



**PANHANDLING IN WINNIPEG
LEGISLATION VS SUPPORT SERVICES**

VOLUME 1

EXECUTIVE SUMMARY

A STUDY FOR THE PUBLIC INTEREST LAW CENTRE

by

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EXECUTIVE SUMMARY

Panhandling, the act of stopping people on the street or in public or private spaces to ask for food or money, has long been part of the urban environment. The activity generates various reactions from people: some see it as a sign of poverty and lack of services including affordable housing for marginalized groups. Others view it as having a negative effect on businesses. Some perceive panhandling to be the outcome of alcohol and substance abuse; the result of family breakdown; or as the actions of those unable or unwilling to sustain themselves by other activities.

The negative reaction to panhandling by a substantial proportion of the public has prompted legislation to either control and/or eliminate panhandling. In response, the City of Winnipeg passed legislation that prohibits some methods of panhandling, and places restrictions on some aspects of panhandling activity, particularly as it relates to specific types of services or locations in the city. This project is designed to answer the following questions regarding the need for, and the effectiveness of, this legislation:

1. given the nature, number and activity of panhandlers in the city, is this legislation an appropriate response to the circumstances?
2. based on the results of this research and the experience of other cities, is the legislation likely to be effective? and,
3. drawing on the findings of the research and experience in other cities, are there more effective means of addressing the issues of panhandling? Is legislation the answer or should the focus be on services and programs to address systemic problems that lead to panhandling in the first place?

The research methodology used to undertake and complete this project included:

1. a review of the current literature on panhandling as well as legislation and initiatives to control and/or reduce the need to panhandle;
2. individual interviews with 75 panhandlers in the city;
3. mapping of the location of panhandling activity relative to other services in study area;
4. observation of the nature and methods of panhandling; and,
5. consultation with service agencies, that have regular interaction with many of the people who panhandle, on most aspects of the research to obtain their insights on the issues associated with panhandling.

The literature review provides valuable insights into who panhandles and why they are on the streets of North American cities. The studies document the increasing diversity of a panhandling population that includes women, men, children, different racial and ethnic groups, the unemployed, the elderly, mothers and their children, youth who are runaways, the mentally ill, disabled, and substance users. This increase in diversity has been accompanied by the growth in the number of panhandlers.

People have seldom engaged in begging through choice, but have been driven to it by poverty, lack of opportunity, low levels of education, discrimination, poor health and mental and physical illness or disability.

The literature identifies many other factors that contribute directly or indirectly to panhandling including:

- economic restructuring and associated labour market changes, such as the decline of manufacturing leading to fewer jobs for low skilled workers and inadequate wages for the “working poor”;
- housing affordability problems and lack of affordable housing supply;
- inadequacy of coordinated services for individuals and families experiencing poverty;
- welfare retrenchment and benefit reductions which have contributed to escalating poverty;
- increased in-migration to urban areas of Aboriginal people who experience higher rates of poverty, unemployment and low educational attainment;
- domestic violence or physical or sexual abuse;
- drug or alcohol abuse;
- deinstitutionalization of the mentally ill; and,
- lifestyle choices.

The fundamental cause of panhandling is poverty. Most of the factors noted above are either the result of poverty or they contribute to poverty. Many panhandlers experience a complex set of challenges and circumstances that include a combination of many of the above factors.

A negative reaction to panhandling by a substantial proportion of the public has prompted many local governments to attempt to control panhandling through legislation as well as program approaches that assist panhandlers to “get off the street”. Anti-panhandling by-laws often impose regulations on the time, place, and manner of panhandling. Regarding the manner in which panhandling occurs by-laws generally target panhandling behaviour that is persistent, intimidating, obstructive, and/or threatening.

Though anti-panhandling legislation found in Canada is generally city-wide in application, the main intent is to address particular concerns about begging within the public spaces of the downtown. Enforcement of anti-panhandling by-laws varies widely among cities. In some enforcement is lax, while others enforce the legislation very strictly. At the same time many other cities make no formal attempt to regulate panhandlers.

Often legislative approaches have been challenged on the basis that they only move (as opposed to solve) the problem and limit or violate the rights of panhandlers trying to sustain themselves. The literature indicates that public education, adequate social programs and services for panhandlers, and informal social control are more effective and appropriate responses. In several cities, including Winnipeg, both approaches are employed: they use legal measures to tackle the issue directly, while also offering a variety of social programs to reduce the extent of panhandling.

Most researchers agree that the enforcement of laws prohibiting panhandling does not solve the problem. Enforcing by-laws generally only “moves” the problem or reduces it in the short term but because by-laws fail to address the underlying causes, panhandlers soon return to panhandling. As well, panhandlers who may have been charged, generally show up panhandling somewhere else. Anti-panhandling legislation approaches have been criticized for a variety of reasons:

- existing laws within the Criminal Code already prohibit aggressive behaviour so by-laws that criminalize all panhandling are not necessary, nor will they effectively reduce panhandling over the long term;
- by-laws often rely upon subjective criteria – fear, perception, incivility and so on;
- there is no empirical evidence to prove that these legislative measures are working effectively. It has not been demonstrated that anti-panhandling by-laws actually reduce serious crime. Often it is difficult to determine if the intent of by-laws is to reduce serious crime or to improve the public’s level of comfort and perception of safety; and,
- safety for those panhandling is as great a concern as for other citizens. Panhandlers often endure harassment and violence from the wider public, and legislative measures may actually increase the verbal and physical abuse panhandlers endure.

