

Your General Rights:

- You have a right to freedom of speech, including the right to panhandle.
- You have the right to own property.
- You have the right to be protected from unreasonable searches and seizures of your person or property without warrants. (4th Amendment of U.S. Constitution)
- You have a right to use and occupy public space in the same way as other members of the public.
- You have the right to remain silent. (5th Amendment of U.S. Constitution)
- You have the right to challenge citations, arrests, or police misconduct.
- You have the right to film the police in public.
- In certain criminal cases, you have the right to trial by jury and to appeal your case.

Tips to Remember:

- If you are injured, first seek medical attention and take photos of injuries.
- Write down everything you remember, including officer badge numbers, patrol car numbers, agency, etc. Get contact information for witnesses.

Resources If Rights Are Violated

- You can file a “pro se” case which means filing a case yourself here:
www.txwd.uscourts.gov (1983 Deprivation of Rights). This do-it-yourself guide helps understand the process since filing a case is just the first step: <https://tinyurl.com/rvnz3uz>
- Contact free lawyers at Texas Rio Grande Legal Aide at 1-888-988-9996. This is the Telephone Access to Justice (TAJ) hotline which takes calls from 8 am-7:30 pm, Mon thru Thurs.
- You can also contact the UT Criminal Defense Clinic (512-232-1300) who assist with misdemeanor cases in Travis County. Ask for an intake appointment for your case.

Filing a Complaint Against Police

- You have the right to file a complaint against an Austin police officer through an anonymous complaints process.
- The Office of Police Oversight (OPO) on the Austin Police website provides a form to fill out to file the complaint:
<https://forms.austin.gov/police-complain/introduction>
or you can call: 512-972- 2676
(Mon - Fri 8am-5pm)
- You will need to know the following information to submit the complaint: what happened, date and time, and location.

Know Your Rights

AUSTIN, TEXAS



  @ STOPSWEEPSATX

QUESTIONS?
HNHSTREETTEAM@GMAIL.COM

SITTING, SLEEPING, OR LYING

You have a right to sit, sleep, and lie down in any public space, unless it is against the ordinance.

If you are in those specific areas for medical emergency, taking part in a rally, viewing a parade, sitting while waiting for transportation, in line for goods, or doing business on a sidewalk, then you are not in violation

PANHANDLING

You have the right to panhandle as long as it is not paired with “aggressive” behavior. Aggressive confrontation means trying to frighten or cause harm to the other person.

Under Austin law, the following may fall into this category of “aggressive” behavior: offensive physical contact, following, blocking the way, and using obscene language.

CAMPING

You have the right to receive a notice if you are violating any camping rules. And you have the right to be given a reasonable opportunity to correct the camping violation before any ticketing or arrests.

RIGHT TO NOTICE

The police officer **MUST** make an effort to do the following before citing you for camping:

- advise you of a lawful alternative place to camp
- advise you of available shelter or housing to the best of their ability
- contact, if reasonable, a city employee who has the power to offer transportation or provide you with proper services.

If you're being ticketed for sitting, sleeping, or lying down, remember that the police must give you reasonable notice first.

(Ord. 20191017-029 § 9-4-11)

POLICE STOPS

There are three types of police contact that you should know about:

1. A “**consensual encounter**” is when police request to stop you or speak with you.

This encounter is based only on **your consent** to stop and/or speak with police. You can simply refuse to talk and walk away and refuse to identify yourself.

2. An “investigative” stop/detention – **with reasonable**

You have the **right to remain silent**, and you do not have to identify yourself at this point.

An investigative stop/detention – **without reasonable suspicion or probable cause:**

- Document this stop and report this stop to the legal resources written behind.

3. If you are **arrested/taken into custody:**

- You have a **right to ask for a lawyer** which you can do by stating, “**I will not answer any questions, and I would like to talk with a lawyer.**”

- Once arrested, you will have to answer police questions about your name, license number, and birthdate. Giving false information when arrested is also an offense. (Penal Code 38.02)

- You **do not** have to give any other information, even if police ask questions.

IF YOUR VEHICLE IS TOWED

You have a right to challenge a wrongful tow by requesting a tow hearing at any Justice of the Peace Court. This hearing must be scheduled within 14 days of the vehicle being towed.

You have the right to get your personal belongings from inside the vehicle without paying even once it is towed.

IF YOU CANNOT AFFORD TO PAY TICKET IN FULL:

You may be qualified for a payment plan, but you must contact the court to determine that before making a partial payment. You must also complete a financial affidavit, which can be found on the “Ways to Pay” City of Austin website.

HOLDING POLICE ACCOUNTABLE

Filming the Police

You have the right to film the police in public and document their behavior. This is our way of keeping the police in check. They cannot take your phone or demand to see photos/videos without a warrant. As long as you are not interfering with the police or breaking any laws, they cannot charge you.

Challenging Tickets

To challenge a citation/ticket, it is best to retain a copy.

You may have a right to a jury trial if you get a ticket for a criminal offense.

You can receive a court date by entering a plea as “not guilty” in person at the court or by mail.

There are 3 courts in Austin you can do this in. More info on the WRAP website.