling, like other charitable solicitation, in traditional public fora, is a lawful expressive practice that is protected by the Free Speech Clause of the First Amendment to the U.S. Constitution. *See Smith v. City of Fort Lauderdale*, 177 F.3d 954, 956 (11th Cir. 1999).

**DEFINITIONS:** **Panhandling:** Asking other people for money or other resources in a public place, through written words, gestures, or speech.

**Freedom of speech:** The right, protected by the First Amendment of the United States Constitution, to engage in expression without censorship or interference from the government. This includes, but is not limited to, what people say, write, read, sing, paint, perform, draw, and even wear.

**Traditional public forum:** A place that, by tradition or by law, has been devoted to assembly or debate. Traditional public fora include streets, parks, and public sidewalks.

### I. PROCEDURES (02-57-01)

- A. When enforcing ordinances restricting loitering (Sec. 30-1), congregating on or near a street (Sec. 30-2), or disorderly conduct (Sec. 30-3), officers will not investigate, order to move, detain, arrest, or cite members of the public for panhandling in the absence of conduct violating a written ordinance or state law.
- B. Officers may not assert that asking for money (or “panhandling”) is unlawful, generally. However, officers may explain that ordinances or state law limits panhandling in certain areas or manners, provided that explanation accurately conveys existing ordinances or state law. Officers may offer connection to relevant social services.

**II. ENFORCEMENT (02-57-02)**

- A. Sustained violations of this policy will result in disciplinary actions up to and including termination of employment. The first violation may result in counseling or a written warning; subsequent violations will result in more serious discipline.

**III. REFERENCES (02-57-03)**

Directives:

GACPSAP:

CALEA: