

## **Scenario I: You are organizing a protest**

### **Your rights**

- Your rights are strongest in what are known as “traditional public forums,” such as streets, sidewalks, and parks. You also likely have the right to speak out on other public property, like plazas in front of government buildings, as long as you are not blocking access to the government building or interfering with other purposes the property was designed for.
- Private property owners can set rules for speech on their property. The government may not restrict your speech if it is taking place on your own property or with the consent of the property owner.
- Counter-protesters also have free speech rights. Police must treat protesters and counter-protesters equally. Police are permitted to keep antagonistic groups separated but should allow them to be within sight and sound of one another.
- When you are lawfully present in any public space, you have the right to photograph anything in plain view, including federal buildings and the police. On private property, the owner may set rules related to photography or video.

### **Do you need a permit?**

- You don't need a permit to march in the streets or on sidewalks, as long as marchers don't obstruct car or pedestrian traffic. If you don't have a permit, police officers can ask you to move to the side of a street or sidewalk to let others pass or for safety reasons.

## **WHAT TO DO IF YOU ARE ARRESTED**

- Certain types of events may require permits. These include a march or parade that requires blocking traffic or street closure; a large rally requiring the use of sound amplifying devices; or a rally over a certain size at most parks or plazas.
- While certain permit procedures require submitting an application well in advance of the planned event, police can't use those procedures to prevent a protest in response to breaking news events.
- Restrictions on the route of a march or sound equipment might violate the First Amendment if they are unnecessary for traffic control or public safety, or if they interfere significantly with effective communication to the intended audience.
- A permit cannot be denied because the event is controversial or will express unpopular views.
- If the permit regulations that apply to your protest require a fee for a permit, they should allow a waiver for those who cannot afford the charge.

### **What to do if you believe your rights have been violated**

- When you can, write down everything you remember, including the officers' badge and patrol car numbers and the agency they work for.
- Get contact information for witnesses.
- Take photographs of any injuries.
- Once you have all of this information, you can file a written complaint with the agency's internal affairs division or civilian complaint board.

## **Scenario 2: You are attending a protest**

### **Your rights**

- Your rights are strongest in what are known as "traditional public forums," such as streets, sidewalks, and parks. You also likely have the right to speak out on other public property, like plazas in front of government buildings, as long as you are not blocking access to the government building or interfering with other purposes the property was designed for.
- Private property owners can set rules for speech on their property. The government may not restrict your speech if it is taking place on your own property or with the consent of the property owner.
- Counter-protesters also have free speech rights. Police must treat protesters and counter-protesters equally. Police are permitted to keep antagonistic groups separated but should allow them to be within sight and sound of one another.
- When you are lawfully present in any public space, you have the right to photograph anything in plain view, including federal buildings and the police. On private property, the owner may set rules related to photography or video.
- You don't need a permit to march in the streets or on sidewalks, as long as marchers don't obstruct car or pedestrian traffic. If you don't have a permit, police officers can ask you to move to the side of a street or sidewalk to let others pass or for safety reasons.

## **What to do if you believe your rights have been violated**

- When you can, write down everything you remember, including the officers' badge and patrol car numbers and the agency they work for.
- Get contact information for witnesses.
- Take photographs of any injuries.
- Once you have all of this information, you can file a written complaint with the agency's internal affairs division or civilian complaint board.

## **What happens if the police issues an order to disperse the protest?**

- Shutting down a protest through a dispersal order must be law enforcement's last resort. Police may not break up a gathering unless there is a clear and present danger of riot, disorder, interference with traffic, or other immediate threat to public safety.
- If officers issue a dispersal order, they must provide a reasonable opportunity to comply, including sufficient time and a clear, unobstructed exit path.
- Individuals must receive clear and detailed notice of a dispersal order, including how much time they have to disperse, the consequences of failing to disperse, and what clear exit route they can follow, before they may be arrested or charged with any crime.

## **Scenario 3: You want to take pictures / video at a protest**

### **Your rights**

- When you are lawfully present in any public space, you have the right to photograph anything in plain view, including federal buildings and the police. (On private property, the owner may set rules about photography or video.)
- Police officers may not confiscate or demand to view your photographs or video without a warrant, nor may they delete data under any circumstances. However, they may order citizens to cease activities that are truly interfering with legitimate law enforcement operations.
- If you are videotaping, be aware that there is an important legal distinction between a visual photographic record (fully protected) and the audio portion of a videotape, which some states have tried to regulate under state wiretapping laws.

### **What to do if you are stopped or detained for taking photographs**

- Always remain calm and never physically resist a police officer.
- Police cannot detain you without reasonable suspicion that you have or are about to commit a crime or are in the process of doing so.
- If you are stopped, ask the officer if you are free to leave. If the answer is yes, calmly walk away.
- If you are detained, ask the officer what crime you are suspected of committing, and remind the officer that taking photographs is your right under the First Amendment and does not constitute reasonable suspicion of criminal activity.

