

De-Escalating Protester-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 may be arrested for the misdemeanors of blocking a public passageway or disorderly conduct if you ignore law enforcement's order to disperse. Law enforcement typically will issue three warnings to disperse before making any arrests for failure to comply.
- Try to memorize the officer's badge number, name, or other identifying information.

- During an arrest, law enforcement 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 give 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.
- In D.C., a "post-and-forfeiture" procedure applies to the misdemeanor charges most likely to result from peaceful protest activities. The procedure allows you to fully and finally resolve the matter—without any admission or finding of guilt, or any requirement to return to court later. You will need to pay a fine of \$50 cash at the time of processing. Most likely, you will be released within five to eight hours on the same day.
- To be prepared in the event of a misdemeanor arrest, make arrangements to pay the \$50 cash fine for your release in advance, and bring your ID and any prescription medications you regularly need.

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.



KNOW YOUR RIGHTS

Peaceful Protest in the District of Columbia



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?

- Yes, you have a First Amendment right to free speech and peaceful assembly even if the nature of the protest is controversial. Usually, you may use sidewalks, parks, and some other public places for a peaceful protest.
- The First Amendment does not protect speech that threatens; intends to cause others to violate laws; or provokes a person to violence.
- 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?

- You may only protest on private property if you receive the landowner's express 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?

- You have the right to take photographs and video during a protest or demonstration. This right includes recordings of law enforcement activity, as long as you do not interfere with police activity or their operations. **Police officers cannot confiscate your recordings, phone, camera or other equipment without a warrant.**

What Rules Apply When Conducting a Lawful, Peaceful Protest in the District of Columbia?

- In D.C., the maximum number of people who can protest without a permit varies depending on the location, e.g. 19 on the Capitol grounds, generally 25 on land administered by the National Park Service, and 500 at McPherson Square.
- If three or more demonstrators wish to protest in front of a private residence, they must first inform law enforcement. No protests are allowed between 10 p.m. and 7 a.m.
- Certain locations are off limits for all demonstrations, including the Capitol steps, the Vietnam Memorial, the Washington Monument, the plaza in front of the Supreme Court, and parts of the Lincoln and Jefferson Memorials. The rules for protesting outside the White House generally are more restrictive than in other areas of D.C.
- Megaphones, other noise devices, and signs are subject to various rules that depend on the protest location.
- Wearing masks or carrying weapons at a lawfully conducted, peaceful protest can intensify tensions with the public and may lead to physical confrontations, and enhanced charges and penalties in the event of an arrest.

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Limits on the Government's Obligation to Protect Public Safety

- The D.C. Metropolitan Police Department is sworn to preserve the public peace and protect the general public. Law enforcement must use crowd control measures to ensure safety for all—protesters, counter-protesters, spectators, and passers-by.
- Law enforcement may not interfere with a lawful protest but may use blockades to restrain a crowd from engaging in illegal activity.
- Generally, law enforcement may only require you to provide ID if there is a reasonable suspicion that you are involved in criminal conduct.
- You may only be detained if law enforcement reasonably suspects you are involved in criminal activity.
- If there is reasonable suspicion that you have a weapon, a law enforcement officer may conduct a pat down but not a full search.
- A crowd may be lawfully ordered to disperse if there is a substantial risk of violence or disturbance of the peace, e.g. blocking a highway.