

RIGHTS TO GRIEVANCES

- You have the right to voice any grievance and government officials must make available the grievance process which individuals can use to contest any element they deem objectionable.

RIGHTS TO RESIDING IN A VEHICLE

- If your car is parked legally with up to date registration, you have the right to live in your car.

YOUR RIGHTS IN POLICE INTERACTION

* The following are your rights in a police interaction but be aware that police frequently violate these rights. One should approach any interaction with the police with the understanding of how dangerous it can become.

YOU HAVE THE RIGHT TO REMAIN SILENT

- You can say, "I want to remain silent" and **cannot be detained for refusing to answer questions.**

YOU HAVE THE RIGHT TO REFUSE CONSENT TO SEARCH YOUR PROPERTY

- Express, "I do not consent". Silence itself can be taken as consent. However, this does not mean that the police will stop searching your property. Do not resist police if they search without your consent.

YOU CAN ASK IF YOU CAN LEAVE

- If yes, you have the right to walk away.
- If no, you are being detained. This means that you are not arrested, but you are also not allowed to leave. Detentions are intended to last a short time and police are not supposed to move you. Also police can pat you down for a weapon. They are not supposed to go into your pockets unless they feel a weapon.
- When you are detained **you have the right to ask why.**
- **You also can remain silent** (see above)
- Detention can often turn into an arrest if police receive information that you are involved in a crime.
- You can only be detained on reasonable suspicion that you committed a crime. Police must be able to express their reasonable suspicion into words

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YOU HAVE THE RIGHT TO OBSERVE AND TAKE NOTES

- You can write down cop's names and badge numbers. Be careful though. Police often do not like being observed, especially when they are planning on doing something illegal, and observing them might make the cops respond more violently.
- from using any evidence against you in court.
- You have the right to observe and take notes. You can write down cop's names and badge numbers. Be careful though. Police often do not like being observed, especially when they are planning on doing something illegal, and observing them might make the cops respond more violently.

KNOW YOUR RIGHTS

SANTA ROSA, CALIFORNIA

For Homeless People and Everyone



YOUR RIGHT TO RESIDE ON PUBLIC SPACE

- The 8th Amendment prohibits city officials from criminally penalizing you for sitting, lying, or sleeping on public property when you do not have access to adequate shelter or housing. (Martin v. Boise)
- You have the right to be in and to use public space.

** When there is no **adequate shelter accessible to you**, you have the right to be free from criminal punishment for resting in public space. Please note that you may be penalized, regardless of the availability of alternative shelter, if your outdoor home represents an obstruction or safety hazard (defined below).*

- a) **Adequate Shelter** must account for any disability, religious or ethical conviction, possession of a service animal or pet, family situation, proximity to employment, medical services, and transportation. Adequate Shelter has the following qualities:

- i) Immediately available for 30 consecutive days
- ii) Reasonably able to travel there from where the individual resides
- iii) Open both days and nights
- iv) Offers beds (not just mats on a floor)
- v) Does not separate families or caregivers
- vi) Allows for a single-gender living if the person objects to mixed-gender placements
- vii) Makes reasonable accommodations for individuals with disabilities

- b) **Obstructions or Safety Hazards** include things that cause danger of imminent harm to you or others and restrict people from using public facilities. For example, you cannot reside on the shoulder of a freeway, within a flood zone, or in front of a public park.

YOUR RIGHTS TO A DWELLING ON PUBLIC PROPERTY

- ☐ Your dwelling and property is protected by the 4th amendment from unreasonable search and seizures. However, outdoor homes and cars are not subject to as rigorous protections as indoor homes.
- ☐ You have the right to be 'in public space when there is no available adequate shelter for you to reside in.
- ☐ You must be given notice of any enforcement action taken by the city against your dwelling.

** A government official **cannot** make an enforcement action against your dwelling** or property without:*

- a) Providing you with written notice
- b) Providing for an opportunity for assessment by trained homeless outreach staff conducted without the immediate presence of law enforcement
- c) Providing an opportunity to be placed in **adequate shelter**
- d) Providing a reasonable opportunity to relocate.

- 1) An Enforcement action is any citation to a homeless person, arrests of a homeless person, or the seizing the property of a homeless person pursuant to an anti-camping statute.

***dwelling includes a tent, vehicle, RV, cardboard, tarp or other structure that is not an obstruction or safety hazard. It does not include a sleeping bag.*

1 Note: right to be:

YOUR RIGHTS TO NOTICE

- ☐ Before an enforcement action is taken, notice must be provided with reasonable time for an individual to collect and move their items
 - ☐ This notice must notify the individual of their rights
 - ☐ A reasonable time is a subjective standard that accounts for the individual's unique situation.
- ☐ After property is removed, notice must be posted in the area from which the property was taken. The notice must inform you of:
 - ☐ Where the property is stored
 - ☐ How the property can be retrieved

Your Rights to Property. Can the City take Your Stuff?

- ☐ The 4th Amendment protects your property from an unreasonable seizure of your property. (Lavan v. City of Los Angeles)
- ☐ The city must store and provide you a means to recollect your unabandoned property. Your property cannot be discarded or destroyed unless it is a health and safety risk (such as a biohazard or infested by insects).

YOUR RIGHTS TO NOTICE

**When collecting unattended items, government officials must properly bag, tag, record, and store the property.*

- a) The property must be stored for 90 days. You will be able to retrieve the items at the location specified by the notice Monday-Friday from 9:00 am-3:00 pm. No fee can be charged for the storage of the property
 - b) No government photo identification should be required to retrieve the property. However, you will need to describe the location where the items were collected and give a description of the items.
 - c) Under most circumstances can government officials destroy unattended property nor keep the property themselves
- 1) When commencing an enforcement action on attended property, government officials must provide an individual sufficient time to collect and move their belongings
- a) Sufficient time accounts for the number of belongings and any disability that an individual might have.
 - b) If the attending owner is unable or unwilling to relocate property, government officials must properly bag, tag, and hold the property for 90 days.
- 2) The following may be discarded and are exceptions to the general rules above.
- a) Items that present a health and safety risk. This can include toxic sharps, soiled bedding, infectious materials, or human waste.
 - b) Item infected by rodents or insects
 - c) Trash, garbage or other debris
 - d) Perishable items
 - e) Abandoned property
 - f) Any property **intermingled** with health and safety risks. Government officials are not required to sort through hazardous materials to remove health and safety risks.