

## De-Escalating Protestor-Police Encounters

- Keep calm. Make clear your intent to be non-violent.
- Open and maintain lines of communication and negotiation between protesters and law enforcement.
- Follow law enforcement orders to disperse if you seek to avoid arrest.
- Memorize and spread the phone numbers—including the Lawyers' Committee's Hotline **(1-844-374-4487)**—you may need to call if you need help, or are arrested or detained.
- You have the right to leave the protest location if you are not under arrest. Ask if you are free to leave; if you are, walk away; if you are not, politely ask why.
- You have the right to remain silent and cannot be arrested for refusing to answer questions by law enforcement. Statements that you do make can be used against you. If you wish to remain silent, say so out loud.
- You do not have to give law enforcement your name or show identification unless you are suspected of criminal activity.
- Do not give false information to law enforcement. Doing so may be a crime or used against you in later proceedings.
- Fall back to a safe place if the situation becomes dangerous or violent.

## What Should I Do If An Arrest Occurs?

- You have the right to remain silent and to have an attorney present if you are questioned while under arrest. Do not speak to law enforcement without a lawyer. You may invoke these rights by saying "I am invoking my right to remain silent. I want a lawyer."
- During an arrest, the police may conduct a pat down of your body for the exclusive purpose of finding hidden weapons. If law enforcement wishes to search your person or possessions, phones, or bags, you must first provide your consent. If you do not consent to such a search, say so out loud.

- If you are arrested, you may be held at the scene or a local police district until you can be processed. Your identifying information, photograph, or fingerprints may be taken and any prior criminal history, warrants, or unpaid parking or traffic tickets identified.
- Try to memorize the officer's badge number, name, patrol car number, or other identifying information.
- For most protest-related misdemeanor charges, law enforcement may issue you a written summons rather than make an arrest. If a summons is issued and you are not arrested, your driver's license may be taken as bond to ensure that you appear at a later court hearing.
- If you are charged with a misdemeanor and released on bail, failure to appear in court as required could result in a fine up to \$500 and/or incarceration for up to six months.

## What Should I Do If Subject to Racial Discrimination or Harassment?

- You have the right to be free from racial discrimination or other forms of harassment at the hands of police. If you believe that you have been profiled on the basis of your race, or are subject to racially discriminatory conduct during an encounter with law enforcement, relay this information to your attorney or call the Lawyers' Committee.

Tony Webster



# KNOW YOUR RIGHTS

## Peaceful Protest in BATON ROUGE



Lawyers' Committee For Civil Rights Under Law

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Lawyers' Committee Hotline  
1-844-3RIGHTS / (1-844-374-4487)



## Do You Have a Constitutional Right to Peacefully Protest?

- You have a First Amendment right to free speech and peaceful assembly. Generally, sidewalks, parks, and other public places may be used for a peaceful protest, provided your group has obtained any required permit. The First Amendment does not protect speech that threatens; intends to cause others to violate laws; or provokes a person to violence.
- These constitutional rights, however, are not absolute or equally permissible in all places and at all times
- The First Amendment does not protect civil disobedience, which is considered peaceful but unlawful activity. Such activity may lead to arrest

## Where Can I Protest or Demonstrate?

- Depending on whose land you intend to conduct a peaceful protest (federal, state, or local government), various restrictions may apply, e.g., the Recreation and Parks Commission for the Parish of East Baton Rouge has its own rules particular to its parks, whereas law enforcement issues permits for planned marches on city-parish streets. Also, you may only protest on private property with the landowner's permission.
- In general, your exercise of First Amendment rights cannot disrupt others' use of the same public space for its usual purpose, i.e., demonstrators may not block pedestrian or vehicular traffic on sidewalks and streets, or prevent entry or exit from buildings.

## Do I Have the Right to Record During a Protest?

- In general, phones, cameras, and their content may be confiscated only when law enforcement has a warrant for such items.

## What Rules Apply When Conducting a Lawful, Peaceful Protest in Baton Rouge?

- In Louisiana parishes with populations of at least 450,000, all public demonstrations of any kind in any public space require a permit. In Baton Rouge, a permit issued by the chief of police is required for processions of 200 or more people.
- Sound amplifying machines may only be operated outside of 150 feet of residential properties, medical facilities, nursing homes and schools between the hours of 8 am and sunset. If a non-violent protest would otherwise violate City noise prohibitions, protesters must be ordered to move, disperse, or otherwise remedy the violation prior to arrest or citation.”
- Demonstrations in the public parks of East Baton Rouge require authorization from the Recreation and Parks Commission to use amplified sound, signs or flyers, or to continue activity in the park after 10 pm. Any assembly of 20 or more not engaging in structured recreational or permitted activity may be ordered to disband and/or leave the park.
- With some limited exceptions, wearing masks in public places is prohibited by Louisiana law, and it is unlawful to have a firearm at or near a demonstration. The Lawyers' Committee strongly recommends that participants do not wear masks or carry weapons at a lawfully conducted, peaceful protest.

**Lawyers' Committee Hotline**  
**1-844-3RIGHTS / (1-844-374-4487)**



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## Limits on the Government's Obligation to Protect Public Safety

- The Louisiana State Police Department and Baton Rouge Police Department are sworn to preserve the public peace and protect the general public. Law enforcement must employ crowd control measures to the extent appropriate and necessary to ensure safety for all—protestors, counter-protestors, spectators and passers-by.
- Law enforcement should use the minimum amount of force necessary. Force may be used only as a last resort when it is “objectively reasonable” under the circumstances. Factors considered when assessing the reasonableness of law enforcement's use of force include the seriousness of the suspected offense, whether the person poses an immediate threat to law enforcement or others, is resisting arrest, or is attempting to evade arrest by flight.
- Persons may be detained, but not arrested, if law enforcement reasonably suspects involvement in criminal activity. Pat downs (but not searches) of persons are permissible if there is reasonable suspicion that the person may have a weapon.
- Law enforcement may require a person to provide identification if there is a reasonable suspicion that the person is involved in criminal conduct.
- Law enforcement may fine or arrest persons for protest-related charges of resisting an officer, trespassing, simple criminal damage to property, or disturbing the peace.
- A crowd may be lawfully ordered to disperse if law enforcement believes a riot or other disorderly conduct is occurring or is about to occur. Refusing to move when ordered to disperse could result in a citation or arrest.