In some instances the issue of panhandling has been indirectly addressed through long-term programs with broad objectives such as job creation and reduction of unemployment; skills upgrading and job training; community economic and social development that arrests urban decay and neighbourhood decline; and, provision of adequate services addressing the needs of panhandlers. These are broad, complex, long-term solutions aimed at reducing the marginalization of sectors of society that has intensified over the past couple of decades.

Many smaller, more focused initiatives that have played an effective role in reducing the number of people panhandling have been introduced in a variety of forms in many different cities throughout Canada and the United States. This illustrates that creating by-laws and criminalizing panhandling are not the only solutions.

The review concludes that making panhandling a crime by introducing anti-panhandling legislation will not eliminate begging. Making panhandling a criminal offence only penalizes and stigmatizes people based on their economic and social situation, but does not address the causes. The solutions have to include both short-term and long-term initiatives which address systemic problems associated with poverty, unemployment, substance abuse, family instability, domestic abuse, poor skill levels, low levels of education, discrimination and other forms of marginalization.

The observation and mapping component of the study examined the geographic distribution of panhandling, different panhandling methods, and panhandling by-law violations in Winnipeg and found that:

- panhandling activity in the study area (see Map 1) is concentrated in the Central East and Central West sub-areas along Portage Avenue, North Main/Exchange, and Osborne Village sub-areas;
- based on the ten-metre distance restriction chosen, the observation determined that the type of sensitive services most often violated were bus stops;
- according to the amended By-Law 7700/2000(2005) a little over half of all panhandling events in the study area would be considered violations.
- Violations of sensitive services were observed most often in Central East, representing more than one third of all violations of sensitive services in the study area.

The ratio of by-law violations to total observed events varied by sub-area. The highest ratios of violations versus non-violations were recorded in the Broadway/Main, North Main/Exchange, Central East, and Portage Broadway West study sub-areas. Broadway/Osborne had the lowest proportion of violations. Out of 130 total violations observed in the entire study area, one third were recorded in Central East. The share of violations for other areas ranged from twelve to sixteen percent.

The study found that “captive audience” situations at sensitive services comprised almost half of all panhandling violations observed, followed by events involving obstructive, continued and/or threatening panhandling (17%) and panhandling approach by a group of three or more (10%). Combinations of violations represent slightly more than a quarter of all by-law violations (28%). Almost half of the combination approaches were obstructive, continued or threatening and involved captive audiences. Within combination methods obstructive, continued or threatening panhandling by a group of three or more was the least common type.

Although this study identifies nearly half of all observed panhandling events as By-Law violations, this is based on a broad interpretation of the By-Law. When a more narrow interpretation of the By-Law is used, the number of violations observed decreases thirty percent. A broad interpretation includes a 10 meter distance restriction, whereas a narrow interpretation does not specify a distance restriction, but refers instead to using, waiting at, waiting to use or departing from sensitive services. A narrow interpretation also includes only those groups of three or more panhandlers which physically approach during the course of soliciting.

The interview component of the research indicated that panhandlers in Winnipeg are a diverse population. One characteristic they all share, however, is that of living in extreme poverty. Few are working, many lack the skills necessary to access employment, and others have physical or mental illness or disabilities that are significant barriers to employment. Due to insufficient income, panhandlers turn to panhandling to support themselves.

The interviews indicated that panhandlers in Winnipeg are predominantly male. Twice as many panhandlers as the general population fall into the age bracket of 25 – 44 years. The very high proportion of Aboriginal people among the respondents is testament to their marginalized position in society. Among those interviewed, there is a very high proportion who have never been married, leaving them with a small social support system to rely on in difficult times.

High levels of unemployment (85% of interviewees), infrequent and short incidents of employment, and inability to function effectively in the workforce characterize the work history and employment status of panhandlers. The interviewees identified many common barriers to finding and keeping employment.

- Sixteen percent of the panhandlers interviewed had less than a grade nine education. Twenty-seven percent had completed high school. 6.6% had some post secondary education and 1.3% had a university degree. The fact that approximately sixty-seven percent of the sample had not completed high school is a clear indication that the majority have a skill and education level that makes access to the labour market difficult.

- Thirty-seven percent had a disability that was a barrier to labour force participation.
- Sixty percent of the interviewees were homeless – either “couch surfing,” staying in shelters, or sleeping on the streets. Housing and employment are inextricably interconnected: one cannot get a place to live without a job, and one cannot get a job without a place to live.
- There were also problems such as no fixed address, no phone, illiteracy (17%), a criminal record, addictions, no identification and the fact many had been in the city only a short period of time which created barriers to permanent employment that would provide a liveable income.

