

KNOW YOUR RIGHTS DURING ENCAMPMENT SWEEPS

The City of Phoenix must respect unhoused people's rights, including when it conducts encampment cleanups or displacements (also called "sweeps" or "enhanced engagements"). In December 2022, a Federal Court found that the City was violating unhoused people's constitutional rights and put in place an injunction that requires the City to respect these rights.

The City MUST provide notice of its intention to clear people from an encampment:

- The City must provide advance notice of any temporary encampment cleanup, permanent displacement, or other City operation during which your property may be removed.
- This notice must be provided at the location where the cleanup or displacement takes place.
- The notice should tell you when and where the operation will take place and whether permanent relocation is required.

The City MUST respect your property rights:

- You have a right to keep your personal property, including clothing, tents, medication, blankets, photographs, legal papers, backpacks, bicycles, and tarps.
- The City CANNOT destroy your personal property without consent unless it is abandoned, poses an immediate threat to health or safety, or is contraband.
- If the City takes your personal property, it must store the property at a secure location where you can retrieve it for at least 30 days. It must also tell you how you can retrieve your personal property. Recent notices state:
 - Belongings may be collected by calling 602.229.5155, 8 a.m. to 5 p.m., Monday through Friday, or by visiting the Brian Garcia Welcome Center at 206 S. 12th Ave.
 - "Identification is not required to reclaim most belongings, there is no cost to reclaim belongings, and you will not be cited or arrested for reclaiming your belongings."
- The City should not make you choose between keeping your personal property and receiving shelter. When the City has conditioned shelter on limiting personal property in the past, it disposed of the forfeited items.

The City CANNOT criminalize homelessness:

- If there are no other public areas or appropriate shelters where you can sleep, the City CANNOT punish you for sleeping or camping outside, including by arresting you, giving you a citation, or threatening you with citation or arrest.
- Before the City can enforce its Sleeping and Camping Bans against you, it must ensure that you have some other realistically available place to go that is appropriate to your needs.
- BUT, if the City offers immediately available shelter that meets your needs, the injunction does allow them to enforce the Sleeping and Camping Bans if you refuse to leave.
- The City may be able to enforce its sleeping and camping bans if you refuse to go to another safe, appropriate, and realistically available outdoor space.
- The Sleeping and Camping Bans apply citywide. If the police or a City employee threatens arrest or citation, you can ask them where it is legal to sleep or camp.



If you believe your rights have been violated, you can submit a complaint to the ACLU using the QR code below, calling this number 602-773-6013, or emailing ffeteam@aclu.org.

ACLU

KNOW YOUR RIGHTS DURING ENCAMPMENT SWEEPS (CON'T)

In addition to following the injunction, the City must also respect other rights protected by the Constitution and disability rights laws. This includes:

Police MUST respect your rights:

- If the police approach you or begin asking you questions:
 - You can ask “Am I free to go?” If they say yes, you may leave.
 - If they say no, clearly ask for a lawyer: “I am exercising my right to remain silent. I do not consent to any searches. I want to talk to an attorney and will not talk to you or answer any questions until my attorney is present.” Then, stop talking.
 - Only discuss your immigration or citizenship status with your lawyer.
- Try to stay calm. You should not run away or physically resist arrest. Truthfully provide your name and birthdate if the officer is writing you a ticket.

The City MUST accommodate your disabilities:

- People with physical and mental health disabilities can get reasonable accommodations during sweeps, including, but not limited to:
 - Additional time to move or store belongings;
 - Quick return of medication;
 - Clear and advance communications about what will happen; and
 - Possession of medical or mobility devices, i.e. cane, walker, wheelchair, crutches, brace, sling, or boot.
- Ask a City employee for a “reasonable accommodation,” state your disability, and tell them why your disability makes the accommodation necessary.
- Any shelter space the City offers should accommodate your disability.



If you believe your rights have been violated, you can submit a complaint to the ACLU using the QR code below, calling this number 602-773-6013, or emailing ffeteam@aclu.org.

ACLU

