



PROTESTER RIGHTS

DISCLAIMER: THIS GUIDE IS A SOURCE OF GENERAL INFORMATION AND IS NOT INTENDED AS LEGAL ADVICE OR AS A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY. INDIVIDUALS SEEKING LEGAL ADVICE OR ANSWERS TO SPECIFIC LEGAL QUESTIONS SHOULD CONSULT WITH AN ATTORNEY.

ATTENDANCE & LOCATION

- Your rights are strongest when you are in a “traditional public forum” like sidewalks, parks, and in front of government buildings.
- If the protest is not in a public forum or if traffic needs to be rerouted, you will likely need a permit.
- Make sure you are not blocking access to buildings or obstructing traffic.
- You can protest on private property if you own the property or you have permission from the property owner.
- Private property owners are allowed to set additional rules regarding protests on their property.
- If you don't have the owner's consent, they can have you arrested.

PHOTOGRAPHY

- When you are in a public space, you are within your rights to photograph or video anything in plain sight.
- By law, police officers are not allowed to confiscate, delete, or demand to view your photos or video without a warrant.
- If an officer tries to confiscate, delete or view your photos or video, you should politely but firmly tell the officer that you do not consent to a violation of your First Amendment rights.
- Some officers may confiscate, delete or view your photos or video, and they may even arrest you for refusing to comply with their orders. Although their actions may be unlawful, you may need to weigh the personal risks of arrest against the value of continuing to record.

DISPERSION

- Police are allowed to order that a protest disperse if there is clear and present danger, disorderly behavior, obstruction of traffic, or an immediate threat to public safety.
- Police are required to provide protesters the time and ability to disperse.
- Any arrest or criminal charge before adequate notice to disperse is given is a violation of your First Amendment rights.

ARRESTED / DETAINED?

- If you are arrested or detained, remain calm and do not physically resist a police officer (even if you believe your rights are being violated).
- Keep your hands visible.
- Do not argue with the officer. Ask the officer if you are free to leave.
 - If the officer says that you are free to leave, calmly walk away.
- If the officer says that you are **NOT** free to leave, do not argue or use profanity. Use your right to remain silent, and do not give any explanations or excuses.
- Do not say anything, sign anything, consent to any property searches (cell phone, purse, backpack, car, etc), or make any decisions without a lawyer.
- Request that you want to speak with a lawyer as many times as you need to.