



DENVER POLICE DEPARTMENT

Training Bulletin

ROBERT C. WHITE, CHIEF OF POLICE

Date of issue: Thursday, October 01, 2015

Source: City Attorney's Office, PACE

COLORADO DISTRICT COURT STRIKES DOWN GRAND JUNCTION AGGRESSIVE PANHANDLING ORDINANCE

On September 30, 2015, the United States District Court for the District of Colorado struck down a Grand Junction Aggressive Panhandling ordinance similar to D.R.M.C. § 38-132.

Consequently, effective immediately, **officers may not charge individuals with violation of the D.R.M.C. § 38-132:**

Many of the **BEHAVIORS** associated with D.R.M.C. § 38-132 are encapsulated in other ordinances. It is important to remember the following ordinances **ARE NOT** impacted by the decision of the District Court and should still be enforced.

- “Intentionally touching or causing physical contact with another person without that person’s consent in the course of soliciting.” D.R.M.C. § 38-132(a)(1)(b) – *Assault*. D.R.M.C. § 38-93; *Harassment*, C.R.S. §18-9-111(1)
- “Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact.” D.R.M.C. § 38-132(a)(1)(c) – *Obstruction of Streets or Other Public Passageways*, D.R.M.C. § 38-86
- “Using violent or threatening gestures toward a person solicited.” D.R.M.C. § 38-132(a)(1)(d) – *Disturbance of the Peace*, D.R.M.C. § 38-89
- “Using profane or abusive language which is likely to provoke an immediate violent reaction from the person being solicited.” D.R.M.C. § 38-132(a)(1)(f) – *Disturbance of the Peace* D.R.M.C. § 38-89
- “Approaching or following a person for solicitation as part of a group of two (2) or more persons, in a manner and with conduct, words, or gestures intended or likely to cause a reasonable person to fear imminent bodily harm or damage to or loss of property or otherwise to be intimidated into giving money or other thing of value.” D.R.M.C. § 38-132(a)(1)(h) – *Disturbance of the Peace*, D.R.M.C. § 38-89; *Threats*, D.R.M.C. § 38-92.
- “No person shall panhandle on private or residential property after having been asked to leave or refrain from panhandling by the owner or other person lawfully in possession of such property.” D.R.M.C. § 38-132(b)(2) – *Trespass* D.R.M.C. § 38-115.

- “No person shall solicit from any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying, or reserving a public parking space, or directing the operator or occupant to a public parking space.” D.R.M.C. § 38-132(b)(5) – *Prohibited Crossing of Roadways* D.R.M.C. § 54-542; *Obstruction of Streets or Other Public Passageways*, D.R.M.C. § 38-86.

The city ordinance of Solicitation on or Near Street or Highway, D.R.M.C. § 54-548, has not been affected by the court’s ruling. It does remain in full force and effect.

Please note that while enforcement of the Aggressive Panhandling ordinance is being suspended, City Council is considering formal amendments to the ordinance to bring the law into compliance with recent court rulings. We anticipate another training bulletin to issue when the ordinance amendments are adopted to further clarify this issue.

If you have any questions or need further clarification, please contact the Prosecution and Code Enforcement Section of the City Attorney’s office: Chad Sublet: 303-263-3552; Melissa Drazen-Smith: 720-913-8067; Marley Bordovsky: 720-913-8057, or Chris Gaddis: 720-913-8095.