

# KNOW YOUR RIGHTS: GUIDE TO PROTESTING & COMMUNITY SAFETY



RIGHTS



ASIAN AMERICANS  
**ADVANCING  
JUSTICE**  
ASIAN LAW CAUCUS



**CAIR**  
CALIFORNIA



Protesting is an important way to exercise your right to free speech and to make your voice heard on issues of importance to you. However, it can also be intimidating, and so we encourage you to familiarize yourself with your rights before you and your loved ones go out to protest with community members.

## Safety at Protests

### ★ What to Wear:

- ❑ Personal Protective Equipment (PPE): be sure to wear adequate masks to protect from COVID-19;
- ❑ Comfortable clothes and shoes that can protect from pepper spray or tear gas;
- ❑ Shatter-resistant eye protection (i.e. goggles, sunglasses, gas mask).



### ★ What to Bring:

- ❑ Extra clothes and PPE in case you get contaminated with pepper spray/tear gas.
- ❑ Water and snacks.
- ❑ I.D. and emergency contact information.
- ❑ Prescription medication.
- ❑ Basic first aid.
- ❑ Wet wipes and tissues.
- ❑ Enough money for a payphone, food, and transportation.



### ★ Do Not:

- ❑ Wear contacts. This may cause damage if you get attacked with tear gas.
- ❑ Put Vaseline, mineral oil, oil-based sunscreen or moisturizers on skin as they can trap chemicals.
- ❑ Go alone. Go with people you know well and trust.
- ❑ Wear things that can be grabbed (i.e. jewelry, hair ties, loose hair).

# Rights While Attending a Protest

- ✦ Your rights are strongest on the streets, sidewalks, and parks. You also likely have the right to speak out on other public property, like plazas in front of government buildings, so long as you are not blocking access to the building or interfering with other purposes.
- ✦ Freedom of speech protects the content of your speech, no matter how unpopular. Freedom of speech does not protect slander, libel, obscenity, “true threats”, or speech that incites imminent violence or breaking the law.
- ✦ Megaphones and bullhorns may be used. Permits may be required for music, drums, and loudspeakers. As always, check local ordinances for permit information.
- ✦ Counter-protesters also have free speech rights. They cannot physically disrupt the protest they are against. Police must treat both groups 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 or video anything in plain view, including federal buildings and the police. Owners of private property may set rules related to photography or video.
- ✦ Police officers may not confiscate or demand to view your photographs or video without a warrant. They also cannot delete data under any circumstances. However, they may order you to cease activities that they determine are interfering with law enforcement operations.



# What Happens If the Police Stop Me?

- Stay calm. Make sure to keep your hands visible. Do not 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.
- 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.
- 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. Do not say anything or sign anything without a lawyer. Refer to our list of resources below for legal assistance when arrested.
- You should never 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.
- Keep phone numbers on your person (i.e. write them on your arm) in case you are detained and arrested. You are allowed to make up to three local phone calls if you are arrested. A parent with custody of minor children can make two additional calls to arrange childcare.
- If you are arrested for an infraction and you have a valid I.D. on you, the police must give you a ticket and release you on the spot unless you refuse to sign the ticket.



PROTEST



## *What to Do if You Believe Your Rights Have Been Violated?*

- When you can, write down everything you remember, including the law enforcement 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.



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# Additional Resources

- ★ National Lawyers Guild, Bay Area (NLG) Demo Jail Hotline:
  - Phone: 415.285.1011
  - Use this number if you were arrested during a protest and are inside a Bay Area jail. It is advised to write this number in permanent ink on your body whenever you attend a demonstration or direct action where you could be arrested. This number can only be used from inside of a Bay Area jail.
  
- ★ NLG Demo Public Hotline:
  - Phone: 415.909.4654
  - Use this number if you are currently not in jail, but:
    - Your friend or loved one is in jail and you want to find more information about their status.
    - You are at a demonstration or action and witnessing an arrest. Please try to get the arrestee's legal name and birthdate.
    - You were arrested and charged but are out of custody.

# Contact Information

- ★ CAIR San Francisco Bay Area  
408.986.9874 or online at: [bit.ly/cairsfbareport](http://bit.ly/cairsfbareport)
  
- ★ Advancing Justice-Asian Law Caucus:  
415.848.7706 or online at: [bit.ly/TravelIntake](http://bit.ly/TravelIntake)



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