

WHAT TO DO IF YOU'RE STOPPED BY THE POLICE:

- **Think carefully** about your words, movements, body language and emotions
 - **Don't get into an argument** with the police.
- Remember, **anything you say or do** can be used against you.
 - **Keep your hands** where the police can see them.
 - **Don't run. Don't touch** any police officer.
 - **Don't resist** even if you believe you are innocent.
 - **Don't complain** on the scene or tell the police they're wrong or that you're going to file a complaint.
- **Don't interfere** with the police – you can be arrested for it.
 - **Do not make any statements** regarding the incident.
 - **Write down officers' badge and patrol car** numbers.
 - **Write down everything else** you remember ASAP.
 - Try to find **witnesses** and their names and phone numbers.
- If you are injured, **take photographs of the injuries** as soon as possible, but make sure you **seek medical attention** first.

WHAT TO DO IF YOU ARE ARRESTED:

- You have the right to **remain silent** and **talk to a lawyer** before talking to the police.
 - You have a right to **know why** you are under arrest.
 - **Don't refuse** to tell police your name and address.
 - **Don't give any explanations**, excuses or stories.
 - **Ask to see a lawyer** immediately.
- Within a reasonable amount of time after your arrest, you have the **right to make a local phone call** to a lawyer, bail bondsman, relative or any other person.
- Sometimes you can be **released without bail** or have bail lowered. Have your lawyer ask the judge about this possibility.
- You must be **taken before a judge** on the next court day after your arrest.
- **Do not make any decisions** in your case until you have talked to a lawyer.

THE AMERICAN CIVIL LIBERTIES UNION OF SOUTHERN CALIFORNIA
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LIBERTY | JUSTICE | EQUALITY

IF YOU TAKE PART IN A PROTEST

KNOW YOUR FIRST AMENDMENT RIGHTS TO DEMONSTRATE AND PROTEST

YOU CAN:

- DISTRIBUTE LEAFLETS, FLYERS OR OTHER LITERATURE
- PICKET OR PROTEST ON PUBLIC SIDEWALKS, PARKS AND PLAZAS SO LONG AS SIDEWALKS AND BUILDING ENTRANCES ARE NOT BLOCKED
 - CHANT OR SING PROTEST SONGS ON SIDEWALKS, PUBLIC PLAZAS OR IN PARKS

YOU CAN'T:

- BLOCK ACCESS TO SIDEWALKS OR ACCESS TO BUILDINGS
- MARCH IN THE STREETS WITHOUT A POLICE PERMIT
 - PHYSICALLY DISRUPT COUNTER-PROTESTS
- DISTRIBUTE ANYTHING THAT IS OBSCENE, DEFAMATORY OR THAT IS LIKELY TO INCITE AN IMMEDIATE DISRUPTIVE OR DANGEROUS DISTURBANCE

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Q&A

Q: Where can I engage in free speech activity?

A: Generally, all types of expression are constitutionally protected in traditional “public forums” such as streets, sidewalks, parks and plazas. California permits speech activities, such as handing out leaflets, in facilities operated by state and local governments and open to the public as long as they do not significantly disrupt the normal operations of the facility. These speech protections do not apply to federal government facilities, such as the interiors of federal office buildings or courthouses, where significant restrictions on activities such as chanting, handing out leaflets, etc. may apply. In addition, free-speech activity generally cannot take place on private property absent the consent of the property owner.

Q: Do I need a permit before I engage in free speech activity?

A: Not usually; however, certain types of events require permits. Generally, these events are: 1) a march or a parade that does not stay on the sidewalk, and other events that require street closures; 2) a very large rally; and 3) activity which obstructs vehicle or pedestrian traffic. Many permit procedures require that applications be filed with the police department well in advance of the event. However, a permit may be obtained on short notice if the event is organized in response to unforeseeable and recent occurrences.

Q: If organizers have not obtained a permit, where can a march take place?

A: In general, if groups of individuals stay on the sidewalk and obey traffic and pedestrian signals, their activity is protected. They may be required to allow enough space on the sidewalk for normal pedestrian traffic and may not obstruct or detain passers-by. It is always advisable to check with the city or the police to find out about permitting requirements.

Q: May I distribute leaflets and other literature on public sidewalks?

A: Yes. Pedestrians on sidewalks may be approached with leaflets, newspapers, petitions and solicitations for donations. Tables may also be set up on sidewalks for these purposes as long as demonstrators do not block entrances to buildings and passers-by are not physically detained. No permits are required.

Q: Do I have a right to picket on public sidewalks?

A: Yes. No permit is required to picket, but it must be done in an orderly, nondisruptive fashion so that pedestrians can pass and entrances to buildings are not blocked. Pickets are not required to keep moving but may remain in one place as long as they leave room on the sidewalk for others to pass.

Q: Do counter-demonstrators have free speech rights?

A: Counter-demonstrators should not be allowed to physically disrupt the event they are protesting, but they do have the right to be present and to voice their displeasure. Police are

permitted to keep two antagonistic groups separated but should allow them to be within the general vicinity of one another.

Q: Is heckling protected by the First Amendment?

A: Although the law is not settled, heckling should be protected unless you are attempting to physically disrupt an event or are drowning out the other speakers.

Q: Can a speaker be silenced for provoking a crowd?

A: Generally, no. Even the most inflammatory speaker cannot be punished for merely arousing the audience. A speaker can be arrested and convicted for incitement only if s/he specifically advocates illegal actions and only if those illegalities are imminently likely to occur.

Q: Can the government impose a financial charge on exercising free speech rights?

A: Some courts have permitted charges that cover actual administrative costs or the actual costs of re-routing traffic. However, if controversy is used to apply higher costs — such as requiring a large insurance policy — then the courts will not permit it. Regulations with financial requirements should include a waiver for groups that cannot afford the charge.

IF YOU TAKE PART IN A PROTEST ON SCHOOL GROUNDS:

YOU CAN:

- Distribute flyers
- Wear buttons
- Publish an unofficial newspaper

YOU CAN'T:

- Distribute ANYTHING that is obscene, defamatory or is likely to incite an immediate disruptive or dangerous disturbance.

YOUR SCHOOL CAN:

- Restrict the time and place of your demonstration or protest event.
- Limit distribution of obscene and libelous materials.

YOUR SCHOOL CAN'T:

- Punish you for expressing yourself.
- Stop you from giving out information just because the school thinks the topic is controversial.
- Punish students who participate in a walkout more harshly than students who have an unexcused absence.

REMEMBER: Under California law, students under the age of 18 are subject to compulsory education, which means that they MUST be in school during the day. Because the law requires you to attend school, the administration can punish you for missing school, even if it's for a political protest. But the school cannot punish you more harshly for missing school to protest than it punishes students who are absent for any other reason.

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