

STAYING SAFE WITH THE POLICE

- Officers sometimes use violence when they feel threatened. Even though dealing with the police can be tense, you will be safest if you remain calm.
- You will be safest if you avoid arguing with an officer. If you believe your rights are being violated, it's safer to stay calm and comply, and then take legal action afterward.

WHAT IF THE POLICE ASK ME QUESTIONS?

- You have the right to remain silent. If you want to exercise that right, say "I am exercising my right to remain silent." You do not need to explain more.
- You have the right to walk away. If you feel unsure, ask the officer "Am I free to leave?" If the officer doesn't stop you, you may walk away.
- If you are arrested, you must answer an officer's questions about your name, where you live, and your birthdate. Refusing to answer or lying is a crime. For any other questions, you may say "I am exercising my right to remain silent."
- Officers may use what you say against you in court.
- If an officer arrests you or punishes you for exercising your right to remain silent, ask for the officer's name and badge number. You can call 877-4-FREE-ME to see if you qualify for legal help.

WHAT IF THE POLICE WANT TO SEARCH OR TAKE MY THINGS?

- You have the right to say "no" if an officer asks for permission to search you or your things.
- You have a right against officers causing unnecessary harm to you or your things.
- If an officer searches you or your things, you have the right to tell the officer that you don't agree to the search. But it is a crime to use force, like pushing or pulling away from an officer, to resist. This is true even if the search is illegal.
- If an officer searches you or some of your things, with or without your permission, you still have the right to say "no" to any further search.

- If an officer takes your things, you have the right to information about how to get your things back. Ask the officer if there is a place where you can go to get your things back, and ask for a record of what the officer took from you.
- If an officer illegally searches you or your things, or takes your things, ask for the officer's name and badge number and write it down. You can call 844-7-FREE-ME to see if you qualify for legal help.

CAN THE POLICE ARREST ME?

- The police can arrest you if they have probable cause to believe you committed a serious crime (felony), or they watch you commit a less serious crime (misdemeanor). They can also detain you for a short time if they have good reason to suspect you of a crime.
- The police can arrest you if there is a warrant for your arrest, including old warrants. Remember, unless you are already arrested, you do not have to tell officers your name.
- If an officer illegally arrests you, ask for the officer's name and badge number. You can call 844-7-FREE-ME to see if you qualify for legal help.

TWO NEW CRIMES TO BE AWARE OF:

Encampment in a Public Place

- You commit encampment in a public place if you use a temporary shelter, like a tent, in public; use a stove, grill, heater, or fire in public; or have more than three cubic feet of property in public.
- You have the right to a written warning, reasonable time to comply with the warning, and a conversation with an officer about services you need before the officer tickets you for encampment in a public place.
- Despite what this new law says, you have the right to undertake basic human activities, like sheltering yourself, if you have nowhere else to go. Explain why you have nowhere to go if an officer tries to write you a ticket.

Aggressive panhandling

Panhandling is asking for money or goods, for yourself or your family, whether by speaking or with a written sign. Panhandling is protected as free speech under the Constitution, but there are lots of laws about *how* you can panhandle.

You commit aggressive panhandling if you:

- Make it unreasonably difficult for people to go down the street; or
- Ask for things like money or food in public if you are within 8 feet of:
 - a person who asks you to stop, or
 - an ATM, pay phone, parking meter, paid parking lot, bus/transit stop, gas station, or outdoor restaurant/café.

WHAT IF THE POLICE VIOLATE MY RIGHTS?

- If you are hurt, seek medical attention first. Then take pictures of your injuries as soon as possible.
- Write down everything you remember, including names, badge numbers, police car numbers, and the agency the officers were from. Write down contact information for witnesses. Your memory will fade quickly, so write everything down as soon as possible.
- Keep all original documents from the police, court, jail, and the doctor. Your ticket (citation) is very important.
- Call 844-7-FREE-ME to see if you qualify for legal help.

IF SOMEONE IS ARRESTED

Call **844-7-FREE-ME** if someone is arrested or ticketed for encampment or aggressive panhandling.

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WWW.ACLUTX.ORG

**RESTORING
JUSTICE**

KNOW YOUR RIGHTS: HOUSTON HOMELESS CAMPS

HOUSTON'S NEW LAWS

Houston has new laws making it illegal to:

- Use a temporary shelter, like a tent, in public;
- Use a stove, grill, heater, or fire in public;
- Have more than three cubic feet of property in public;
- Make it difficult for people to go down the street;
- Ask for things like money or food in public if you are within 8 feet of:
 - a person who asks you to stop, or
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- Laws about shelter, stoves, and property go into effect Friday, May 12. Other laws are already in effect.

TOP FIVE THINGS TO KNOW

- Staying calm with officers keeps you safest.
- You have the right to remain silent in response to any question from an officer. (If you are arrested, you must state your name, address, and birthday, but you can stay silent after.)
- You have the right to say "no" to a search.
- You have the right to know how to get your things back if an officer takes them.
- Call 844-7-FREE-ME if you get a ticket under one of Houston's new laws.

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