

# Know Your Rights!

## Legal Rights and Benefits Available to the Homeless



## What to do when you are stopped by a police officer



- **Keep your hands where the police can see them:**
  - For your safety, keep your hands visible.
  - Do not touch the police officers.
- **Stay calm and cooperate:**
  - Do not complain or argue with the police.
  - You should give the police your name and ID if they ask for them.
    - You do not have to give them your ID, however they can hold you until you have been identified.
    - They may check for outstanding warrants against you.
  - Ask if you are free to go.
    - If you are free to go, you have a right to leave. Walk calmly away and do not run.
    - If you are not free to go, then you are being detained. Ask why you are being detained.
  - If you feel your rights have been violated, wait until after the encounter and file a written complaint with the internal affairs division of the police department.
    - If there are witnesses to the encounter, try to get their names and phone numbers.
- **You have a right to remain silent:**
  - You do not have to answer or continue answering questions. You may stop talking at any time. However, they may hold you for further questioning.
- **Know the badge number of the officer:**
  - Get the officer's badge number or name.
  - If they ticket you, the badge number will be on the ticket.

## If you need help, call:



- **If you feel your rights have been violated:**
  - Contact your local Legal Aid office. They may be able to assist you in filing a complaint with the ACLU of Ohio.
- **For legal advice or legal aid:**
  - Ohio's toll-free legal aid telephone number at (866) 529-6446
  - **[Insert address and telephone number of local county Legal Aid office]**
- **For emergency food stamp assistance:**
  - (614) 466-6814
- **Shelter or Assistance by Shelter Employees:**
  - **[Insert the shelter's phone number here]**
  - **[NOTE: If the municipality has set in place rules/regulations regarding a shelter's obligation to the homeless, include here.]**

## Access your criminal record:



- You may access your criminal record for free at **[Insert address of local county courthouse address and/or online source in which one could access such records. Also include detailed instructions as to how to access the record from the sources listed.]**

## You have right to receive...

- **Food stamps:**
  - You do not have to have a mailing address or permanent residence to receive food stamps. Go to your local food stamp office to apply and bring some form of identification with you or phone number of someone who would be able to identify you.
  - You can use the food stamps at grocery stores, some soup kitchens, some restaurants, and some shelters that serve meals.
- **Emergency medical aid:**
  - A hospital emergency room must examine and treat you if you have a medical emergency, even if you are unable to pay for the treatment or you are uninsured. It is against the law for them to transfer you or release you from the hospital until your medical condition is stabilized.
- **Emergency day care for your children:**
  - If you are ineligible for publicly funded child care, then you are eligible to receive emergency child care. Contact the Ohio Department of Job and Family Services to find out how to apply.
- **Your children have a right to an education:**
  - Your child may stay in their school even if you must move out of the school district because you are homeless.
    - Your child's old school district must work with the new school district where you are staying to provide transportation to and from school for your child.
  - Your local public school must immediately enroll your child in school if you move into the school district due to homelessness.
  - You do not have to show proof of residency, guardianship, birth certificates, school records, medical records, or dress code requirements. The school will enroll your child first and then follow up on the missing documentation later.

## What to do if you are arrested



- **Do not resist the arrest:**
  - If you are being arrested, cooperate with the police and do not resist. You will have a chance to contest the arrest later.
- **You have a right to remain silent:**
  - If arrested, you can refuse to answer questions until your attorney is present.
  - However, this does not mean that you can resist arrest.
- **You will be searched:**
  - Once arrested, the police may legally search you and your belongings.
- **You may not be read your rights:**
  - The police do not have to read you your Miranda rights at the time of the arrest.
  - The police may not announce that you are being arrested.
- **You may have a right to an attorney**
  - If you are arrested, put in jail, and cannot afford an attorney, you have the right to have one appointed to you. Ask the police how to contact a lawyer.
- **You have a right to make a phone call:**
  - Soon after your arrest and booking, you have a right to make a local phone call.
- **Within 48 hours of your arrest, a judge must:**
  - Tell you the crime you are accused of committing.
  - Give you a copy of the written complaint.
  - Give you more time to get an attorney or have one appointed to you if you cannot afford one.
  - Tell you your plea options.

## Laws specific to your municipality



[NOTE: Insert your city's municipal-specific codes applicable to homeless-related violations. It is suggested that you include provisions related to those listed below and convert the legal words to plain language. The bullet points below are examples of what your ordinances might say. They ARE NOT actual laws.]

- **Disorderly Conduct:**  
EXAMPLE ORDINANCE LANGUAGE—You may not recklessly cause inconvenience, annoyance or alarm to another. Includes: Fighting, making unnecessary noise, blocking the movement of persons on a public street.
- **Public Intoxication:**  
EXAMPLE ORDINANCE LANGUAGE—You may not be in a state of public intoxication or, being intoxicated, disturb the peace, order and quiet of the City.
- **Open Container Prohibited:**  
EXAMPLE ORDINANCE LANGUAGE—You may not have an opened container of beer or intoxicating liquor in any public place.
- **Public Indecency:**  
EXAMPLE ORDINANCE LANGUAGE—You may not recklessly expose your private parts, masturbate, or participate in any sexual conduct in public.
- **Loitering:**  
EXAMPLE ORDINANCE LANGUAGE—You may not remain or wander about in a public place and repeatedly beckon (call or gesture) to, or repeatedly attempt to engage passerby persons for the purpose of prostitution or drug activity.
- **Criminal Trespass:**  
EXAMPLE ORDINANCE LANGUAGE—You may not knowingly enter or remain on the land or premises of another which is lawfully restricted to certain persons, purposes, and hours. The restrictions will be communicated to the offender by posting, sign, fence, or other restricted access. You may not enter or remain in any vacant building or structure without the permission of the owner.