



Street Smart Dallas: Know Your Rights!





Street Smart Dallas:
Know Your Rights!

This is the first publication of **Street Smart Dallas**. Texas C-BAR, a project of Texas RioGrande Legal Aid, has prepared this guide.

We have developed this booklet to provide useful information about laws that may affect people who are homeless in Dallas, Texas. Specific questions and incidents can be addressed by contacting Legal Aid of Northwest Texas, 1515 Main Street, Dallas, Texas 75201 or (214) 748-1234.

This document is not a substitute for the advice of an attorney. The materials and information contained in this document may not reflect the most current legal developments.

If you have suggestions or corrections, please contact djohnson@texascbar.org or call (800) 369-9270, ext. 2760.

This guide is made possible through the time and expertise of **Amber Rogers** with **Hunton and Williams, Sarah Kim**, and generous donations of **Exxon Mobil Corporation** and other supporters of Texas C-BAR.

**This guide is made possible
through a generous donation
from Exxon Mobil Corporation.**

ExxonMobil[™]

Copyright 2008 Texas RioGrande Legal Aid

Back cover photo provided by:
Alan Pogue
Texas Center for Documentary Photography
www.documentaryphotographs.com

Table of Contents

1.1 Streets and Sidewalks	3
2.1 Jaywalking	3
3.1 Criminal Trespass	4
4.1 Criminal Mischief	4
5.1 Disorderly Conduct	5
6.1 Public Lewdness	7
7.1 Indecent Exposure	7
8.1 Solicitation For Obscene Conduct/Sodomy	7
9.1 Assault	8
10.1 Weapons	8
11.1 Sleeping and Camping	9
12.1 Food Ordinances for those Feeding the Homeless	9
13.1 Urinating or Defecating in Public	9
14.1 Bathing and Swimming	10
15.1 Panhandling or Begging	10
16.1 Menacing Another Person	12
17.1 Prostitution	12
18.1 Public Park Rules and Curfews	12
19.1 Libraries and Recreation Centers Code of Conduct	15
20.1 Alcoholic Drinks or Beverages	17
21.1 Free Distribution of Tobacco Products in Public Places	19
22.1 Dealing with a Police Officer	19
23.1 Warrants	21
24.1 Community Court	21
25.1 Reporting Police Misconduct	22

1.1 Streets and Sidewalks

1.2 You may not attract a crowd on any sidewalk or refuse to stop when requested to do so by any police by:

- talking loudly; or
- engaging in unusual acts or exhibitions.¹

1.3 You may not sweep out or deposit on any of the sidewalks or streets of the city any:

- loose paper;
- filth; or
- trash of any kind.²

If you are using cans or barrels as trash containers, you shall have them emptied and all trash deposited, removed, at least once in every 24 hours.³

1.4 You may not throw banana peelings or fruit peelings of any kind upon any public sidewalk in the city.⁴

1.5 You may not deface city sidewalks by placing any marks or signs by stencils, or any other means.⁵

1.6 You may not abuse, deface or injure any street signs maintained on the streets by the city by:

- throwing any rocks, stones or other hard substances against any signs; or
- scratching or defacing any signs in any manner.⁶

You may not deface or injure the signposts that erect the signs by:

- throwing any rocks, stones or other hard substances against the signpost; or
- by scratching, cutting or defacing the signpost in any manner.⁷

2.1 Jaywalking

2.2 The Transportation Code states:

- If there is a crosswalk nearby, you must use a crosswalk or you risk being cited.⁸
- When crossing the street, you must cross in a straight line, not diagonally.⁹
- If there is a sidewalk near you, you must use the sidewalk and not walk in the street.¹⁰

1 Dallas City Code § 43-5

2 Dallas City Code § 43-12

3 Id.

4 Dallas City Code § 43-16

5 Dallas City Code § 43-22

6 Dallas City Code § 43-23

7 Id.

8 Transportation Code § 552.005(b)

9 Transportation Code § 552.005(c)

10 Transportation Code § 552.006(a)

2.3 Penalty: Between \$1 and \$200.¹¹

3.1 Criminal Trespass¹²

3.2 You commit criminal trespass when you enter onto another's property without permission and:

- There is a fence or other enclosure designed to exclude;
- There is a "No trespassing" sign; or
- You stay on the property after someone tells you to get off.

