



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 110386

Introduced May 12, 2011

Councilmember DiCicco

**Referred to the
Committee on Streets and Services**

AN ORDINANCE

Amending Chapter 10-600 of The Philadelphia Code, entitled "Public Places – Prohibited Conduct," by amending Section 10-611, entitled "Sidewalk Behavior," by amending the process to be followed prior to taking coercive action for violations of the Section, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 10-611 of The Philadelphia Code is hereby amended to read as follows:

§ 10-611. Sidewalk Behavior.

* * *

(7) Enforcement.

(a) *If, in the course of enforcement of this Section against a person, a [No] law enforcement officer shall determine that [shall issue a notice of violation or take any coercive action against any person in violation of this Section, unless, prior to issuing such notice or taking such action, the officer or his or her designated representative:*

(.1) With respect to violations of subsections (2)(g), (h), (l) or (m), relating to lying, sitting, obstructing, or leaving objects unattended, or (4)(b) or (c), relating to soliciting near a building entrance or bank, first issues an oral warning to the person or persons in violation, and then, if the person or persons refuse to comply after receiving an oral warning, issues a written warning to the person or persons in violation. The written warning shall be printed in English and Spanish.

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(.2) With respect to violations of subsections (2)(g), (h), (l) or (m), or (4), attempts to ascertain whether] the person is in need of medical assistance or social service assistance, including but not limited to mental health treatment, drug or alcohol rehabilitation, or homeless assistance services[; and, if the officer determines that the person may be in need of social service assistance,] the officer *may* contact[s] an Outreach Team, who shall come to the officer's location, evaluate the person's needs, and together with the officer take all reasonable steps toward directing the person to the appropriate service provider, including but not limited to offering transportation to such provider. [If the officer's reasonable efforts to direct the person to needed social services are unsuccessful, the officer may issue a notice of violation or take appropriate coercive action, after the required notice is given, subject to compliance with subsections (.a), (.b) and (.c), below.

(.a) In attempting to ascertain whether social service assistance is needed, the officer or his or her designated representative shall:

(i) Whenever the officer has reason to believe the person may be in need of social service assistance, call upon an Outreach Team to evaluate the person's needs.

(ii) Shall not take any coercive action, including but not limited to compelling a person to reveal any confidential information concerning treatment or mental health status.

(.b) No law enforcement officer shall attempt to forcibly remove any person from the public sidewalk for violation of subsections (2)(g), (h), (l) or (m), or (4) without the presence of an Outreach Team, whenever the officer determines that the person may be in need of mental health or other social service assistance, and without first making all reasonable efforts to place the person voluntarily in an appropriate social service facility or treatment facility and the availability of an appropriate residential facility with appropriate treatment strategies for the client's needs.

(.c) If the law enforcement officer, *either alone or* in consultation with [the Mental Health Officer] *an Outreach Team*, determines that the person, because of his or her mental health status or otherwise, presents a danger to himself or herself or to others, the law enforcement officer shall take such steps as are authorized under the Mental Health Procedures Act, Act of July 9, 1976, P.L. 817, as amended, including, if necessary, the initiation of involuntary commitment proceedings.

(b) The Police Department shall take all necessary and appropriate steps to insure that law enforcement officers who are likely to come into contact with persons in violation of subsections (2)(b), (g), (h), (l) or (m), or (4) shall receive all appropriate training in approaching, investigating and assisting persons in need of mental health treatment or other social service assistance.

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(c) Violations of subsection (2)(a), relating to parking vehicles on the sidewalk, shall be enforced in accordance with the provisions set forth in Chapter 12-2800.

(d) For purposes of this Section, an Outreach Team shall mean a group of mental health or drug and alcohol counselors authorized and designated by the Department of Public Health to provide access to residential treatment for homeless persons with mental health diagnoses and/or drug and alcohol complications.

* * *

SECTION 2. This Ordinance shall take effect immediately.

Explanation:

[Brackets] indicate matter deleted.
Italics indicated new matter added.

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