

# CUT & FOLD TO KNOW YOUR RIGHTS!

## YOU HAVE THE RIGHT TO FILM THE POLICE



- ◆ In public spaces, you CAN photograph or film the police and police activity.
- ◆ The police CANNOT demand to view your photographs or video without a warrant, but they may be able to seize your phone while they get one. They should return it (or a copy of your data) within a few days. The police CANNOT delete your images.
- ◆ The police may order you to cease activities that interfere with law enforcement. In private spaces, the owner can limit photos.
- ◆ NOTE: The police can also photograph or videotape events that are open to the public, including protests. However, California's right to privacy prohibits maintaining unnecessary information.
- ◆ Even though you have a constitutional right to film, you can't interfere in an investigation, and you might be hassled if you appear to be doing so.

## ADDITIONAL RESOURCES

- ◆ Know your rights: [www.aclunc.org/kyr](http://www.aclunc.org/kyr)
- ◆ ACLU-NC legal intake: (415) 621-2488
- ◆ The Ruckus Society is not a legal resource, but provides direct action education. [www.ruckus.org](http://www.ruckus.org)
- ◆ The Midnight Special Law Collective website lists resources: [www.midnightspecial.net](http://www.midnightspecial.net)
- ◆ The National Lawyers Guild Bay Area Chapter offers legal observers, on-call attorneys, a hotline for arrestees, and attorneys for protestors charged with crimes—all on a volunteer basis. [www.NLGSF.org](http://www.NLGSF.org)

## MOBILE JUSTICE

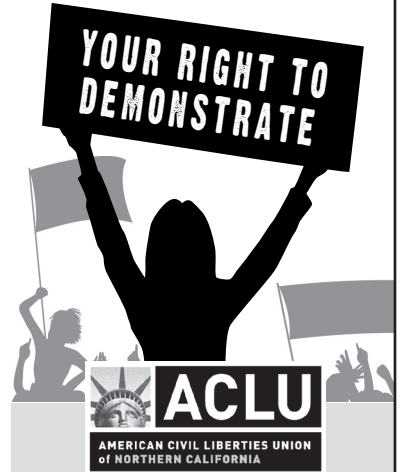
- ◆ The ACLU of California has an app that allows users to record law enforcement in real-time, alert other users to nearby law enforcement encounters, and to submit videos and incidents to the ACLU. Download it at [www.mobilejusticeca.org](http://www.mobilejusticeca.org)

## KEY DOs AND DON'Ts OF DEMONSTRATING

- ◆ Conduct, not content: Your right to express your opinion is protected no matter what beliefs you hold.
- ◆ Free-speech rights are for everybody. It doesn't matter whether you're a U.S. citizen, whether you're of voting age, or whether you speak English.
- ◆ When, Where, and How: Every city has regulations and it's your responsibility to understand them.

## THIS GUIDE

- ◆ Outlines your free-speech rights under the U.S. and California Constitutions
- ◆ Outlines the steps you can take to keep your demonstration lawful; defines the limits to your rights, including when speech may not be protected; and what you can expect if you engage in civil disobedience.
- ◆ Gives you the tools to recognize when your rights have been violated.



## KNOW YOUR RIGHTS!

When you know what the law says, you can better protect yourself. The ACLU of Northern California has created Know Your Rights guides on a range of issues: [WWW.ACLUNC.ORG / KYR](http://WWW.ACLUNC.ORG / KYR)

## RESTRICTIONS ON POLICE

- ◆ For a full list of California states most often invoked against demonstrators, visit: [www.aclunc.org/RightsOfDemonstrators](http://www.aclunc.org/RightsOfDemonstrators)
- ◆ Be aware of consequences particular to your before engaging in civil disobedience. For example, if you are a non-citizen an arrest may affect your immigration status.
- ◆ Keep a valid ID and a list of phone numbers on your person. You may request an attorney and make up to three local phone calls if you are arrested.
- ◆ Be aware of consequences particular to your before engaging in civil disobedience. For example, if you are a non-citizen an arrest may affect your immigration status.
- ◆ For a full list of California states most often invoked against demonstrators, visit: [www.aclunc.org/RightsOfDemonstrators](http://www.aclunc.org/RightsOfDemonstrators)

## CAMPUSES & CLINICS = LIMITS

As long as your words don't directly incite violence or law-breaking, you cannot be held responsible for the way that counter demonstrators or your own supporters react. Your right to free speech DOES NOT extend to libel, slander, obscenity, "true threats," or speech that incites imminent violence or law-breaking. If you grab a megaphone during a protest and yell "shoot the cop" or "loot the shop," your speech is NOT protected.

## PROTECTED SPEECH

You CANNOT physically obstruct or intentionally interfere with the staff, patients, or building of a medical clinic offering reproductive health services. This also applies to houses of worship. You CAN organize a protest at your public school or university, but the school may require you to observe reasonable time, place and manner regulations, including not interfering with class.

## HOW TO OBTAIN A PERMIT

The government cannot prohibit marches on public sidewalks or streets, or rallies in most public parks or plazas. However, it can require a permit.

Permit ordinances should require advance notice of a protest measured in days, not weeks, and there should be an exception to allow demonstrations in response to breaking news. Cities CANNOT:

- ◆ Reroute your march away from busy crowds or main streets or dictate when it must start and end—because you can't communicate your message if nobody can hear it.
- ◆ Deny a permit just because past demonstrations by your group or others ended in civil disobedience.
- ◆ Charge increased fees because the content of the event is controversial.
- ◆ Charge burdensome fees, but they can charge for the costs of processing permits, traffic control, narrow insurance requirements and clean-up costs.

## DON'T HAVE A PERMIT? YOU CAN:

- ◆ Hold a small rally in a public park or march on the sidewalk and obey traffic laws.
- ◆ Stop willing passersby to hand them a leaflet, engage them in conversation, or ask them to sign a petition.
- ◆ Register people to vote in shopping malls or other public venues.
- ◆ You DO NOT have the right to engage in free-speech activity on private property. Shopping malls are an exception. (Private walkways and parking lots in front of some strip malls or free-standing stores like Target are not part of this exception.) There are different rules for different locations. Make sure you look up local laws. Be aware that laws vary by city.