3.3 Penalty: Class B misdemeanor, which may be punished by a fine up to \$2,000 and/or 180 days in jail.

3.4 You may not enter a portion of a building without consent of the owner if the portion of the building entered is conspicuously marked to give notice that:

- entry is restricted to a specific group of people of which you are not a member; or
- entry is prohibited to the public.¹³

3.5 You may not enter any portion of a motor vehicle without the consent of the owner.¹⁴

4.1 Criminal Mischief

4.2 You commit criminal mischief when you do the following to someone's property without their permission:¹⁵

- Destroy;
- Damage;
- Tamper; or
- Make markings, inscriptions or drawings.

4.3 Penalty: Ranges from a Class C misdemeanor to a felony of the first degree depending on value of property destroyed or vandalized.

11 Transportation Code § 542.401

14 Dallas City Code § 31-14.1

12 Texas Penal Code § 30.05

15 Texas Penal Code § 28.03

13 Dallas City Code § 31-14(b)

5.1 Disorderly Conduct

5.2 You may be charged with disorderly conduct if you:¹⁶

- Use vulgar language that will cause a “breach of the peace” (i.e. violence);
- Make a gesture or display that will cause a “breach of the peace;”
- Create an unreasonable odor or smell;
- Abuse or threaten someone in an offensive manner;
- Make too much noise;
- Fight with someone;
- Expose your anus or genitals in a public place;
- Enter private property and look into someone’s window; or
- Go into a public bathroom or shower stall and look at someone.

5.3 Penalty: Class C misdemeanor.

5.4 While riding on DART vehicles (bus, railway or light rail train), on DART property or at a DART facility, you may not:¹⁷

- Smoke or expel the residue of any tobacco product including chewing tobacco;
- Consume any alcoholic beverage or possess an open container of any alcoholic beverage;
- Eat unless medically necessary;
- Engage in disruptive, disturbing behavior including: loud conversation, profanity or rude insults, or operating any electronic device used for sound without an earphone(s);
- Take any animal onto a vehicle unless the animal’s purpose is to assist a person with a disability, or unless the animal is in training to assist a person with a disability, or unless the animal is secured in a container sufficient to contain the animal;
- Carry or possess any illegal weapon;
- Possess or transport any flammable liquid, combustible material or other dangerous substance such as gasoline, kerosene or propane;

¹⁶ Texas Penal Code § 42.01

¹⁷ Dallas Area Rapid Transit Code of Conduct § 2.02 (a)

- Litter;
- Vandalize the vehicle or property by writing, marking, scribbling, defacing or causing destruction to the vehicle or property in any manner;
- Beg or solicit by forcing yourself upon another person;
- Spit, urinate, defecate or expose one's anus or genitals;
- Possess, use or sell any controlled substance;
- Ride a DART vehicle without evidence that the proper fare has been paid;
- Be present without authorization after hours of operation;
- Engage in unauthorized use of any DART facility or DART property for non-transportation related purposes;
- Cross DART Light Rail tracks at a location other than at a traffic or pedestrian controlled intersection or at a designated pedestrian crossing; or
- Interfere with the operation of a DART vehicle.

5.4.1 Penalty: Warning or removal from the vehicle, property or facility.¹⁸

5.5 Note: If you expose your anus or genitals, you could be charged with disorderly conduct. However, if you expose your anus or genitals for sexual gratification or arousal, you can be cited for indecent exposure.¹⁹ If you expose your anus or genitals with intent to arouse or gratify the sexual desire of yourself or any other person, knowing a child is present, you may be charged with indecency with a child.²⁰

5.6 Penalty: Indecent exposure is a Class B misdemeanor.

¹⁸ Dallas Area Rapid Transit Code of Conduct § 2.02(b)

¹⁹ Texas Penal Code § 21.08

²⁰ Texas Penal Code § 21.11

6.1 Public Lewdness

6.2 It is illegal to do the following in a public place:²¹

- Have sexual intercourse; or
- Have any sexual contact, which is touching another's genitals or breast in order to arouse.