Although eleven respondents worked regularly, they had to supplement their wages by panhandling. Those for whom it was their only income source often relied on other ways of meeting their basic needs, such as collecting cans and dumpster diving. Many relied on services such as temporary shelters, soup kitchens, and clothing banks, but for others, these services were not appropriate to their needs or were considered “a last resort”.

Panhandling is not an option that many would choose over employment. The majority would certainly rather work for a living-wage through full-time employment over panhandling. When asked what they needed in order to stop panhandling, interviewees most often mentioned employment and employment related supports, such as training and education, a return to good health, or being free from addictions so they could work again.

Some respondents, however, admitted that it was their choice not to work as they were not prepared to work for minimum wage and to accept the regular schedule that a job requires. They preferred instead to panhandle, as it provided them with more flexibility. Although it provides freedom to choose where and when to work, it also comes with many disadvantages. These include being the target of frequent physical and verbal abuse, having to endure all weather conditions, not knowing when the next meal will be, not having the freedom that comes with having a regular income, being labelled as a lazy addict, living on the margins of society, and associated diminished self-esteem.

For the approximately two-thirds of respondents who received one form or another of government income assistance, they found it to be insufficient and, therefore, supplemented it by panhandling. Others reported that they panhandled because they could not qualify for income assistance. Contributing factors also included the break-up of significant relationships, and leaving home at a young age. Alcohol, drug or substance addictions were identified by some respondents as major factors that brought them to panhandling and kept them there, while others had developed addictions as a result of the panhandling lifestyle. Interviewees reported various degrees of success with their efforts to overcome their addictions.

The research certainly highlights the complexity of the circumstances that force people to panhandle. Unfortunate events, choices, or situations, which on their own might easily be dealt with, when combined, can become insurmountable and leave panhandling as the only income earning option. In order to have any lasting positive change happen in their lives, the multiple issues and barriers have to be dealt with simultaneously. For example, a job alone is

insufficient: without any income until the first payday, and no place to sleep and food to eat, keeping a job is virtually impossible.

For many of the interviewees, the road to positive change in their lives may seem so unlikely that it isn't even something they consider. The daily and immediate struggle to meet basic needs such as finding shelter, clothing and food monopolizes their efforts and thinking, pushing out dreams of future possibilities. This is reflected in panhandlers' spending priorities: 93 percent spend their panhandling earnings on food, and for 88 percent, it ranks as their first or second priority. Shelter costs, clothing and bus tickets also ranked high. Panhandlers also spend their earnings on cigarettes, alcohol and illegal drugs and substances, but generally these did not rate as high priorities.

Sources of pride for many of the interviewees were the panhandling skills they had honed and creative strategies they have developed through experience. Many expressed pride in their adherence to a panhandlers "Code of Conduct" which outlines basic ethics of considerate behaviour toward each other and polite interactions with those they panhandle. About forty percent of panhandlers said they stay stationary when they panhandle and speak only to thank those who give. The majority, however, do use a verbal request. About half panhandle alone and those who choose to panhandle with others generally do so for the company and for personal safety. Overwhelmingly, the interviewees advocated politeness and respectfulness when panhandling, and said they do not agree with aggressive panhandling techniques because it is rude, counterproductive, and reflects badly on all panhandlers. There did not, however, seem to be a clear consensus on a definition of aggressive. What one panhandler would consider aggressive, another would not.

This lack of consensus on what constitutes aggression parallels the interviewees' lack of understanding of current legal restrictions on panhandling. Only half of them knew that changes had been made recently which directly affect how and where they can undertake their income earning activity. Of those who knew a by-law to this effect had been passed, most were misinformed as to its content. In fact, many were under the impression that all panhandling is illegal. Less than a third of the interviewees reported having been ticketed for panhandling. Most of those who had, ignored the tickets because they said they would have had to panhandle to pay any fines. A few had been arrested. All those ticketed or arrested reported that one effect this had on their panhandling was to make them more cautious and watchful for those enforcing the By-Law.

Since the amendments were put into place in the summer of 2005, relations with the public have generally taken a turn for the worse for panhandlers. For many it has resulted in reduced panhandling income, which means they now have to panhandle longer to earn enough for their needs, or else they turn to crime. Some interviewees also indicated that relationships have deteriorated with business owners, the BIZ Ambassadors and the police, with reports of increased pressures to "move along" or to stop panhandling altogether.

Panhandlers are a group living on the "margins of society." They panhandle for many different reasons but poverty is certainly the underlying cause. What they need to stop panhandling goes far beyond by-laws that restrict panhandling activity. A range of targeted services are required to address the multiple health, housing, education, employment and social problems that panhandlers face. Unless the systemic problems and gaps in services

and supports that are barriers to poverty reduction are addressed, preventing people from panhandling may only drive them to other ways to access funds, not all of them legal.