



Beach-Goers! Know Your Rights If You Get a Ticket for Nudity

What do you do at that inconvenient moment when, after enjoying the afternoon relaxing on a nude beach, out of the corner of your eye you spot a deputy or ranger approaching? Do you scramble to get dressed and hope he/she doesn't notice you? Do you stand your ground and confront the officer about your civil rights? There are many possible scenarios, and how the officer reacts often will depend on if you are in a state park, on a county or a state beach, or on federal land.

An attorney with expertise in this area has kindly provided us with some advice:

1. **Do exercise your right to remain silent.** The officer is there to investigate what he/she observed first and to gather evidence before taking any action. Officers are trained to elicit confessions from citizens. Unfortunately, nudists are very good at volunteering things (why you were nude, that “nudity is a first amendment right,” that you got dressed when you saw the officers approaching, etc.). Allen says any statement made by you can be admissible evidence at trial. Remember: anything you say can and will be used against you, or more likely, will be misquoted and used against you.
2. **Do get officer names and badge numbers** and by which law enforcement agency they are employed. Ask permission to get a pencil and paper from your backpack to write it down; they are supposed to always give their permission for you to do so. Later, write down a description of the event from start to finish including as much of the conversation as you can recall.
3. **Do have your ID with you.** You are legally required to identify yourself to law enforcement officers. Do not provide law enforcement officers with false information as to your identity; doing so is a misdemeanor. Failing to have your ID with you gives the officer an excuse to have you put your thumb print on the back of the citation, **take you into custody, or escort you to your car** and then try to get you to let them search your car.
4. Do exercise your right to be **free of unreasonable search and seizure**. Do not consent to a search of your backpack, purse or other closed belongings. Do not consent to a search of your vehicle.
5. Please note that State Park Regulation section #4300(e) authorizes a ranger to **eject a person** from the park if that person violates any law or regulation. County parks have their own regulations which may vary from place to place, but if the officer says you must go, please comply with the request. That doesn't mean you can't come back tomorrow!
6. If simple nudity is the issue, don't be intimidated by any threats of sex offender registration. **Under California law, simple nudity is not a register-able sex offense.** Lewd conduct is, but simple nudity is not lewd under the law regardless of what an officer may try to intimidate you with during your conversation with him.

Important: If a group of people are given tickets, such as during a beach sweep, try to **exchange names, emails, and telephone numbers with the others before leaving** the area. This will help us to contact the whole group later so we can compare notes on what happened and what was said, which can aid in your defense later.

Last, if you are cited, **please contact SCNA (818-225-2273)** immediately. We can put you in touch with our legal team, who can explain your legal options. We also have access to local attorneys ready to assist, should you decide to fight the ticket.

Sadly, we find most nudists don't want to “get involved” with us until something happens to them. Obviously, this frustrates us greatly, because by the time we learn about your ticket days or weeks later, you may have already abrogated many of your rights to the prosecution. **Most nude ticket cases have the potential to be won** if those involved simply follow the steps above and then contact us immediately.

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