6.3 Penalty: Class A misdemeanor, which may be punished by a fine up to \$4,000 and/or one year in jail.

7.1 Indecent Exposure

7.2 You may not expose your anus or any part of your genitals with intent to arouse or gratify the sexual desire of any person.

7.3 Penalty: Class B misdemeanor.

8.1 Solicitation For Obscene Conduct/Sodomy

8.2 You may not:

- Solicit another in a public place to engage in contact between the genitals of one person and the mouth or anus of another person.²²
- Solicit another person in a public place to engage with you in the act of touching or displaying of the anus or any part of the genitals of another person or the breast of a female 10 years of age or older.²³

8.3 Penalty: A fine of not less than \$100 or more than \$500.²⁴

²¹ Texas Penal Code § 21.07

²² Dallas City Code § 31-19(a) and (b)

²³ Dallas City Code § 31-20(a) and (b)

²⁴ Dallas City Code § 31-19(c) and 31-20(c)

9.1 Assault

9.2 You commit assault when you:²⁵

- Cause an injury to another or their spouse;
- Threaten to injure another person or their spouse; or
- Cause contact you know the other person will find offensive.

9.3 Penalty: Causing an injury is a Class A misdemeanor. Threatening injury or offensively touching someone is a Class C misdemeanor. If you live with or are related to the victim, the penalty could be increased because it is then classified as domestic assault.

9.4 Penalty for domestic assault: Third degree felony, which may be punished by a fine up to \$10,000 and between two to ten years in jail.

10.1 Weapons

10.2 Texas state law defines an “illegal knife” as a:²⁶

- Knife with a blade over five and one-half inches;
- Hand instrument designed to cut or stab another by being thrown;
- Dagger, including but not limited to a dirk, stiletto and poniard;
- Bowie knife;
- Sword; or
- Spear.

10.3 State law says that it is illegal to carry the following on or near you²⁷ (in your pocket, pants, glove compartment, etc.):²⁸

- Handgun;
- Illegal knife; or
- Club
 - * A club is defined as:
 - Blackjack
 - Nightstick
 - Mace
 - Tomahawk

25 Texas Penal Code § 22.01

26 Texas Penal Code § 46.01

27 The penal code states “about his person,” where “about” has been defined as “near by, close at hand, convenient of access, and within such distance of the person in

question that the person could, without materially changing position, place a hand on the weapon,” Courtney v. State, 424 S.W.2d 440 (Tex. Crim. App. 1968).

28 Texas Penal Code § 46.02

10.4 Penalty: Class A misdemeanor.

11.1 Sleeping and Camping

11.2 You may not sleep, nap or doze:

- in a street, alley, park or other public place; or
- in a vacant lot adjoining a public street or highway, unless you own the vacant lot or have the consent of the vacant lot owner.²⁹

11.3 Places where you may sleep are:

- On private property with permission; or
- On some occasions, overnight camping is permitted in public parks with a special permit issued by the park board or its representatives for such activity.³⁰

12.1 Food Ordinance for those Feeding the Homeless

12.2 Food/meal providers are required to:

- register annually with the City of Dallas;
- take the Food Safety Training class annually and become certified in a Food Handler’s Class; and
- feed in a location that is approved by the City of Dallas, personal property, or a location with written consent of the owner.³¹

13.1 Urinating or Defecating in Public

13.2 Dallas city ordinances say you may not urinate or defecate:

- in public view; or
- in or on a public street, alley, sidewalk, yard, park, building, structure, plaza, public or utility right-of-way, or other public place.³²

13.3 It is a defense to prosecution if the person was in a restroom.

29 Dallas City Code § 31-13

30 It is not clear from § 32-1 of the Dallas City Code under what “specific occasions” the park board or its representatives would issue a permit.

