



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** July 25, 2022

**TO:** Board of Supervisors

**FROM:** Thomas G. Arnold *TEA*  
Deputy County Executive for Safety and Security

**SUBJECT:** Analysis and Options to Address Panhandling

On May 10, 2022, the Board of Supervisors (BOS) directed the Office of the County Attorney, the Fairfax County Police Department (FCPD), the Fairfax County Department of Transportation, and the Office to Prevent and End Homelessness to coordinate and submit a memorandum to the BOS no later than July 31, 2022, containing the following: (1) data driven analyses into whether there is a public safety risk related to or stemming from panhandling, and (2) recommended solutions/options if such issues are identified.

### **Review of Data:**

Staff reviewed general traffic collision data at known panhandling locations, citations issued for violations of various local and state traffic laws that may have involved panhandling, and several specific incidents known to involve panhandling.

Staff from FCPD analyzed traffic accident data in areas associated with panhandling. The eight FCPD district stations identified a total of 108 panhandling locations, with the Franconia station reporting the highest number at 26. These locations are all intersections. Staff then cross-indexed these locations with the intersections that produce the highest number of vehicular collisions. Of the top 35 intersections with the most traffic accidents, only four were reported as panhandling locations. These four intersections were:

- Backlick Road/Braddock Road, Mason District
- Leesburg Pike/Patrick Henry Drive, Mason District
- Leesburg Pike/Spring Hill Road, Providence District
- Old Keene Mill Road/Spring Road, Franconia District

Because these four intersections are also heavily trafficked by vehicles and pedestrians, staff cannot draw a firm conclusion that panhandling contributes to number of vehicular collisions.

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FCPD maintains a database of citations issued to drivers and pedestrians under various state and local traffic laws. These traffic laws represent existing enforcement tools for use against pedestrians and drivers who engage in unsafe behavior. This database includes approximately thirteen (13) different types of citations that could involve panhandling. However, FCPD does not track which of these citations were, in fact, related to panhandling. For example, a citation issued for pedestrian interference with traffic under Va. Code § 46.2-923, may or may not have resulted from a panhandler interfering with traffic. Furthermore, FCPD does not track the ultimate disposition of these citations to determine if they are upheld if contested in court. In 2020, several pedestrian traffic offenses, including Va. Code §§ 46.2-923 and -926 were changed from primary to secondary offenses, thus preventing officers from stopping pedestrians solely for violations of these statutes.

The full list of possible citations include:

<u>Statute</u>	<u>Statute Description</u>	<u>Citation Issued To</u>
46.2-888	Traffic: Stop on Highway Where Dangerous	Driver
46.2-924	Traffic: Violate Pedestrian Right of Way	Driver
82-9-5	Pedestrians Not to Use Highway Except When Necessary	Pedestrian
46.2-923	Traffic: Pedestrian Interfere with Traffic	Pedestrian
46.2-925	Fail to Obey Pedestrian Control Signals	Pedestrian
46.2-928	Pedestrian on Highway	Pedestrian
46.2-818(1)	Block Traffic: Stop Vehicle of Another, Impede Progress	Driver
46.2-926	Pedestrian Step in Highway - Cannot be Seen	Pedestrian
46.2-808	Pedestrian on Restricted Highway	Pedestrian
82-9-1	Pedestrian Crossing Highways or Streets	Pedestrian
46.2-818(2)	Block Traffic: Block Access to Any Service Facility	Driver
46.2-929	Hitchhiking on Highway	Pedestrian
46.2-888	Impede Traffic - Drive Too Slow	Driver

These citations are all pre-payable, and most pedestrians and drivers avail themselves of this option. However, some panhandlers have contested these charges in court on First Amendment grounds.

Staff also investigated two recent reported incidents that involved panhandling directly or indirectly. The first incident involved a verbal altercation between a driver and a panhandler. No charges were filed after FCPD investigated. The second incident involved a pedestrian fatality at the intersection of Franconia Road West and Commerce Street in Springfield that resulted from a collision ultimately involving three different vehicles. The wheelchair-bound pedestrian was panhandling in the median when he was struck by a vehicle that had in turn been struck by a vehicle running a red light. The vehicular collision was not caused by the panhandler, and the driver at fault was charged with reckless driving. This was the fifth pedestrian death reported in 2022. FCPD does not have any record of another panhandler pedestrian fatality at least within the past nine years.

**Recommendations and Options:**

FCPD will maintain a database of panhandling specific incidents, including vehicular collisions caused by or involving panhandling, and citations issued to pedestrians and drivers for traffic violations that involve panhandling. While the current FCPD records management system (RMS) does not allow this level of detail, FCPD is in the process of implementing a new system and will discuss options for adding this capability with the contractor. Creating a database of these incidents will allow staff to more thoroughly monitor public safety issues related to or stemming from panhandling and assist future efforts to address any such issues that arise. Until the new RMS is operational, staff will utilize the narrative component of the current RMS to document panhandling related incidents which can then be mined by the FCPD Office of Data Analytics and Strategic Initiatives Division.

Additionally, the Department of Public Safety Communications will track calls for service from the community that relate to panhandling. In combination with more detailed FCPD data, this will further create a more detailed picture of panhandling in the County.

The County could commission a traffic study to more thoroughly examine public safety issues related to or stemming from panhandling. Traffic engineers and other related experts may be able to identify trends and have recommendations based on a wider knowledge base, including data and statistics from other jurisdictions.

The County should continue with its current message discouraging direct donations to panhandlers in favor of more effective means of assistance, such as local charities or volunteer work.

**Summary:**

Staff has been unable to find a significant public safety risk related to or stemming from panhandling. While panhandling appears dangerous and generates considerable public complaint, available FCPD data does not support a determination that panhandlers are more likely to be injured or killed than other pedestrians, or that locations where panhandlers are present have an increased risk of traffic accidents. However, more thorough data collection related to panhandling, possibly in combination with assistance from non-County traffic experts, may reveal trends or risks that current data does not show.

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