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Gainesville Police Department

Interim Chief Daryl H. Johnston

To: **The Public Safety Committee** **Date:** **August 23, 1999**

From: **Captain Robert S. Mitchell II** 
Gainesville Police Department

Subject: **Chapter 19 Revision Suggestions**

Having met with members of the Finance Department, we have assessed the value of maintaining the current system of permitting solicitors, canvassers, peddlers, and noncommercial agencies. We respectfully submit the following recommendations.

For Commercial Peddlers, Solicitors and Canvassers, Article II of Chapter 19, we suggest eliminating the permit requirement and applying the restrictions currently applicable only to noncommercial solicitation. We also would apply the restriction revision suggested for noncommercial solicitation: limiting the hours of solicitation, peddling and canvassing from 9 am to 7 pm.

For Noncommercial Solicitation, Article III of Chapter 19, we suggest eliminating the permit requirement and maintaining the current restrictions with minor revisions. We suggest that the hours of solicitation be limited from 9 am to 7 pm.

For Temporary Fundraising by Noncommercial Agencies, Article V of Chapter 19, we suggest maintaining the permit process for agencies seeking to solicit in the roadways. We suggest eliminating the permit requirement for the sale and transfer of goods by religious and charitable associations. We recommend clarifying the requirement that organizations acquire the written permission of private property owners, where it is applicable.

For Temporary Permits, we further suggest refining the application process to mandate that the organization's credentials be submitted to the permitting department, along with the name of the organizational officer to be contacted for complaints. A limit on the number of intersections in which solicitation is allowed is also advisable. We finally recommend that temporary fundraising by a noncommercial agencies, specifically organizations' street solicitations, be treated as a special event and placed under the jurisdiction of Code Enforcement or Cultural Affairs. Permits granted for street closings and parades are currently forwarded to the Police Department so that staffing can accommodate the event. It is our opinion that temporary fundraising events should be treated no differently. Similarly, Code Enforcement, which already assigns the public places for vending booths, may better evaluate which intersections are suitable for pedestrian solicitation.

In reference to the central issue raised at the June 17th Public Safety meeting, it is the opinion of the Police Department that background checks do not serve the public's interests. Since Police Department record checks are limited to local arrests only, this would not protect the public against solicitors from outside of Alachua County. Evaluating the resources offered by the Florida Department of Law Enforcement, the \$15 charge and two-day processing period would only provide records of arrests within the state of Florida. Suspect information and out-of-state arrests would not be forwarded. Similarly, the \$38 federal check would take as long as two months and provide only arrest records. Suspect information and sealed or expunged records would not be forwarded. ~~We feel that the inconvenience to legitimate solicitors and peddlers,~~ coupled with our inability to insure that an individual is of suitable "moral character," undercuts the limited value of background checks.

In this suggested restructuring of Chapter 19, we are not giving up the Police Department's right and responsibility to control soliciting in the City of Gainesville. With specific restrictions applied to all solicitors, peddlers, and canvassers, both commercial and noncommercial, officers will cite those who violate the City Ordinances. The only violation that will no longer be enforced is the offense of soliciting without a permit.

In assessing our obligations under current guidelines, we have concluded that more responsibility in the permitting process does not equate to greater control and may not meet public expectations. Eliminating the commercial and noncommercial solicitation, canvassing and peddling permits, with the exception of the Temporary Non-Commercial permits, addresses several issues:

- Public perception
 - Implied Department endorsement
 - The possession of a permit from the Gainesville Police Department is deceptive, implying Department endorsement of that individual and his or her activities or requests.
 - Inappropriate expectation of safety
 - The public expectation that they are not dealing with criminals is not met given our legal restrictions in investigating applicants.
- Customer service
 - Inconvenience for citizens
 - Citizens have only the nuisance of the application process for no obvious benefit.
 - Increased workload
 - Logging applicants' names does not increase public safety, only Police workload.
 - Identical enforcement role
 - GPD will have essentially the same enforcement role without permits: enforcing ordinance restrictions.