31 City of Dallas Environmental & Health Services Department Food Protection & Education Division; Dallas City Code § 17-1.6(5)

32 Dallas City Code § 31-18

14.1 Bathing and Swimming

14.2 Dallas city ordinances say you may not enter any water of a river, stream, pond, or watercourse within the city with the intent to swim, bathe, or wade.³³

14.3 Exception: If the body of water is a public, semi-public or private swimming pool.

14.4 It is a defense to prosecution if:

- the person is trying to rescue or recover a human being or property from the water; or
- the water was designated by official signs showing that wading or going into the water in a specific designated area is authorized.

15.1 Panhandling or Begging

15.2 Panhandling (Soliciting) is legal in some areas of the city of Dallas as long as the panhandler does not become aggressive.

15.3 Solicitation means to ask, beg, solicit, or plead, whether orally or in a written or printed manner, for the purpose of receiving money or any other gift or item of value for yourself or another person.³⁴

15.4 You may never use coercion while panhandling.³⁵
Coercion means:

- to approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with:
 - * imminent bodily injury; or
 - * the commission of a criminal act upon the person or another person, or upon property in the person's immediate possession.
- to continue soliciting a person after the person has given a negative response;
- to block, individually or as part of a group of persons, the path of a solicited person; or

33 Dallas City Code § 31-1

34 Dallas City Code § 31-35

35 Dallas City Code § 31-35(b)

- to engage in conduct that would reasonably be construed as intended to force a solicited person to comply with the panhandler’s demands.³⁶

15.5 You may never panhandle in any outdoor area in the city at any time between sunset and sunrise on any day unless it consists of passive, nonverbal acts, or was being conducted on property with the advance written permission of the owner, manager, or other person in control of the property.³⁷

15.6 You may not panhandle to any person placing or preparing to place money in a parking meter.³⁸

15.7 Panhandling is always prohibited within 25 feet of the following areas:³⁹

- an automated teller machine (ATM);
- an entrance or exit of a bank, credit union, or other similar financial institution;
- an exterior public pay telephone;
- a self-service car wash;
- a self-service fuel pump; or
- a public transportation stop.

15.8 You may not:

- stand in the street to ask for a ride, money, or a job from any person driving a car.⁴⁰
- stand on or near a highway/street to offer to watch or guard a vehicle parked or to be parked on the highway/street.⁴¹

15.9 You may not solicit money on the premises of:

- the convention center; or
- the reunion arena.⁴²

You must be ordered to stop the solicitation before being arrested by a police officer, security officer, or person with authority to control the use of the premises. It is a defense if:

- no order was given to stop the solicitation;
- an order, if given, was promptly obeyed; or
- the person had the written consent of the lessee of the premises to conduct a solicitation.⁴³

36 Dallas City Code § 31-35(a)(2)

41 Transportation Code § 552.007(b)

37 Dallas City Code § 31-35(c)

42 Dallas City Code § 43-127(a)

38 Dallas City Code § 31-35(d)

43 Dallas City Code § 43-127(b) and (c)

39 Dallas City Code § 31-35(e)

40 Transportation Code § 552.007(a)

15.10 Exception: You may stand in the street to solicit a charitable contribution if authorized to do so by the City.

15.11 You may not solicit customers or solicit, seek or beg for money for yourself or on behalf of another or distribute advertising materials upon the premises of any of the following without first obtaining written consent from the owner, operator, managing agent or person in charge of:

- Hotel;
- Private office building; or
- Public building.⁴⁴

16.1 Menacing Another Person

16.2 You may not intentionally place or attempt to place another person in fear of bodily injury, serious bodily injury or death by:⁴⁵

- following the other person on two or more occasions; or
- over a period of time, engaging in a course of conduct or committing two or more specific acts against the other person that would cause a reasonable person to fear bodily injury, serious bodily injury or death.

