Homeless in Miami? If you are, your *Pottinger* rights against arrest while living on the streets may soon be changed.

You can voice your opinion to the federal court in Miami before it decides whether to approve the proposed changes. Here's how.

Your *Pottinger* **rights now**: If you're homeless, Miami police must offer you the chance to go to a shelter in Miami instead of arresting you for certain offenses. These currently include:

- being in the park after hours or camping in parks
- building fires in parks or putting up a tent in a park
- lying or sleeping on the sidewalks or on park benches
- trespassing on public property
- littering
- loitering in restrooms
- living in a vehicle

City police, the "Green Shirts," and other City officials must also respect your property rights.

What the proposed changes to *Pottinger* may mean for you:

- For most homeless people, Pottinger rights will remain largely the same: City of Miami Police must offer you the chance to go to a shelter instead of arresting you for certain offenses.
- If the court approves the proposed changes, some rights against arrest will be eliminated or narrowed. These are the main changes:
 - You'll be subject to arrest without being offered the chance to go to a shelter if, after a warning by a police officer, you:
 - litter within 300 feet of a usable trash can, or
 - block a sidewalk so that others have to walk in the street, or
 - commit a minor offense in a way that poses an imminent threat of physical injury to you or others.
 - o You'll be subject to arrest, with *no* warning by a police officer and *without* being offered the chance to go to a shelter, if you:
 - build a fire in a public park or put up a tent in a park, or
 - violate public nudity laws intentionally in plain view or don't use an open public restroom within a quarter mile.
 - o The shelter you are offered instead of arrest may have a mat instead of a bed to sleep on.
- City officials can't take your belongings unless they pose an obvious safety hazard (for example, leaving an unattended backpack in front of a courthouse).
- If you are homeless and registered as a sex offender or predator, you will no longer be afforded the Pottinger protections.
- The ACLU will have better access to records to monitor City compliance.

If you agree with these changes you don't need to do anything.

If you're homeless in Miami and want to object to any of these changes, you may file written objections to them by Feb. 14, 2014 with the Clerk of the U.S. District Court. (See the back of this sheet for information on how to do so.)

If you're homeless in Miami you may appear at the Feb. 28, 2014 hearing at 10:00 am before Judge Moreno, U.S. District Court, Courtroom 13-3, 400 N. Miami Avenue.

More information from:

- The ACLU, 4500 Biscayne Blvd., #340, Miami, FL 33137, aclufl@aclufl.org, 786-363-2700
- Most homeless shelters in Miami.
- <u>aclufl.org/pottinger:</u> This website has times and places of public information sessions at shelters, and a complete copy of the ACLU-City agreement.

Pottinger v. City of Miami (No. 88-2406-CIV-FAM)

- In 1988 the American Civil Liberties Union (ACLU) sued the City of Miami on behalf of homeless people in Miami.
- In 1992 the U.S. District Court ruled that the City of Miami had violated homeless people's constitutional rights.
- In 1998 the ACLU and the City settled the case. *The* Pottinger settlement is still in effect today.
- In 2013 the City proposed changes to the Pottinger settlement. The ACLU and the City have now agreed to a set of changes. The Court must review them before they can take effect.
- 2/28/14 at 10:00 am: public hearing on the proposals before U.S. District Court Judge Moreno, Courtroom 13-3, 400 N. Miami Ave, Miami FL 33128.

Pottinger v. City of Miami Case No. 88-2406-CIV-FAM

NOTE: You *must* fill out all items in **bold**.

Name (Print Neatly):				/			
live in the City	□ Yes	□ No					
am homeless:	□ Yes	□ No					
At night I sleep:	☐ in a shel	ter in the Ci	ity of Miami	on the s	treets 🛭 els	ewhere	
These are my vi	ews on the	proposed	d changes	to the <i>Pot</i>	<i>tinger</i> settl	ement:	
If you need more s		n staple addi	tional sheets	to this form.	If you do that,	please write	e your nar
9	Sign your nan	ne here. \rightarrow					

How to file this form:

- Mail it directly to Clerk, United States District Court, 400 N. Miami Avenue, FL 33128. Mail it in time for it to arrive by February 14. Just having it postmarked February 14 won't be enough.
- **Submit it in person to the Court** at the above address. Note: You will have to pass through security to enter the Courthouse and will not be allowed to bring a cellphone or other electronic device into the Courthouse.
- Give it to the ACLU by mail or by hand, at 4500 Biscayne Blvd., #340, Miami, FL 33137. The ACLU must receive it no later than February 12 to be able to file it for you with the court.