

STREET LAW SMARTS #4

PANHANDLING AND SQUEEGEEING

There are two main offences under the *Safe Streets Act* (SSA): solicitation in an aggressive manner and solicitation of a captive audience.

To solicit means to request money or anything else of value from someone, whether or not you provide any services in return. You can request by asking, putting up a sign, making a gesture --- anything. **Panhandling and squeegeeing are examples of solicitation.**

Aggressive Solicitation

In general, passive panhandling is not illegal. Examples of this include holding out your hand or requesting spare change. **Aggressive panhandling, however, is illegal.**

Basically, solicitation in an aggressive manner would include anything that is likely to cause a person to be **concerned for his or her own safety or security**. Using abusive language and being intoxicated or persistent while soliciting will likely fall under aggressive soliciting. Other examples include confronting, obstructing, touching and threatening pedestrians.

Soliciting a Captive Audience

The SSA also makes it illegal to solicit people who are doing certain things, whether or not the soliciting is done in an aggressive manner. This is called soliciting a captive audience. For example, it is illegal to solicit a person who is waiting for, using or who has just used an ATM, a pay phone, or a public toilet.

It is also illegal to solicit someone who is waiting at a taxi stand or a public transit stop or someone who is in a public transit vehicle. It is illegal to solicit someone who is getting in or out of a car in parking lot, and it is illegal to solicit someone who is in a stopped or parked vehicle that is on a road.

The last example makes it illegal to squeegee. If it is done on a public roadway, squeegeeing may also lead to tickets issued under the *Highway Traffic Act*.

Penalties

If found guilty of an offence under the SSA, you can get up to a \$500 fine for a first offence, and up to a \$1000 fine and/or 6 months imprisonment on subsequent convictions. If you *do* receive a fine, it is always worth asking the court for the amount to be reduced. See **Street Law Smarts #6: Tickets**.

Under the SSA, a police officer who has reasonable and probable grounds to believe that you are committing an offence can arrest you without a warrant if the officer warned you prior to the incident OR the officer reasonably thinks that the arrest is necessary to establish your identity or to prevent more violations.

Confiscation of Your Property by Police

The police can take your possessions as evidence if you are suspected of using them to commit a crime. For example, the police may take your squeegee if they believe it is stolen or has been used as a weapon. They should not take it just because you have used it to squeegee for money. In general, these possessions must be returned to you within **three months** unless a justice of the peace orders that they be kept for a longer period. You should write down the badge number of the officer who takes your stuff, so that it will be easier to get your things back. You will probably have to ask for your possessions back (the police may not do it automatically).

Panhandling in Provincial Parks

Aside from the SSA, panhandling in provincial parks is also prohibited by other provincial regulations. Not obeying provincial parks staff may also result in a ticket. For additional information, see **Street Law Smarts #5: Parks**.

Criminal Charges

Panhandling and squeegeeing can lead to criminal charges under the *Criminal Code of Canada* for **causing a disturbance in a public place**. You can cause a disturbance by:

- shouting
- swearing
- being drunk on the sidewalk or inside a park

Criminal charges for **loitering while in a public place** (e.g. hanging around in a way that obstructs other people) are also possible. Plus, you may receive a ticket under the *Liquor Licence Act* for being intoxicated in a public place.

If you are found guilty of causing a disturbance or loitering, you may receive up to a \$2000 fine and/or 6 months imprisonment. If you receive a fine and do not pay it, you may be imprisoned for up to 6 months. However, if you are **unable to pay the fine**, it is always a good idea to try and get the fine reduced. For more information, see **Street Law #6 Smarts: Tickets**.

UPDATE: Justice for Children and Youth is bringing a constitutional challenge to the *Safe Streets Act*. The Court of Appeal will hear the case on February 27 and 28, 2006.