17.1 Prostitution

17.2 Prostitution is defined as offering, agreeing to or engaging in sexual conduct for a fee.⁴⁶

17.3 Penalty: First offense is a Class B misdemeanor. Second or third offense is a Class A misdemeanor. A fourth offense is a state jail felony.

18.1 Public Park Rules and Curfews

18.2 Alcohol is prohibited at all times:

- in a public park;⁴⁷ and
- while on a public street, sidewalk, or parking area adjacent to a public park.⁴⁸

⁴⁴ Dallas City Code § 31-15

⁴⁷ Dallas City Code § 32-11.3(a)(1)-(3)

⁴⁵ Dallas City Code § 31-36(b)

⁴⁸ Dallas City Code § 32-11.3(a)(2)

⁴⁶ Texas Penal Code § 43.02

18.3 There is an exception if the person is on the premises of:⁴⁹

- Fair Park;
- Old City Park;
- Reunion Park;
- the DeGolyer Estate, Camp Estate, or other area of the Arboretum designated by the Park and Recreation Board for the possession and consumption of alcoholic beverages;
- Betty Marcus Park, when attending a city-approved activity at the Meyerson Concert Hall;
- an area in Samuel Farm designated by the Park and Recreation Board for the possession and consumption of alcoholic beverages;
- the following park facilities when pursuant to written permission of the director of the Park and Recreation Department and in compliance with park facility policies:
 - * Arlington Hall;
 - * Dreyfuss Club;
 - * Winfrey Point;
 - * Big Thickett;
 - * a municipal golf course; or
 - * a park facility or other park property for which a valid TABC license has been issued or a lease or rental agreement has been granted by the City that allows the possession and consumption of an alcoholic beverage;
- the waters of a lake or water reservoir under the jurisdiction of the Park and Recreation Board where the private launching and mooring of boats is permitted; or
- a special event, activity, or program being conducted with permission of the Park and Recreation Board and the terms of the permission allows possession and consumption of alcoholic beverages.

⁴⁹ Dallas City Code § 32-11.3(b)(1)(2)

18.4 You **may** possess alcohol if its container has an unbroken seal or you have other evidence of the container having never been opened.⁵⁰

18.5 You may not be in any park between 12:00 midnight and 5 a.m.⁵¹

18.6 Barnes Bridge Park and Bachman Creek Greenbelt are closed to the public each day from 10:00 p.m. until 6:00 a.m.; and William B. Dean Park is closed to the public each day from 9:00 p.m. until 5:00 a.m.⁵²

18.7 It is a defense to prosecution if you are:

- On the premises of a park located within the boundaries of Julius Schepps Freeway, R.L. Thornton Freeway, Stemmons Freeway, and Woodall Rodgers Freeway;⁵³
- In William B. Dean Park when attending a city approved activity at the Dallas Theater Center or Reverchon Recreation Center or its adjacent parking lot;⁵⁴
- In a public park while it is closed attending a special event sanctioned in writing by the City;⁵⁵ or
- Entering or leaving, or engaged in legal fishing from the bank or water surface of any of the following:⁵⁶
 - * Lake Ray Hubbard;
 - * Mountain Creek Lake;
 - * White Rock Lake;
 - * Lemmon Lake;
 - * Blue Lake;
 - * A body of water located within the Trinity River Greenbelt; or
 - * that part of Joe Pool Lake within the city of Dallas jurisdiction.

18.8 Penalty for code violations: You will be asked to stop what you are doing and could be asked to leave the park. If you are in the park past curfew, you could be cited for criminal trespass.

50 Dallas City Code § 32-11.3(b)(4)

51 Dallas City Code § 32-9.1(a)

52 Dallas City Code § 32-9.1(a) and (b)

53 Dallas City Code § 32-9.1(d)(1)(A)

54 Dallas City Code § 32-

9.1(d)(1)(A)(1)(B) and (C)

55 Dallas City Code § 32-9.1(d)(3)

56 Dallas City Code § 32-9.1(d)(4)

18.9 Penalty for criminal trespass: Class B misdemeanor.

18.10 You may not knowingly make or cause to be made any loud and disorderly noise in any public park and recreation area in the city.⁵⁷ The following acts are presumed to create loud and raucous noises:⁵⁸

- sounding any horn or signal device;
- using a mechanical loudspeaker or sound amplifier for the purpose of attracting the attention of others; or
- Playing any radio, tape machine, musical instrument or other machine or device at such a volume that the sound produced is audible at a distance in excess of 150 feet.

