

# Memorandum



DATE February 9, 2018  
TO Honorable Mayor and Members of the City Council  
SUBJECT **DPD Training Bulletin – Solicitation Offenses**

The Dallas Police Department (DPD) has revised its training bulletin on solicitation offenses, which will be distributed to all DPD officers on Saturday, February 10, 2018, and is attached for your reference.

The revised training bulletin reiterates an earlier bulletin which states that DPD officers may enforce and cite solicitation offenses under Section 28-63.3, "Solicitations to Occupants of Vehicles on Public Roadways Prohibited," of the Dallas City Code and that DPD officers may enforce other, non-solicitation, criminal conduct against a person soliciting.

The revised training bulletin also states that DPD officers shall not enforce or cite for violations of Section 31-35, "Solicitation by Coercion; Solicitation Near Designated Locations and Facilities; Solicitation After Sunset; Solicitation-Free Zones," of the Dallas City Code until further notice.

In the meantime, the City Manager's Office and the City Attorney's Office will work to amend Section 31-35 to address public safety issues while at the same time respecting First Amendment rights.

Should you have any questions or concerns, please contact myself or Police Chief U. René Hall.



Jon Fortune  
Assistant City Manager

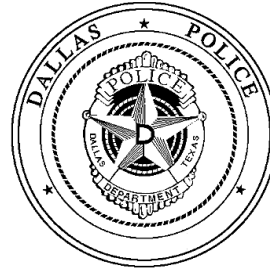
[Attachment]

cc: T.C. Broadnax, City Manager  
Larry Casto, City Attorney  
Craig D. Kinton, City Auditor  
Biliera Johnson, City Secretary (Interim)  
Daniel F. Solis, Administrative Judge  
Kimberly Bizar Tolbert, Chief of Staff to the City Manager  
Majed A. Al-Ghafry, Assistant City Manager

Jo M. (Jody) Puckett, Assistant City Manager (Interim)  
Joey Zapata, Assistant City Manager  
M. Elizabeth Reich, Chief Financial Officer  
Nadia Chandler Hardy, Chief of Community Services  
Raquel Favela, Chief of Economic Development & Neighborhood Services  
Theresa O'Donnell, Chief of Resilience  
Directors and Assistant Directors

# ROLL CALL

## TRAINING BULLETIN



#2018 – 03

---

Date: 02-08-2018

Document Control # Pending

---

**This Roll Call Training Bulletin updates and supersedes previously issued RCTB #2017-18**

**At this time, and until further notice, a Dallas Police Department officer shall not enforce or cite solicitation under Dallas City Code Section 31-35, “Solicitation by Coercion; Solicitation Near Designated Locations and Facilities; Solicitation After Sunset; Solicitation-Free Zones,” of the Dallas City Code.**

A Dallas Police Department officer may enforce and cite solicitation to occupants of vehicles on public roadways under the following law:

**DALLAS CITY CODE SEC. 28-63.3. SOLICITATIONS TO OCCUPANTS OF VEHICLES ON PUBLIC ROADWAYS PROHIBITED.**

A person commits an offense if, while occupying any public property adjacent to any public roadway in the city, he knowingly conducts a solicitation directed to, or intended to attract the attention of, the occupant of any vehicle stopped or traveling on the roadway. An offense occurs when the solicitation is made, whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money, goods, or services takes place.

(c) It is a defense to prosecution under Subsection (b) that the person was:

- (1) summoning aid or requesting assistance in an emergency situation; or
- (2) a law enforcement officer in the performance of official duties.

(d) In addition to any enforcement action by a peace officer for a violation of this section, any person who is a victim of a solicitation prohibited under Subsection (b), or who witnesses a violation of Subsection (b), may file a complaint with the city attorney. Evidence to support a conviction for a violation of this section may include, but is not limited to, testimony of witnesses, videotape evidence of the violation, and other admissible evidence. (Ord. 25213)

In addition to the above law, a Dallas Police Department officer may enforce a variety of other laws separate from the solicitation itself, such as assault by threat (Texas Penal Code § 22.01(a)(2)), assault (Texas Penal Code § 22.01(a)(1)), disorderly conduct (Texas Penal Code § 42) and littering (Dallas City Code § 7A).

If you have any questions, please contact the Criminal Law & Police Unit 214-671-3430.