**KNOW YOUR RIGHTS**

**A GUIDE FOR PEOPLE WITHOUT HOUSING IN PUYALLUP**

**I live outside. What are my property rights?**

You have the right to possession of your property without unreasonable interference by police or other government agents. This means that you have the right to refuse permission to an officer who asks to search you or your property. Without your consent, police cannot legally search your property without A) a warrant, B) a good reason to believe your property contains evidence of a crime, and/or C) there is some emergency justifying the search.

Even if an officer has a legal reason to search you or your things, the officer must act reasonably while carrying out the search. The officer must avoid unnecessarily harming you or your property.

If an officer searches you or your things, it is important to remain calm. Do not try to stop the officer. You could be charged with a crime if you use force, like pushing or pulling away from an officer, to resist a search. This is true even if the search is illegal. If an officer illegally searches you or your things, then you have the right to make a complaint.

**Do I have a right to privacy in my outdoor home?**

Under Washington state law, you have a right to privacy in your home, even if that home is a tent or other temporary structure located on public property. This means you can refuse consent to search your home, and police officers would need a warrant or an exception to the warrant requirement to perform a lawful search. See Article I, section 7 of the Washington constitution, which mandates that “no person shall be disturbed in his private affairs, or his home invaded, without authority of law.”

**I have been ordered to move from my outdoor home. What are my rights?**

The City of Puyallup has a policy for removal of temporary shelters, personal property, and garbage. Under that policy, you have the right to 72-hours’ advance written notice before you can be forced to move. That notice may be provided to you personally or posted in a conspicuous location.

Your personal property should be bagged, tagged, and stored for a period of up to 60 days. Not all property will be stored, such as any property that poses health or safety hazards. All such property is considered garbage and may be disposed of at the reasonable discretion of the City.

You have the right to retrieve your personal property. To retrieve your property, you may contact Officer Jeff Bennet at the Puyallup Police Department, 311 West Pioneer, Puyallup, WA 98371 or at (253) 256-7204. Property is available for pick up Tuesday through Friday from the hours of 8am to 4pm.

**Where am I allowed to sit, lie down, and/or sleep in Puyallup?**

Puyallup has numerous criminal laws restricting where people may rest. For example, under Puyallup Municipal Code 9.20.130, it is unlawful to camp or to use “camping paraphernalia”, like a sleeping bag, in any park or other public place. Enforcement of these ordinances against unhoused people is limited under the U.S. Constitution, including the Eighth Amendment’s prohibition against cruel and unusual punishment.

In Martin v. City of Boise, the Ninth Circuit ruled that the U.S. Constitution prohibits enforcement of a statute prohibiting sleeping, sitting, or lying down against homeless individuals with no access to alternative shelter. This means that you may not be criminally punished for sleeping outside on public property when you have no option to sleep inside. See Martin v. City of Boise, No. 15-35845 (9th Cir. 2018).

If you are threatened with criminal citation or arrest for resting in public, you have the right to inform the officer that you are unhoused and to ask for a location where you may rest. If you are not provided with another accessible alternative and you are not violating any other laws, then your arrest is likely illegal. You should notify an attorney, such as a court appointed public defender, if you believe that you have been illegally arrested.

**I have been given a trespass notice. Can I challenge it?**

You have the right to a hearing to contest the notice. You must file a request for a hearing with the Puyallup municipal court within 14 calendar days of the effective date of the notice. At that hearing, you can present evidence showing why the trespass restriction is unlawful or unreasonable.

**Do I have to talk to the police?**

You do not have to speak with police other than to identify yourself. If you are arrested, you have the right to remain silent. If you want to exercise that right, say so out loud: “I am exercising my right to remain silent.” You do not need to explain anything else. If you choose to speak with police, the police can use anything you say against you in court.

You have the right to walk away from police if you are not being detained. You may exercise that right by asking the officer “Am I free to leave?” If the officer says yes, you may walk away.

You have the right to be free from excessive force from police. To help ensure the safest environment for yourself, it is advisable to remain calm and avoid arguing with an officer giving you an order. Even if you believe your rights are being violated, it’s safer to stay calm, avoid sudden movements, and comply with the order. You can make a complaint afterward to address problematic police conduct.

LEGAL DISCLAIMER: This information is not intended as legal advice. You should consult an attorney if you believe your rights have been violated. For legal information, you may contact Coordinated Legal Education Advice Referral (CLEAR) at 1-888-201-1014 between 9:15am12:15pm. You may also contact the ACLU of Washington at 206-624-2180 or by submitting an intake form online at https://action.aclu.org/legal-intake/get-legal-help-aclu-washington.