18.11 Exceptions: If you have written permission of the director of the park and recreation department authorizing a special event.

19.1 Libraries and Recreation Centers Code of Conduct

19.2 The following behaviors are prohibited if, in the clear judgment of city staff, on a case-by-case basis, they disrupt the environment for other users of the facilities:

- Conversing, laughing, or otherwise talking or shouting in a loud and disruptive manner, banging on computer keyboards or disruptively using devices, including cell phones, CD players, MP3 players, walkie-talkies, PDAs, laptop computers or any other instruments.
- Using City buildings for other than their intended purpose, including: loitering, sleeping, changing clothes, bathing (except for washing hands or face), shampooing, shaving, washing clothes or utensils, preparing meals or food, or personal grooming unless it is considered appropriate for an approved

⁵⁷ Dallas City Code § 32-11.4(a) and (b)

⁵⁸ Dallas City Code § 32-11.4(c)

activity. Changing clothes in building bathrooms and applying makeup is permitted in preparation for a city-approved program or event with express permission of City staff.

- Eating, drinking, or bringing food or beverages in open containers into a City building is prohibited, except in cases where an event has been previously approved.
 - Bare feet and bathing suits or clothing that does not cover both upper and lower torso is prohibited in public areas unless it is considered appropriate for an approved activity.
 - Introducing any animals, insects or other living organisms into City buildings without express permission of the City staff, with the exception of service animals, such as seeing-eye dogs or other guide-trained animals.
 - Using wheeled recreational devices such as skateboards, roller skates, roller blades, bicycles, and scooters in or on City property except in designated areas.
 - Entering, or attempting to enter City buildings possessing such defects of bodily hygiene as impairs a clean and sanitary environment, as it is intended for enjoyment of the building. This includes individuals whose neglect of bodily hygiene gives offense and therefore constitutes a nuisance to others and staff.
 - Entering into or remaining in City buildings while emitting odors (including bodily odors or perfumes), which interfere with the use of services by other users or the work of staff.
 - Entering into City buildings with large framed backpacks, bedrolls, blanket rolls, or more than three grocery-sized paper or plastic bags or parcels. Personal belongings including purses or cell phones must not impeded access to doors, services or materials. Customers must keep personal belongings with them at all times.
 - Soliciting or proselytizing on City property, except as authorized. No panhandling at any time.
-

- Neglecting to provide proper supervision of children.
- Using areas for any activities other than their intended purpose.
- Physically blocking aisles, exits, or entrances, including sitting or lying down in them.
- Moving, altering, or rearranging furniture or equipment; altering the configuration or settings of electronic equipment without the authorization of staff; or otherwise using furniture or equipment for other than its intended purpose.
- Using electronic equipment in excess of posted duration limits if other customers or staff are waiting to use the equipment.
- Assembling more than two people around a computer if it creates a disturbance to others.
- Engaging in any activity that disturbs normal activities and/or the environment for other users and City staff.⁵⁹

20.1 Alcoholic Drinks or Beverages

20.2 Dallas city ordinances say you may not drink any alcoholic drink or beverage in the following areas:⁶⁰

- any property owned or leased by the city; or
- a public street or any public place within 18 feet of a public street.

20.3 Dallas city ordinances also say you may not possess an open container or consume an alcoholic drinks or beverages in the following areas:⁶¹

- on a public street;
- public alley; or
- public sidewalk within 1,000 feet of the property line of a facility that is a public or private school that provides all or any part of pre-K through twelfth grade.

