

KNOW YOUR RIGHTS

What Are Your Free Speech Rights

The Southern Center for Human Rights recognizes that police forces have been terrorizing Black communities for decades, all across the country. We support all people protesting this injustice and demanding liberation and accountability. In support of those goals, we have prepared this handout to help you understand your free speech rights. When you know what the law says, you can better protect yourself, your family, and your community.

Disclaimer: During the pandemic, try to maintain social distancing and wear a mask.



YOU HAVE THE RIGHT TO SPEAK ON PUBLIC PROPERTY.

- > Your rights are strongest in “traditional public forums,” such as streets, sidewalks, and parks. However, if a permit is required, and the organizers do not have a permit, your rights may vary.
- > Absent a permit, you cannot block a street or sidewalk unless the street or sidewalk is closed to traffic.
- > 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.
- > You do not have free speech rights on private property, and if someone authorized to speak for the premises asks you to leave, you must do so or face arrest.
- > Counter-protesters also have free speech rights. Police must treat protesters and counter-protesters equally, but may separate the groups if they are within sight and sound of one another.



POLICE MAY ONLY ISSUE A DISPERSAL ORDER UNDER CERTAIN CIRCUMSTANCES, AND THEY MUST PROVIDE A CLEAR AND DETAILED NOTICE OF DISPERSAL.

- > 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, unlawful activity, interference with existing 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. The dispersal order must be delivered in a manner that is reasonably audible to you. You must receive a clear and detailed notice of a dispersal order, including how much time you have to disperse, the consequences of failing to disperse, and what exit route you can follow, before you may be arrested or charged with unlawful assembly. You may request this information.



YOU HAVE THE RIGHT TO PHOTOGRAPH AND VIDEO THE POLICE IN PUBLIC.

- > 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, as long as you do not interfere with a police officer.
- > Police officers may not confiscate or demand to view your photographs or video without a warrant.
- > Police officers may not delete data under any circumstances.

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TAKE ACTION IF YOUR RIGHTS ARE VIOLATED

- > As soon as 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. Any clothing you wish to preserve as evidence should not be washed and should be stored in a paper (not plastic) bag.
- > Once you have all of this information, you can file a written complaint with the agency's internal affairs division or civilian complaint board.
- > You can request the police incident report, and you can also request any video the police possess (but that may not be produced right away).



ADDITIONAL INFORMATION



- > American Civil Liberties Union, *Know Your Rights: Protesters' Rights* (2020), available at <https://www.aclu.org/know-your-rights/protesters-rights/>.



- > Georgia First Amendment Foundation, *Know Your Rights: Tips for Journalists Covering Protests* (June 2, 2020), available at <https://gfaf.org/2020/06/know-your-rights-tips-for-journalists-covering-protests/>.



- > Electronic Frontier Foundation, *Black Lives Matter, Online and in the Streets: Statement from EFF in the Wake of the Police Killings of Breonna Taylor and George Floyd* (May 31, 2020), available at https://www.eff.org/deeplinks/2020/05/black-lives-matter-online-and-streets-statement-eff-wake-breonna-taylor-george-floyd?fbclid=IwAR3gsvSMUUJIXLRBszmKl63lvYuRxijLdjZG5b_EPGsJ4Ag-6AI9iVHlxz8.



- > National Lawyers Guild, San Francisco Bay Area Chapter, *You Have the Right to Remain Silent* (Nov. 2010), available at <https://nlgsf.org/wp-content/uploads/2018/08/KYRpamphletSF.pdf>.