

## PROTEST GUIDE - KNOW YOUR RIGHTS

### Protesting on Private Property

If you're going to protest on private property, it's essential to get the property owner's permission, as they have the right to control free expression on their premises. However, if the police order the protest to be ended, it's important to remain calm and understand your legal rights before complying or challenging the order.

### Permits

Generally, you do not need a permit to protest. However, permits may be required for:

- Large gatherings
- Amplified sound
- Events that block traffic

Police may ask you to move if your protest obstructs pedestrian or vehicle traffic.

### Legal Protections

Assembly is legal and protected by the First Amendment of the Constitution. Your rights are strongest in traditional public forums such as:

- Sidewalks
- Parks
- Public streets

### Interacting with Police

- Police Orders: If the police issue a dispersal order, they must provide a reasonable amount of time to comply and a clear, safe exit route. People must be clearly told:
  - How much time they have to disperse
  - What the consequences are for failing to do so

- Where they can exit safely
- Obey Orders: If ordered to disperse, it's best to comply. Not doing so may lead to legal penalties.
- Police Authority to Disperse: Officers may only break up a protest if there is a clear and present danger of:
  - Rioting
  - Disorder
  - Traffic obstruction
  - Another immediate threat to public safety
  - Dispersal Should Be a Last Resort.

#### Search and Arrest

- Police can only frisk you if they suspect you are armed.
- If arrested, they may search you and your immediate surroundings.
- Police need reasonable suspicion to stop you and a warrant to search your belongings or vehicle-unless:
  - You give consent
  - Evidence is in plain view
  - An exception applies

#### Your Behavior

- Remain calm
- Keep your hands visible
- Avoid sudden movements
- You may ask if you are being detained. If not, you are free to go.
- If detained, ask why and invoke your right to remain silent until you speak with an attorney.

#### Recording the Police

- You can record the police in public as long as you're not obstructing them.
- Officers cannot require you to show or delete your recordings.
- They can confiscate your phone only with a warrant or in an emergency.

#### In New Mexico

- You must give your name if asked by police.
- You do not have to show ID or answer other questions.
- Giving a false name is illegal.

It is your right to protest peacefully.

#### Sources:

- <https://www.aclu.org/know-your-rights/protesters-rights>
- <https://oiss.yale.edu/>
- <https://www.aclu-nm.org/>
- <https://www.ohchr.org/>