20.4 Exception:⁶² It is a defense to prosecution if you:

- are attending a special event authorized by the City and for which a valid permit or license to sell or serve alcoholic beverages has been issued;

59 City of Dallas Libraries and Recreation Centers Code of Conduct

60 Dallas City Code § 6-6.1(a)

61 Dallas City Code § 6-6.1(b)

62 Dallas City Code § 6-6.1(d)(1), (3)-(6)

- prove entitlement to one of the defenses described in Section 18.3 above;
- are inside a building not owned or controlled by the City; or
- are inside a residential structure.

20.5 You may not knowingly possess an open alcoholic beverage in the passenger area of a motor vehicle located on any street or roadway whether the vehicle is in motion or parked.⁶³

20.6 Penalty: Class C misdemeanor.⁶⁴

20.7 The City of Dallas ordinance requires police officers of the City who arrests or issues a citation to a person for public intoxication or any other alcohol related crime or violation of any city ordinance to seize any alcoholic beverage in the possession of the person at the time of the arrest or citation.⁶⁵

20.8 Exception: Any unopened container of alcohol will be:

- released, with the consent of the person 21 years of age or older who is taken into custody, to another person who is 21 years of age or older;⁶⁶ or
- stored by the police department pending the release of a person in custody who is 21 years of age or older.⁶⁷

20.9 Penalty: Class C misdemeanor. If you are under 21, not a child, and have been convicted twice before, then you can be fined between \$250 and \$2,000 AND sentenced to jail for 180 days.⁶⁸

20.10 You may not appear in public while intoxicated to a degree that you may endanger yourself or another person.

20.11 Penalty: Class C misdemeanor.⁶⁹

63 Penal Code § 49.031(b)

64 Penal Code § 49.031(d)

65 Dallas City Code § 6-13(a)

66 Dallas City Code § 6-13(b)

67 Dallas City Code § 6-13(b)

68 Alcoholic Beverage

Code § 106.071

69 Texas Penal Code § 49.002(c).

21.1 Free Distribution of Tobacco Products in Public Places⁷⁰

21.2 You may not distribute any cigarette or other tobacco or smoking product free of charge to any person on any:

- public street;
- sidewalk;
- park;
- playground;
- building; or
- other public place.

21.3 Penalty: An offense under this section is punishable by a fine of not less than \$100 nor more than \$2,000.

22.1 Dealing with a Police Officer

Below are some of the main laws about speaking or dealing with a police officer. These are not all the laws but only a guide.

22.2 Texas state law says you may not:

- Refuse to give your name, address⁷¹ or date of birth, when asked by a police officer after you have been arrested.⁷²
 - **Penalty:** Class C misdemeanor
- Give a false name, address, or date of birth to a police officer after you have been arrested, stopped (detained), or if you are a witness to a crime.⁷³
 - **Penalty:** Class B misdemeanor
- Leave a police officer who is trying to arrest or stop (detain) you.⁷⁴
 - **Penalty:** Class B misdemeanor

70 Dallas City Code § 31-31

71 If you are homeless, you may say you do not have an address.

72 Texas Penal Code § 38.02(a)

73 Texas Penal Code § 38.02(b)

74 Texas Penal Code § 38.04

- Prevent or obstruct a police officer or a person under the police officer’s direction if they are trying to arrest, search, or transport you or someone else.⁷⁵
 - **Penalty:** Class A misdemeanor
- Hinder, hide or help someone who is being arrested or detained by a police officer.⁷⁶
 - **Penalty:** Class A misdemeanor

22.3 You have the right:

- After you have given the police officer your name, address and date of birth, you have the right not to answer a police officer’s questions even if you’re only a witness to a crime.⁷⁷
- You have a right to stop answering questions, even if you have already answered some of a police officer’s questions.
- You have the right to object to a search by a police officer,⁷⁸ but do not physically resist the police officer’s arrest.
- You have the right to be free from excessive force.⁷⁹

22.4 How do you know when you are under arrest?

- You may be under arrest without the police officer saying the word “arrest.”
- You are arrested when the police officer takes you into custody or deprives you of freedom of movement in any significant way.⁸⁰
- A police officer may detain you without arresting you. The officer may detain you if he suspects you may be involved in criminal activity. After a temporary detention, a police officer must either arrest you or let you go.
- If you are not sure, ask the police officer if you are under arrest and why!

