

Your Right to Protest: Dos and Don'ts from the ACLU (Feb 12, 2025)

Your Protest Rights:

1. The right to protest is a fundamental right guaranteed by the U.S. Constitution and the First Amendment
2. However, the Constitution does not completely protect all types of free speech in every situation (e.g., state/local laws may require a permit to gather)

Videotaping Law Enforcement:

1. When you are lawfully present in any public space, you have the right to photograph anything in plain view
2. On private property, the owner may set rules about photography or video
3. Police officers may not confiscate or demand to view your photos or video without a warrant, nor may they delete data under any circumstances
4. The First Amendment typically protects the right to record images and video images. The legality of recording audio without consent may depend on the state

Protecting Your Privacy:

1. Turn off all biometric unlock functions (e.g., fingerprint or facial recognition technology)
2. Communicate with others over encrypted messaging apps, such as Signal, to prevent your communication from being surveilled
3. Put your phone on airplane mode so that police cannot surveil and track your movements
4. Back up your data in case police take your phone
5. Consider wearing facial masks, bandanas to cover your face to avoid facial recognition
6. Keep faces out of photos when taking pictures of signs and crowds BEFORE publishing

Before the Event:

1. Know your rights
2. Invite others to join
3. Find a protest buddy with a similar risk tolerance
4. Decide on your emergency contact (not the people you're joining with)
5. Download a secure messaging app, like Signal, to communicate
6. Dress comfortably
7. Use permanent marker to write important phone numbers on our body (e.g., National Lawyers Guild—NYC # 212-679-8941 or DC# 202-670-6866)

What to Bring:

1. Fully charged cell phone with biometric permissions turned off
2. Permanent marker
3. Pens & small notebook or a note app on your phone
4. U.S. photo ID, if you have one
5. Water, snacks, sunscreen, rain gear (dress for the weather)
6. Any essential medications
7. A mask, if you like
8. A poster/sign, if you like

What Not to Bring:

1. Do not wear contacts (in the event that teargas is sprayed)
2. Weapons or anything illegal
3. Anything you can't afford to lose or don't want the police to confiscate
4. If you are not a U.S. citizen, avoid bringing any forms of ID or government documents that could signal your immigration status to the police

If Your Rights Are Violated:

1. Write down everything you remember, including the officers' badge and patrol car numbers and the agency they work for
2. Get contact information of witnesses
3. Take photographs of any injuries or damages
4. File a written complaint with the Internal Affairs of the agency
5. Let the ACLU know

If You Are Stopped by Police:

1. Always remain calm and never physically resist a police officer
2. Keep your hands visible
3. If you are stopped, ask the officer if you are free to leave. If the answer is yes, calmly walk away
4. 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
5. If you are detained:
 - +ask the officer what crime you are suspected of committing
 - +remind the officer that taking photographs is your right under the First Amendment

If You Are Arrested:

1. If you are under arrest, you have a right to ask why
 - +Otherwise, we suggest you say you wish to remain silent, ask for a lawyer, and not say or sign anything without a lawyer present
2. You have the right to make a local phone call. Police are not allowed to listen if you're calling your lawyer (they can listen if you're calling a friend or family member)
3. 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
4. Police may "pat down" your clothing if they suspect you have a weapon and may search you after an arrest

If You Witness an Individual Arrest

1. Document your physical positioning
2. If you're able and the person being arrested welcomes your support, record the person's name, DOB, emergency contact, medical conditions and gender identity
3. Write out a full description of the arrest and share with their emergency contact, bail funds, etc.