

CAIR - Your Rights While Protesting

- The First Amendment of the U.S. Constitution guarantees the right to peaceful protest.
- You have the right to protest on public property or government-owned property but beware of restrictions, including permit requirements.
- You have the right to protest on private property if it is your own property or if the owner gives consent.
- When you are lawfully present in a public space, you have the right to photograph anything in plain view. If you are on private property, the owner may set rules about photography or video recordings.
- Police officers may not confiscate or demand to view your photographs or video without a warrant, nor may they delete data under any circumstances. You have the right not to give officers your pin or password to your phone. However, they may order citizens to cease activities that are truly interfering with legitimate law enforcement operations.
- If you are videotaping, be aware that the audio may be treated differently than the visual due to state wire-tapping laws. Be aware of audio recording restrictions in your state.
- The First Amendment does not protect protests that become violent or result in destruction of property.
- You must abide by curfew restrictions.

What to Do if You are Being Detained or Arrested

If police detain you:

- Stay calm. Keep your hands where police can see them. Do not argue, resist, or obstruct the police.
- Calmly tell the police that you are engaging in First Amendment protected activity.
- Ask if you are free to leave. If so, walk away calmly.
- The police may pat you down if they suspect you of carrying weapons.

If police arrest you:

- If police insist on arresting you, you have the right to remain silent and you should remain silent until you have and speak with an attorney. If do not have an attorney, one will be appointed to represent you.
- You may ask the reason for your arrest. You should try to get the name and badge number of the officer arresting you.
- The arrest may be recorded, but you must put your phone or camera down when the police are arresting you.
- You have the right to make a local phone call or call an attorney. Police cannot listen to your phone call with your attorney.
- If you are injured while in police custody, you have the right to medical assistance without delay.
- The police may ask to search your belongings, including your phone. Tell them that you do not consent. They may do it anyway.
- If the police tell you to remove your hijab or kufi, tell them that you wear it for religious purposes and ask why the police is demanding removal. If they force you to remove it, do not resist but tell them that you do not consent.
- If there is a National Lawyers Guild (NLG) observer or other legal observer in proximity, get their attention as soon as practicably possible during or after the police encounter.

Be Prepared:

- Bring identification and/or emergency contact information.
- Use a sign to write a message.
- Have a paper and pen for accurate documenting of events.
- Try to avoid bringing a smart device. However, if you do, turn location services off. Use encryption services. Disable biometric sign-in (fingerprint and facial recognition) on your device before going to any protest. You may keep numerical passwords. You have the right not to provide your password to the police.
- Pack a backpack of essentials and emergency supplies including identification document and/or emergency contact information, water, snack, several days of prescription drugs, wet wipes and tissues, and other essential supplies.
- Park away from the protest site or at a friend's house and travel by metro, bus, or foot.
- Wear a mask to protect yourself and others from COVID-19 and try your best to adhere to social distancing rules.

Immigrant Rights

- Everyone living in the United States has the right to peaceful protest.
- If you are stopped by an officer, you have the right to remain silent. You do not need to tell the officer your immigration status.
- You may not lie or provide false documents. You may refuse to show identification documents.
- You may refuse a search if you are stopped but not arrested. The officer may still pat you down if they suspect you are carrying a weapon.
- You have the right to speak with a lawyer if you are arrested and police cannot listen to your conversation with your lawyer.
- You should not sign any documents until you have a lawyer with you.