22.5 A police officer has the right to administer a “pat down” if he/she has a reasonable belief that you are carrying weapons.⁸¹

75 Texas Penal Code § 38.03

76 Texas Penal Code § 38.05

77 U.S. Const. 5th Amendment

78 U.S. Const. 4th Amendment

79 U.S. Const. 4th Amendment

80 “If You Are Arrested,” State Bar of Texas

81 Terry v. Ohio, 392 U.S. 1 (1968)

23.1 Warrants

23.2 A warrant is an order from a judge instructing the police to arrest an individual accused of violating a law(s).⁸²

23.3 A warrant is issued when:

- You fail to make a plea or go to court on the date listed on your ticket;
- You fail to do what the Judge tells you to (i.e. community service); or
- You fail to pay off the ticket.

23.4 If there is a warrant for your arrest, a police officer may stop and arrest you even if the police officer has not witnessed you doing anything illegal.

23.5 To find out if there is a warrant for your arrest: You can call the following phone number to find out if there is an outstanding warrant for you:

- (214) 670-0109 (Court and Detention Services)

24.1 Community Court

24.2 Serving the South Dallas/ Fair Park community, the Community Court is located in the Martin Luther King, Jr. Community Center. Persons arrested for 'quality of life', Class C misdemeanor crimes within the court's geographical service area are arraigned and brought swiftly before the judge. Defendants who plead guilty or no contest may be ordered to perform community service restitution in South Dallas Fair Park neighborhood. The judge can also require the defendant to attend rehabilitative and educational programs.

24.3 Community Court is located at **2922 Martin Luther King Jr. Blvd, Dallas, Texas 75215**. It operates Monday through Friday from 8 a.m. to 5 p.m.

⁸² Texas Code of Criminal Procedure § 15.01

25.1 Reporting Police Misconduct⁸³

25.2 When a citizen lodges a complaint against a member of the Dallas Police Department, it is assigned to the **Internal Affairs Division, 1400 S. Lamar Street, Dallas, Texas 75215** for review. This office is open Monday-Friday, 7 a.m. - 6 p.m.

25.3 If the Internal Affairs Division (IAD) offices are closed, you may lodge a complaint with any supervisory officer of the department. Once received, the complaint will be investigated by IAD or the employee's supervisor.

25.4 Texas law requires that all complaints against police officers be in writing and signed by the person making the complaint. Just as citizens who are arrested must be notified of the charges against them, police officers must be given a copy of the complaint before any disciplinary action may be taken.

25.5 Complaints must be made within 60 days of the incident complained about, except in special cases (such as criminal misconduct or when good cause can be shown by the person making the complaint). Complaints must be made by the person aggrieved (wronged). Other persons may give statements as witnesses.

25.6 You may be the victim of police misconduct if a police officer inappropriately uses force and inflicts harm on you. All police misconduct should be reported.

25.7 If you are a victim of police misconduct, please follow these steps:

1. Immediately after the incident contact Legal Aid of NorthWest Texas (214) 748-1234; and
2. Contact the Internal Affairs Division of the Dallas Police Department to file your report.

Legal Aid of NorthWest Texas
1515 Main Street
Dallas, TX 75201
(214) 748-1234

Intake Line:
(214) 744-5277 (M-F 9am-12noon)

⁸³ <http://www.dallaspolice.net>



©2007 Alan Pogue

To apply for legal services or to make referrals, contact:

Legal Aid of Northwest Texas

1515 Main Street

Dallas, TX 75201

Phone: (214) 748-1234

Toll-free: (888) 529-5277

Fax: (214) 760-7839

For local contact information visit their web site:

www.lanwt.org



Community Court

2922 Martin Luther King Jr. Blvd

Dallas, Texas 75215