

## WHAT TO DO DURING A POLICE ENCOUNTER

√ You **don't have to answer** a police officer's questions, but you must show your driver's license and registration when stopped in a car. While on the street, if a police officer has reason to believe you're involved in criminal activity and asks you for identification, you must show ID, identify yourself, or face possible arrest. You cannot be arrested merely for refusing to provide proof of immigration status.

√ You **don't have to consent to any search** of yourself, your property or your papers. Police may "pat-down" your clothing if they suspect a concealed weapon. Don't resist, but make it clear that you don't consent to any further search.

√ Keep your hands where police can see them. **Don't run. Don't touch** any police officer. **Don't resist** even if you believe you're innocent.

√ **Ask if you are under arrest.** If you are, you have a right to know why and you should ask to talk to a lawyer. Then tell the officer you wish to exercise your right to remain silent. If you are not under arrest, ask if you are free to leave.

√ If you witness a police action that you believe is unfair, don't interfere, **don't complain on the scene** or tell the police officers they're wrong. Call 911 and document everything you witness. Write down **officers' names, badge and patrol car numbers.**

√ **If you feel your rights have been violated,** call the ACLU of Florida, 305-576-2337, or consult with a lawyer about filing a complaint with a police oversight board.

# Rights of Protesters

## FOR MORE INFORMATION:

**ACLU of Florida**  
**4500 Biscayne Blvd., Suite 340**  
**Miami, FL 33137**  
**Tel. 305-576-2337**  
**Fax 305-576-1106**  
**[www.acluf.org](http://www.acluf.org)**

This brochure outlines your First Amendment right to protest and describes restrictions on peaceful speech activities that the government may enforce. This advice is not intended to deter you from cooperating with law enforcement.

The American Civil Liberties Union is the nation's premier guardian of liberty, working daily in courts, legislatures and communities to defend and preserve the individual rights and freedoms guaranteed by the Constitution and the laws of the United States.



## YOUR RIGHT TO PROTEST

√ You have a constitutionally protected right to engage in peaceful protest in “traditional public forums” such as streets, sidewalks or parks. But, the government can impose “time, place and manner” restrictions on speech by requiring permits. These restrictions are generally permissible as long as they are reasonable and not based on content. The government cannot impose permit restrictions simply because it does not like the message of a certain speaker or group.

√ If, for example, you are planning a parade that involves closing down streets, a permit is almost always required. But a small march that stays on public sidewalks and obeys all traffic signals often does not require a permit. Make sure to inquire about city or county ordinances that regulate First Amendment activities.

√ Generally, you have the right to distribute literature, hold signs and collect petition signatures while on sidewalks or in front of government buildings as long as you are not disrupting other people, forcing passersby to accept leaflets or causing traffic problems.

√ You have the right to set up tables on public sidewalks and solicit donations, as long as the walkway is not blocked. Find out about municipal restrictions on setup times or booth locations.

√ Drumming, dancing, singing and chanting are all protected First Amendment activities. Street performers, mimes or puppeteers also have a right to express themselves in public.

√ You have the right to wear a mask while engaging in a protest. But in Florida, wearing a mask or concealing your identity while engaging in criminal activity or racially-motivated intimidation may result in criminal charges and a separate set of penalties.

√ In order to put on an event that involves a large group of people and the use of public facilities or amplified sound, you will need a permit. (Make sure to ask about noise ordinances and a noise ordinance waiver if necessary for a special event).

√ Under the USA Patriot Act, non-US citizens who are not permanent residents can be investigated solely because of their First Amendment activities. Immigrants who choose to engage in a protest, march or demonstration should carry with them the telephone numbers of friends and relatives, as well as the telephone numbers of an immigration attorney or an immigrant advocacy organization.

## LIMITATIONS ON SPEECH

√ The First Amendment does not protect speech that is combined with the violation of established laws such as trespassing, disobeying or interfering with a lawful order by a police officer.

√ Although inflammatory speakers cannot be punished for merely arousing an audience, a speaker can be arrested for incitement if he/she advocates imminent violence or specifically provokes people to commit unlawful actions.

√ Also unprotected are malicious statements about public officials and obscene speech.

## LIMITATIONS ON ACTION

√ Demonstrators who engage in civil disobedience — peaceful, but unlawful, activities as a form of protest — are not protected under the First Amendment.

√ If you endanger others while protesting, you can be arrested. A protest that blocks vehicular or pedestrian traffic is illegal without a permit.

√ You do not have the right to block a building entrance or physically harass people. The general rule is that free speech activity cannot take place on private property, including outdoor malls, without the consent of the property owner. You do not have the right to remain on private property after being told to leave by the property owner.

## IF YOU ARE ARRESTED PROCESSING:

√ The whole process, from the arrest to release on bail, should take about 24 hours. If you are arrested for a minor charge you may be able to bond out prior to actually appearing before a magistrate, if you are not able to bond out, you will appear before a judge within 24 hours.

√ The police will ask you for basic biographical information and will take your fingerprints and photograph unless you have been charged with a very minor crime.

√ You will then be interviewed by a court agency regarding your ties to the community so that bail can be assessed. You do not have to answer their questions, but giving accurate information will speed up the process.

√ It is in your best interest to provide officers and/or representatives of the court agency with truthful biographical information because it will expedite your release. Do not discuss any facts related to your charge with anyone without the presence of an attorney.

## FIRST APPEARANCE:

√ Your bail will be set at a “first appearance,” which will most likely take place over closed circuit television.

√ If you are unable to afford a lawyer, an attorney from the Office of the Public Defender will represent you at a “first appearance” and present arguments regarding bail.

√ The judicial officer will set bail according to several factors, including your ties to the community and the seriousness of the crime.

√ There are three main types of crimes you could be charged with. They are, from the least severe to the most: a summary offense, a misdemeanor offense, and a felony offense.