

KNOW YOUR RIGHTS

During Encampment
Sweeps

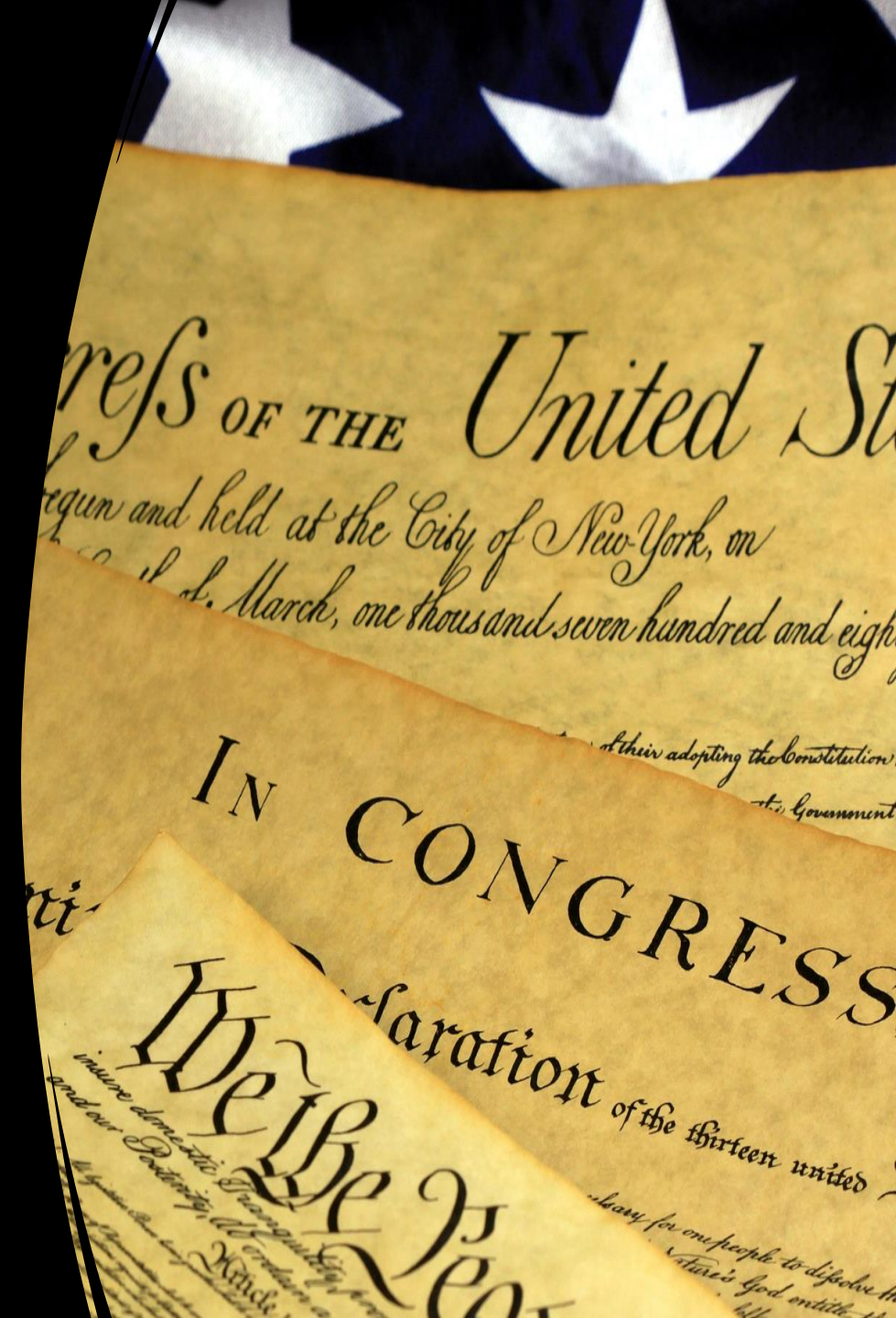


Purpose

- Help community members and advocates understand their rights **before, during, and after** an encampment sweep

Constitutional Rights

- If city law violates Constitution: it's *invalid*
- Relevant Amendments:
 - 4th : unreasonable search/seizure
 - 5th : taking without just compensation



In theory...



In an ideal world, the city **should**:

- Give notice before a sweep
- Offer shelter and services
- Catalogue and safely store property
- Post clear instructions on how to get possessions back

In practice...

- These steps *rarely happen* as written.
Most sweeps occur with little or no notice, few shelter offers, and belongings are often lost or destroyed with no clear recourse.



Before a Sweep

Avoiding “Obstruction” or “Hazard” Labels

“Obstruction” = interferes with pedestrian or transportation purposes OR interferes with areas that are necessary to intended use

“Hazardous” = At risk of serious injury or poses a serious risk of injury to others

Both allow immediate removal without notice

What Does “Hazardous” Mean?

Hazardous Encampments

- Near Highway Shoulders
- Exposed to Moving Vehicles
- Landslide Prone Areas

Hazardous Property=
Wet, Contraband, Dirty

No duty by the city to store

Avoiding “Obstruction” or “Hazard” Labels

Bottom Line?

Keep belongings dry and away from anything risky
But remember:

- Most encampments are deemed an obstruction whether fairly or not
- “hazard” is interpreted broadly: any damp or dirty items can be seized and destroyed.

