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17-021
01/26/17

Aggressive Solicitation 120-2(d) 1-4 MPC
(Re-issue DB 12-012)

A. Aggressive Soliciting Law:

120-2(d)(1) MPC: "Aggressive Solicitation." Requires specific acts, which must be witnessed and articulated in your report. Attempt to get victim's name and contact information. Determine what the solicitor stated and how the victim felt (intimidated, threatened, etc.). See 120-2 MPC for specific definitions of what constitutes "aggressive solicitation." You must articulate the facts. **Misdemeanor** (report required).

120-2(d)(2) MPC: "Soliciting within 20 feet of an ATM or check cashing facility without permission." **Misdemeanor** (report required).

120-2(d)(3) MPC: No person shall solicit an operator or other occupant of a motor vehicle while such vehicle is located on any street or highway on-ramp or off-ramp, for the purpose of performing or offering to perform a service in connection with such vehicle or otherwise soliciting donations for the sale of goods or services. Provided, however, that this paragraph shall not apply to services rendered in connection with the emergency repairs requested by the operator or passenger of such vehicle. **Misdemeanor** (report required).

This also applies to soliciting from a roadway median, sidewalks, or roadways to **motorist or passenger** (No requirement for solicitor to be in the roadway).

*Note: You may use 21954(a) CVC, pedestrian in the roadway, but this requires the solicitor be in the roadway (not on the sidewalk or median) AND the pedestrian must impede the right of way of motorists (most solicitors walk through stopped traffic and are not impeding a vehicle's right of way). **Infraction** (no report required).*

120-2(d)(4) MPC: Solicitation from **within** a MUNI coach (or other public transportation) to **passengers** or from MUNI median to **motorists**. **Misdemeanor** (report required).

120-2(d)(4) MPC: Soliciting from or in any public or private parking lot or structure. Trespass "postings" are not required nor is a "citizen's arrest form" required. **Misdemeanor** (report required; refer to the full text of 120-2(d) of the Municipal Police Code.

B. Enforcement Procedure: CITATION or BOOKING

CITATIONS: All 120-2(d) MPC violations shall be cited or booked as a **misdemeanor** violations as per department policy (refer to Department General Order 5,06)

BOOKING: Persons who have been previously cited may be booked. They may also be booked when there is a reasonable likelihood of a continuing offense. (Refer to Department General Order 5.06, 1.B.7., Continuing Offense)

EVIDENCE: When issuing a citation or booking an individual for violation of 120(d) MPC, retrieve the sign being used to solicit, if applicable. A property receipt shall be provided (SFPD 315) and the sign shall be booked as evidence.

REPORTS: Aggressive Soliciting Report (SFPD form 513), which resembles the discontinued 14601 CVC report form, is no longer in use. Crime Data Warehouse shall be used for reporting all misdemeanor violations of 120-2(d) 1-4 MPC.


Reporting elements: When describing the violation, articulate your observation of the person;

Example: *I observed B/Smith, for approximately 10 minutes, standing on the median on Van Ness at Pine Street. Smith was holding a sign that read, "Need Money" as he faced southbound traffic on Van Ness Avenue. I observed Smith walk up to the motorist stopped in the number one lane on a red signal light while displaying the sign. I watched as several motorists gave what appeared to be U.S. Currency to Smith.*

Updated Information

The decision to arrest or warn violators is at the officer's discretion. Prior procedure (DB 12-012) requiring a documented warning (SFPD form 512 – Aggressive Soliciting Warning) is no longer in effect.

Officers assigned to the Airport Bureau shall follow Airport procedures for enforcement of aggressive solicitation violations.


WILLIAM SCOTT
Chief of Police

Per DB 15-141, sworn members are required to electronically acknowledge this Department Bulletin in HRMS.