

KNOW YOUR RIGHTS

HOUSELESSNESS IN OREGON

IF YOU ARE STOPPED, QUESTIONED, OR FRISKED WHILE ON FOOT

- **DO consider your safety.** Trying to stay calm, ask questions and keep your hands visible may help deescalate police use of force. Remember anything you say or do can be used against you.
- **DO ask to see the search warrant** if police say they have one.
- **DO tell police to get a warrant if they threaten to get one.** Police may be able to detain you until they obtain a warrant.
- **DO request a receipt** if any property is taken from you by police, you have the right to.
- **DO ask for officers' names, badge numbers, and business cards.**
- **DON'T run.**
- **DON'T touch any police officer.**
- **DON'T resist physically.** Non-violent, non-cooperation is not resisting.
- **DON'T provide false identification information.** You can be charged with a crime if you do.
- **DO exercise your right to be free from unreasonable searches** when officers want to search your belongings. Say, **"I do not consent to this search."**
- **DO ask officers who contact you if you are free to leave.** Police may stop and detain you briefly only with reasonable suspicion that you have been involved in a crime or a violation. Unless ordered to stop, you may leave at any time, but should ask "Are you detaining me or am I free to go?"
- You have the right not to speak. Say, **"I would like to remain silent."**
- It is **not illegal** under Oregon state law to refuse to identify yourself when you are in the street. If police are charging you with a crime, they may detain you until they establish your identity. If asked for an ID, you can ask **"What crime am I being charged with?"**
- **You never have to consent to a search of yourself or your belongings.** This may not stop the search from happening but will protect your rights if you have to go to court.
- Police may pat down the outside of your clothing without consent if they have **reason to believe you are carrying a weapon.**
- **You have the right to ask people on the street for money** as long as you are respectful and not aggressive.
- **You have the right to film the police.** This may be a helpful way to document violations of your rights or the rights of others.
- **You have a right in Oregon not to be profiled based on your being houseless.** If you believe you have targeted by the police because of your race, ethnicity, color, national origin, language, sex, gender identity, sexual orientation, political affiliation, religion, homelessness or disability, you can file a complaint.

IF YOUR CAMP IS SWEEPED

- **You have a right to engage in life-sustaining activities in public when you have nowhere else to go.** Camping on public property is prohibited under many city and county ordinances, and on state lands under state law. These laws may be unconstitutional to use against you if you have no other options.
- If you are present during the sweep, **request a receipt for any property that is taken from you.**
- Before sweeping any camp, **notice must be posted 24 hours in advance** and be written in English and in Spanish.
- The 24-hour notice is not required when law enforcement believes **other illegal activities are occurring or if there is an emergency** or immediate danger.
- You cannot be issued a citation for illegal camping if you are **within 200 feet of a 24-hour notice** and it is within two hours before or after the notice was posted.
- Law enforcement must **store all personal property for at least 30 days.** After 30 days, any unclaimed property may be thrown away.
- Law enforcement must make stored property reasonably **available to anyone claiming ownership.**
- **Any property that is not in a sanitary condition may be discarded.** Weapons, drug paraphernalia, and items that appear to be stolen will be given to law enforcement.

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IF YOU ARE STOPPED IN YOUR CAR

- **DO show your driver license, registration, and proof of insurance** when asked, if you were driving.
- **DO ask if you're free to leave if you're a passenger.** If yes, you may silently leave.
- **DO keep your hands on the wheel and let the officer know what you are doing** ("I'm going to reach for my registration now.").
- **DO say, "I do not consent to this search."** Cars may be searched without a warrant when an officer has probable cause to think there is evidence of a crime or contraband inside the vehicle.
- **DO ask if you can park your car in a safe place or have a licensed driver take it away, if you are arrested,** to avoid towing or impoundment fees.
- **DON'T physically resist a search.** Say "I do not consent to this search."
- As long as the police are making observations from where they are lawfully present, **any evidence or contraband they see can be seized without a warrant.**
- **You have the right to sleep in your car** as long as you are not violating parking or traffic laws.

IF YOU ARE ARRESTED OR TAKEN TO A POLICE STATION

- **DO tell the police your name and basic identifying information.**
- **DO say "I would like to remain silent" and "I want to speak to a lawyer before answering any questions."**
- **DON'T make any decisions in your case or sign any statements until you have talked with a lawyer.**
- Within a reasonable time after arrest or booking, you have **the right to make a local phone call.** The police cannot listen if you call a lawyer. They can and often do listen if you call anyone else.