



# Know Your First Amendment Rights

Protest • Record • Protect Yourself

## Your Right to Protest

- ❖ Your right to protest is strongest in spaces that are “traditional public forums,” such as streets, sidewalks, and parks.
- ❖ You do not need a permit to protest in these areas if you are not blocking pedestrian or vehicle traffic or breaking any other laws. However, it is recommended to get a permit whenever possible.
- ❖ If you do not have a permit to protest, police can lawfully ask you to move out of the way of pedestrian/vehicle traffic.

Counter-protestors have the same First Amendment rights that you have, and police are constitutionally required to treat them the same as they treat you. Threatening or harassing counter-protesters is always a bad idea and invites police intervention.

## Recording Law Enforcement

### Your Legal Rights

- ❖ You are legally permitted to record on-duty police in public forums, as long as you do not interfere with the actions of law enforcement. This is true no matter what state you live in.
- ❖ You are NOT permitted to trespass on private property in order to record police activity.

### Distance & Safety

- ❖ Some states have laws restricting the distance. Florida, Louisiana, and Tennessee have all passed laws requiring members of the public to remain at least 25 feet away from crime scenes, traffic stops, active arrests, and similar situations. Make sure you know the law in your state before you go to a protest.
- ❖ Even if your state does not have a similar law, it is best practice to remain at a safe distance when you are recording law enforcement.

### If Police Direct You to Move

- ❖ If you are recording police and they tell you to back away, you should do so.
- ❖ Remain calm and clearly state, “I am moving away now,” so it can be heard on the recording and by law enforcement on the scene.

This guide provides general information and is not legal advice. Laws may vary by jurisdiction.

# Digital Safety & Device Rights

## Before Attending an Event

- ❖ Disable facial recognition and biometrics on your device
- ❖ Make sure you have a strong passcode (i.e., not your birthday or something easily guessable).
- ❖ Back up recordings and photos to the cloud.

## Your Legal Protections

- ❖ Unless you are under arrest, police cannot confiscate your device without a warrant. If you are arrested, they can take your device, but they still need a warrant to search your device without your consent.
- ❖ Do not ever consent to police searching your device.
- ❖ Police are never allowed to delete photos, videos, texts, or anything else from your device, and they cannot legally force you to delete anything, either.

Exercising your right to record law enforcement always carries risks. Many police officers react poorly to being filmed and may demand that you stop recording or threaten to arrest you.

## What To Do If Your Rights Are Violated

### If You are Stopped by Police

- ❖ Remain calm and do not physically resist, even if you believe the stop is unlawful.
- ❖ Ask is “Am I free to leave?”
  - If they say yes, stop talking and walk away.
  - If they say no, ask why you are being detained/arrested. Do not argue or further engage in conversation. Say “I am exercising my right to remain silent and I want a lawyer. I will not answer any questions or consent to a search without my attorney present.” And then, most importantly, **STOP TALKING**. Do not answer further questions or sign anything without an attorney.
- ❖ You are entitled to a local phone call. Before attending any protest, write your contact's phone number on your body in Sharpie. Make sure they know in advance that they are your emergency contact.

### If You are Physically Assaulted by Police

- ❖ Write down everything you recall as soon as possible, including the date, time, and location of the event, officers' names/badge numbers, the department they work for, and the events leading up to the assault
- ❖ Take photos of any injuries. Inform your treating physician that you were assaulted by police
- ❖ Get contact information from any witnesses, especially witnesses who recorded the assault. Ask them to send you or your attorney any photos/video they have.

Knowing your rights does not prevent the government from violating those rights. Protesting always carries risks of assault or arrest.