

KNOW YOUR RIGHTS

FOR UNHOUSED COMMUNITY MEMBERS

The government is generally not allowed to destroy your personal property.

- You can photograph your belongings and tag them with your contact information (e.g. name, phone number).
- This can help protect your rights by preserving evidence of what you own; may help prevent your property from being thrown away; and help you if you need to reclaim stored property.

You have rights when stopped, questioned, or arrested by police.

- If the police approach you, you can ask, “**Am I free to go?**” If you are free to go, you can leave.
- You are not required to answer police questions. Anything you say to the police can be used against you. You can say “**I am exercising my right to remain silent.**”
- If you are in custody, you are still not required to answer any questions.
- If you are questioned while being detained or arrested, you can say “**I am exercising my right to remain silent, and I request an attorney.**” The police are supposed to stop questioning you if you request an attorney while in custody.

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You are required to show your driver’s license while driving. If you are detained or arrested, providing your name & ID may help avoid delays that prolong your custody.

The government must generally give you reasonable notice before encampment removals.

You have the right to photograph and film police and sanitation workers in public places.

You have the right to ask for reasonable accommodations for your disabilities.

You have the right to refuse consent to a search.

- If police ask to search your bag, belongings, or tent, you can calmly state “**I do not consent to a search.**” This may not stop the search, but it can help protect your rights afterwards.

If you are charged with a misdemeanor, you have the right to a public defender if you do not have another attorney at the first hearing (arraignment).

This information is not legal advice. Consult with an attorney right away if you believe your rights have been violated.

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CITY OF SAN DIEGO'S ENCAMPMENT POLICIES & PRACTICES

ENCAMPMENT REMOVALS

- The city says it will post notices on each tent or structure at least 24 hours before encampment removals.
- The city should not begin the operation until the full 24 hours have passed.
- If you are not at your camp during a removal, the city is supposed to store your property and leave a notice telling you how to reclaim it.
 - However, they will not store some items (i.e., wet materials that could become moldy in storage or items too large or heavy to be stored).
- Removals not allowed between 9pm-5:30am

THREE LAWS TO BE AWARE OF:

1. Encroachment (SDMC 54.0110)

Generally, the city should warn you before it enforces its encroachment law.

2. Illegal Lodging (PC 647(e))

Generally, the city should not enforce the illegal lodging law between 9pm-5:30am.

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3. Anti-Camping Ordinance (SDMC 63.0404)

Generally, this ordinance should only be enforced if shelter is available. However, it is being enforced in certain areas regardless of shelter availability, including:

- Within two blocks of K-12 schools, or a shelter;
- Along trolley tracks and transportation hubs;
- In city parks, where a “substantial public health and safety risk is determined;” and
- In any [city-owned] open space [that is undeveloped, such as parkland, outdoor recreation areas, canyons], waterway or banks of a waterway.

The city has said enforcement depends on how many times a person is stopped under this law.

1st contact - Officer should provide education about the law.

2nd contact - Officer might issue a misdemeanor citation.

3rd contact - There is potential for an arrest.

To help protect your rights, you can ask an officer if shelter is available and where you can go to avoid getting a ticket.

To access a more detailed version of this information, scan the QR code or visit:

bit.ly/KYR-SD-Encampment