## **What to do if you believe your rights have been violated**

- When you can, write down everything you remember, including the officers' badge and patrol car numbers and the agency they work for.
- Get contact information for witnesses.
- Take photographs of any injuries.
- Once you have all of this information, you can file a written complaint with the agency's internal affairs division or civilian complaint board.

## **Scenario 4: You were stopped by the police while protesting**

### **Your rights**

- Stay calm. Make sure to keep your hands visible. Don't argue, resist, or obstruct the police, even if you believe they are violating your rights. Point out that you are not disrupting anyone else's activity and that the First Amendment protects your actions.
- Ask if you are free to leave. If the officer says yes, calmly walk away.
- If you are under arrest, you have a right to ask why. Otherwise, say you wish to remain silent and ask for a lawyer immediately. Don't say anything or sign anything without a lawyer.
- You have the right to make a local phone call, and if you're calling your lawyer, police are not allowed to listen.
- You never have to consent to a search of yourself or your belongings. If you do explicitly consent, it can affect you later in court.
- Police may "pat down" your clothing if they suspect you have a weapon and may search you after an arrest.
- Police officers may not confiscate or demand to view your photographs or video without a warrant, nor may they delete data under any circumstances. However, they may order citizens to cease activities that are truly interfering with legitimate law enforcement operations.

## **What to do if you believe your rights have been violated**

- When you can, write down everything you remember, including the officers' badge and patrol car numbers and the agency they work for.
- Get contact information for witnesses.
- Take photographs of any injuries.
- Once you have all of this information, you can file a written complaint with the agency's internal affairs division or civilian complaint board.

## Scenario 5: International Students

### Your Rights

- **Remain Silent.** Those who are questioned or arrested by police have the right to remain silent. You do not have to answer the questions police ask you. It is important to be polite and to provide identification to police, but you do not have to make any statements. Tell them that you want to talk to a lawyer. Tell them that you're not going to give them a statement. Don't give them any kind of additional evidence to use against you. Your words may be manipulated and used against you. Even native English-speakers are often confused by the legal jargon and semantics used by law enforcement officers. If English is your second language, you may find the officer's questions confusing, and you may struggle to make yourself clear to investigators. If you are questioned by police or placed under arrest, you need to make no other statement than to request an attorney.
- **You need a lawyer.** An arrest can cause problems with your visa, but a conviction will cause even more difficulty. You need a legal advocate who can navigate the judicial system for you, explaining the nature of your case, guiding you through the process, and offering wise legal counsel. Finding a lawyer who is experienced in both criminal defense and immigration matters can help you avoid conviction and/or removal from the United States. If you are studying in the U.S. on a student visa, a criminal arrest can complicate matters for you. Your arrest will be entered into NCIC (National Crime Information Center) database and could cause delays in re-entering the country if you leave, causing you to miss school. Your visa application or renewal could be denied, thus ending your educational opportunities in the United States. You may be deported or "removed" from the United States and barred from readmission.
- If you are expelled from school or your program, you will be in violation of your student visa. You may be required to remain in the United States pending the outcome of your case, meaning you will be unable to visit your friends and family back home until your case is resolved. Even if your case is ultimately dismissed, you must acknowledge your arrest record if you wish to re-enter or remain in the United States when you apply for renewal of your visa or a green card. If you are convicted of certain crimes, including most drug crimes and other "crimes involving moral turpitude," you may be found to be inadmissible to re-enter or remain in the United States. You may be placed into removal proceedings before an immigration court, and face deportation. In some instances, particularly when many drug offenses are involved, you may actually also be subject to mandatory detention in an immigration holding facility while your trial before the immigration court is pending.
- If you are arrested, **a criminal defense and immigration lawyer can help.** Even if your case is dismissed or you have only minor legal penalties such as a fine or community service, your arrest record can impact your immigration status. If you fear you may have violated your student status, call an immigration lawyer.
- **F-1 Visa Status.** The first thing that you have to take into account is that you need to talk an immigration attorney. You want to make sure that when you talk to your criminal defense attorney that the two attorneys are talking back and forth because sometimes a deal that is good for a US citizen or green card holder would not be as good for the international student. A lot of times, the most serious consequences of a criminal offense are to have the international student deported. There aren't a lot of protections available. One of the things that you have to keep in mind is that the international student could face what's called expedited removal. Expedited removal is sort of a summary dismissal of the individual from the United States. You don't have a lot of due process; you don't even get the chance to go in front of a judge.

- If you're placed into expedited removal, you're going to face serious trouble. You want to make sure that you are taking in account all the immigration consequences of any guilty pleas that the criminal defense attorney might be recommending. You're going to get arrested and you're going to get fingerprinted, and then you're probably going to get a court date. You're most likely going to be allowed out, unless the offense was particularly serious. You might have to stay in jail while the criminal charges are pending, but if you're allowed out you need to make sure to talk to an immigration attorney. If you're stuck in jail, you need to find a friend or a family member to contact the immigration attorney.