Watch for Sweep Notices

Again, if
“obstruction” label,
no notice required



DATE of NOTICE: 04/28/21



City of Seattle

NOTICE/AVISO

ORDER TO REMOVE ALL PERSONAL PROPERTY
ORDEN DE RETIRAR TODOS LOS BIENES PERSONALES

AS OF/ DESDE	TIME/ HORA	LOCATION/ UBICACIÓN
04/30/21	09:00 am	NW 54 th St to NW 52 nd St from 9 th Ave NW to 11 th Ave NW

Materials in this area are an obstruction of the intended use of this property, are in a hazardous location or present a hazard. This is not an authorized area for storage or shelter. Any materials left here will be removed by the City on or after the date and time posted above, and belongings found by the City and authorized for storage will be kept for 70 days at no charge. / Las materiales en esta zona son un obstáculo para el uso previsto de esta propiedad, están en un lugar peligroso o representan un peligro. Esta no es una zona autorizada para almacenamiento o refugio. A partir de la fecha y hora publicadas anteriormente, cualquier material que se deje aquí será retirado por la Ciudad, y las pertenencias encontradas por la Ciudad y autorizadas para el almacenamiento se guardarán durante 70 días sin costo alguno.

TO RECOVER OR ASK ABOUT STORAGE
OF BELONGINGS CALL: / PARA
RECUPERAR SUS PERTENENCIAS, LLAME
AL:

206-459-9949

The City will deliver stored belongings to you. Belongings are stored at: 3807 2nd Ave S / La
Ciudad entregará los bienes almacenados. Los pertenencias se almacenan en: 3807 2^a Ave S.

DURING SWEEP

Observation & Rights Protection

- Stay trauma-informed
- Document actions
- Note violations

Protecting Your Belongings

City is supposed to store *personal property* that's not hazardous

Examples: tents, eyeglasses, prescriptions, bikes, photos

City may destroy: wood, pallets, “trash,” or contraband

Tips: Label items, photograph them, and keep a list

Protecting Your Belongings

Stay calm; follow directions to avoid arrest (both affected members and community partners)

Sweepers are supposed to offer shelter options to everyone

If no notice or no shelter offer: **ask and document**

Write down names, dates, and what happens

Compliance First, Documentation Second

PRE-SWEEP

Preparation & Protection

- Build trust
- Safeguard property
- Share rights info

DURING SWEEP

Observation & Rights Protection

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POST-SWEEP

Recovery & Advocacy

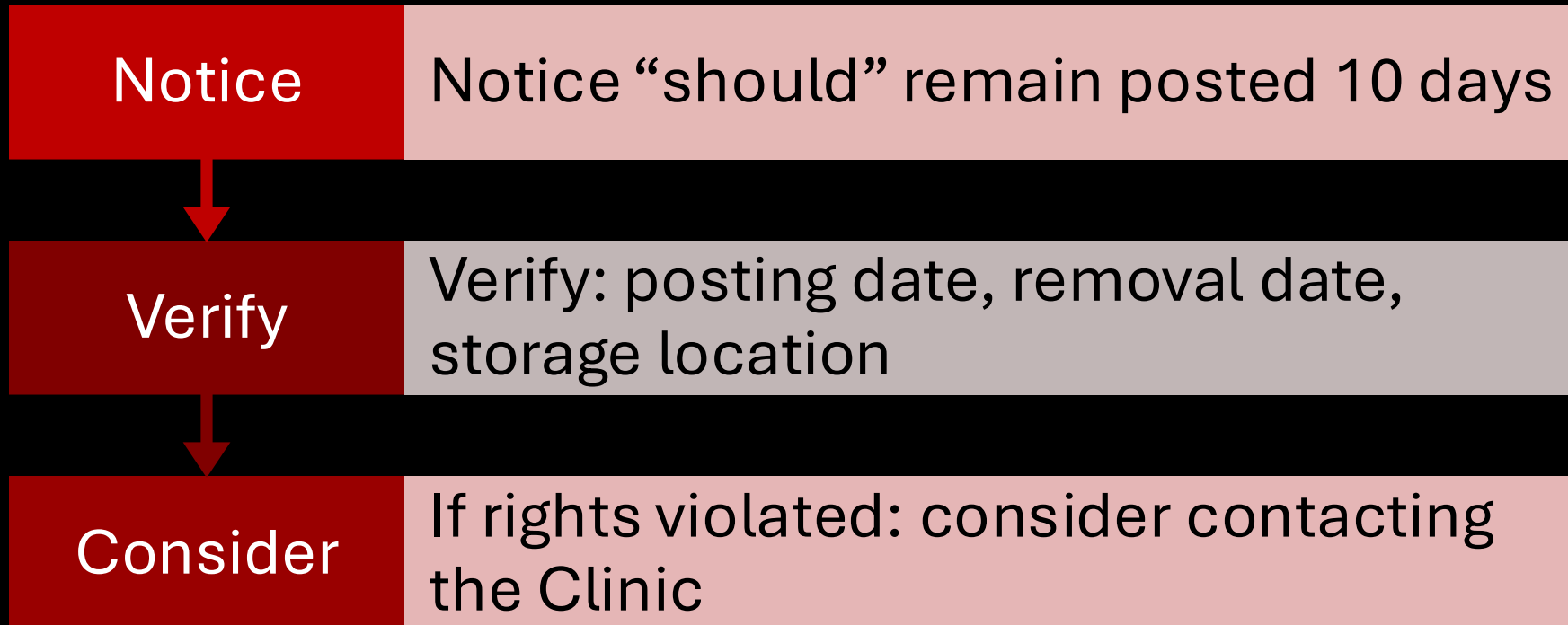
- Retrieve belongings
- Submit claims
- Refer to clinic

POST-SWEEP

Recovery & Advocacy

- Retrieve belongings
- Submit claims
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What to do after a sweep





This is the storage facility where they are supposed to hold things

Consider whether your rights were violated

- If so, contact us!

Make a good faith effort to get your things back

- The affected individual has 70 days including the sweep date to start the process

Key takeaways

- ❖ Know your rights
- ❖ Document everything
- ❖ Act early