

KNOW YOUR RIGHTS WHILE EXPERIENCING HOMELESSNESS IN PORTLAND

People experiencing homelessness are increasingly harassed and criminalized for trying to survive in public spaces.

The criminalization of homelessness refers to when cities enact and enforce laws to target and punish unhoused people for conducting necessary, life-sustaining activities like sleeping and sitting outside. But when a person loses their housing, they retain their legal rights and freedoms. The ACLU of Maine is committed to protecting the civil rights and civil liberties of unhoused people. If you believe your civil rights or civil liberties have been violated, fill out a legal intake form at [ACLUMaine.org/Intake](https://aclumaine.org/Intake) or call 207-774-5444.

KNOW YOUR RIGHTS: ENCAMPMENT SWEEPS

Under Portland's camping ban policy, the city must provide advance notice of any sweep or removal of a campsite from public property. **If all emergency shelters in Portland are full, the city cannot remove any campsites unless the sites are an "immediate hazard" or an obstruction.** During an encampment sweep or campsite removal, the city CANNOT destroy your personal property, unless it poses a hazard to health or safety, you consent to the property being thrown away, or you voluntarily abandon your property.

If you are impacted by an encampment sweep, you have the right to:

- At least 24 hours' notice before an encampment sweep or removal of a campsite.
- Notice of the sweep posted at the campsite and on, or near, each tent or other structure that will be removed.
- Storage of your personal property—including IDs, official documents, tents or tarps, chairs, bicycles, radios and other electronic equipment, medications, photos, medical devices like walkers and wheelchairs, and other valuables—for at least one week.
- Notice of personal property stored by the City and information about how, exactly, stored property can be claimed, including where the property is stored.

KNOW YOUR RIGHTS: **DISABILITY RIGHTS DURING SWEEPS**

People with physical and mental health disabilities can request reasonable accommodations during sweeps.

Reasonable accommodations may include:

- Clear and advance communication
- More time to move or store belongings
- Getting medication and medical devices returned quickly
- Keeping medical devices and other mobility aids, like a cane, walker, wheelchair, crutches, brace, sling, or boot.

If you need an accommodation, do these three things:

- Ask for a “reasonable accommodation” (it is best to provide a written and verbal request for a reasonable accommodation)
- State your disability
- State the reason your disability makes the accommodation necessary.

KNOW YOUR RIGHTS: **DURING POLICE ENCOUNTERS**

If you are being questioned by police about a criminal matter:

- **Ask “Am I free to go?”**
 - **If the police officer says yes,** then you can leave.
 - **If the police officer says no,** then clearly demand a lawyer and state that you are invoking your right to remain silent. Say “I am exercising my right to remain silent. I do not consent to any searches. I want to talk to an attorney, and I will not talk to you or answer any questions until my attorney is present.” Then stop talking and remain silent.
- Do not talk about your immigration status or citizenship with anyone other than your lawyer.
- Do not run away from police or physically resist arrest.
- Truthfully provide your name and birthdate if the police officer is writing you a ticket or other citation.

KNOW YOUR RIGHTS: **FILMING SWEEPS AND POLICE ENCOUNTERS**

You have the right to videotape or take pictures of police officers as they perform their duties during encampment sweeps.

- Police cannot view or delete your videos or photos without your consent or a warrant.
- If the police officer does not have a warrant and asks to see your videos or photos, then you have the right to say “I do not consent to a search of my phone.”
- Police may search the physical aspects of your phone. For example, police can remove your phone from its case.
- Your right to record police is valid only as long as you are not interfering with their duties. You should follow directions if a police officer asks you to move somewhere else or to refrain from impeding the sweep.