

STORAGE OF PROPERTY (CITY OF SACRAMENTO)

- Sacramento will deposit any and all property of homeless or unidentified persons it confiscates or removes from any site within the City of Sacramento into the Sacramento Police Evidence & Property Section at 555 Sequoia Pacific Boulevard, Sacramento, CA 95811
- You have 90 days to get back your belongings after they are taken from you.
- **You have a right to notice**
 - o This notice must notify the individual of their rights
 - o Police must give you at least a 48-hour notice before they seize your belongings.
- *Lehr v. City of Sacramento*

STORAGE OF PROPERTY (COUNTY OF SACRAMENTO)

- You have a right to notice
- Before any property is taken from any location where homeless people have camped, stayed, or left property subject to seizure, the county will post notice.
- The property will be removed no sooner than 48 hours from the date and time of the posting of the notice, informing them of the place at which the property will be stored
- Property may be reclaimed during the 90 days following its seizure. This can be done through the following instructions: after documenting the items you have by either writing it down, or through pictures.
- You can get your belongings by calling (916) 875-7275 for American River Parkway, (916)875-5651 for Rancho Cordova, (916) 874-1021 for the North Station.
- *Lehr v. County of Sacramento*

PROPERTY TAKEN DURING AN ARREST:

Notice will be given upon arrest about where to claim property upon release. They will store property for 90 days, time starting upon release.

UNDERSTANDING THE SACRAMENTO CITY CAMPING ORDINANCE

- 12.52.030: Unlawful Camping
- It is unlawful and a public nuisance for any person to camp, occupy camp facilities, or use camp paraphernalia in the following areas:
 - o Any public property; or
 - o Any private property. One night, only, is allowed with owner's permission.
- "Camp facilities "include, but are not limited to, tents, huts, vehicles camping outfits or temporary shelter." (12.52.020)
- "Camp" means to place, pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.
- "Camp paraphernalia" includes, but not limited to, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.

RESOURCES FOR HELP AND LEGAL ADVOCACY

- Legal Services of Northern California
(916)551-2150 - www.lsncl.net -
515-12th Street, Sacramento, CA 95814
- Tom Clickenbeard Legal Clinic
(916)446-0368 -
www.sacloaves.org/programs

KNOW YOUR RIGHTS

SACRAMENTO CALIFORNIA

***NOTICE: THE
INFORMATION/RECOMMENDATIONS
GIVEN ARE BASED ON AN EVOLVING
AREA OF LAW***

**IF EVERYONE CAN'T
AFFORD THE RENT**



**THEY SHOULDN'T
FUCKING TAKE
OUR TENT**

Poster
Syndicate



YOUR RIGHTS WITH COPS IN PUBLIC PLACES

Protect Your Belongings

- Photograph, label, or create written lists of your belongings. This will be needed in order to get back your belongings, as well as useful documentation that you can use.
- Tag your belongings (use contact information to indicate that the items are not abandoned)
- Note/write the time, place, and type of law enforcement that may have taken your belongings

What to do when you encounter enforcement:

- Remain calm and cool!
- You have a right to remain silent
- If cops try to question you you have a few options:
 - Ask, "Am I being detained or am I free to go?"
 - You can say, "I have a right to remain silent."
 - Best practice would be to remain silent from the beginning and not stopping during questioning. This may cause suspicion.
 - Cops will try to make you answer their questions through different tactics, but remember these are forms of manipulation. Remember you have a right to remain silent. What you say can be used against you in a court of law.
- If you are free to go, you may walk away.
- If not, you are being detained. You are not arrested, but you are not allowed to leave.
 - This is generally for a short amount of time.
 - You can also remain silent, as mentioned above.
 - You can only be detained on reasonable suspicion. Police must be able to verbally express this.
- You have a right to not answer any questions from the police.
- If you want to be cited out after an arrest, you may need to prove your name, address, and birthday to the officer.

YOU HAVE THE RIGHT TO AN ATTORNEY

- If you are arrested, you have a right to an attorney. If you ask for an attorney to be present, cops must stop questioning you.

YOU HAVE THE RIGHT TO BE FREE FROM SEARCHES

- If cops detain you, they need reasonable suspicion that you are armed potentially with weapons.
- In addition, they need probable cause of a crime to search you.
- You have a right to refuse consent. It may not stop the search but it may stop them from using things they find against you.
- Your dwelling is protected by the 4th Amendment from unreasonable search and seizures.

IF YOU ARE ON PROBATION AND PAROLE

- You still have the same rights to remain silent and to have an attorney if you are arrested.



with help from...
**Western Regional
Advocacy Project**
www.wraphome.org



HOMELESSNESS IN SACRAMENTO

IMPORTANCE OF MARTIN V. BOISE

- The 8th Amendment to the U.S. Constitution prohibits criminal penalties for sitting, sleeping or lying down on public property on homeless individuals when adequate shelter is unavailable. *Martin v. Boise*, 920 F.3d 584 (9th. Cir. 2019). This does not mean that people can sleep anywhere, though.
- You have the right to be in and use public space
- Adequate Shelter:
 - Must be immediately available for 30 days
 - Reasonably able to travel there from where the individual resides
 - Open both days and nights
 - Offers beds
 - Does not separate families and caregivers
 - Allows for single gender living if the individual objects to mixed-gender living
 - Reasonable accommodations for individuals with disabilities

CENTER FOR DISEASE CONTROL (CDC) GUIDELINES

CDC GUIDELINES DO NOT GIVE YOU SPECIFIC RIGHTS, BUT ARE SUGGESTED PRACTICES DURING THE CORONAVIRUS PANDEMIC

- If individual housing options are not available, allow people who are living unsheltered or in encampments to remain where they are
- Clearing encampments can cause people to disperse throughout the community and break connections with service providers
- Encourage those staying in encampments to set up their tents/sleeping quarters with at least 12 x 12 feet of space
- Sacramento's Public Health Order Para. 7 says there should be no camping citations and movement of people as recommended by the CDC, with a some exceptions such as property deemed unsafe or it interferes with critical infrastructure.