

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?

- Ignoring an order to disperse could result in your arrest for obstructing a public passageway, disorderly conduct, loitering, and failure to obey an authorized person directing traffic, among other things.
- Law enforcement can issue a citation for certain misdemeanor offenses or place you under arrest.
- During an arrest, law enforcement may conduct a pat-down of your clothes to search for weapons. Do not resist.

- If law enforcement wishes to search your person or possessions, phones, or bags, you must provide consent. If you do not consent to such a search, say so out loud.
- Try to memorize the officer's badge number, name, patrol car number, or other identifying information
- 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."
- You may be held at the scene until you can be processed. During processing, your identifying information, photograph, or fingerprints will be taken, and any outstanding warrants and, in some counties, outstanding deportation orders, identified.
- You must be brought before a magistrate judge within 48 hours (72 hours if there was a warrant for the arrest). The judge will either set bail or release you without bail on a "personal recognizance" bond.
- You will be allowed to make a phone call. Do not discuss the facts of your case over the phone.

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 ATLANTA



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. This includes activities such as making speeches, holding rallies, picketing, leafleting, and collecting signatures.
- 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.
- 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?

- Various restrictions may apply, depending on whose land you intend to conduct a peaceful protest (federal, state, or local government). For example, see the City of Atlanta's online Assembly Permit Application information. Also, you are never allowed to protest on private property without the landowner's permission.
- In general, your exercise of First Amendment rights cannot disrupt or impede others' use of the same public space for its usual purpose, i.e., demonstrators may not obstruct highways, streets, sidewalks, or other public passageways.

Do I Have the Right to Record During a Protest?

- Phones and cameras may be confiscated only when law enforcement has a warrant. Law enforcement can order you to stop recording if your activity interferes with their duties.

What Rules Apply When Conducting a Lawful, Peaceful Protest in Atlanta

- In Georgia, the maximum number of people who can protest without a permit varies depending on the location—e.g., 75 in the City of Atlanta.
- Some cities, including Atlanta, have exceptions for protests that occur in response to an unplanned event, such as a court decision or death. When in doubt, contact the city or county to ask about permit requirements. Many cities prohibit picketing at private residences.
- Megaphones, signs, and other items may be regulated depending on the location of the protest. For example, the City of Atlanta prohibits signs more than ¼ inch thick.
- In Georgia, it is illegal to wear a mask or any item that conceals any portion of your face on public property.
- The City of Atlanta prohibits possessing any weapon at a protest or public assembly. Carrying weapons at a lawfully conducted, peaceful protest is not recommended.

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Limits on the Government's Obligation to Protect Public Safety

- Law enforcement officials are sworn to preserve the 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.
- In Georgia, a police officer has the right to use no more force than is reasonably necessary under the circumstances to effect an arrest.
- You may only be detained if law enforcement reasonably suspects you are involved in criminal activity. Pat downs (but not searches) are permissible if there is reasonable suspicion that the person has a weapon.
- Law enforcement may only require that a person answer questions or provide identification if there is probable cause to believe you have violated the law.
- Law enforcement may use blockades to maintain public safety and the free flow of vehicular and pedestrian traffic, but not to interfere with a lawful protest. They may also separate demonstrators and counter-demonstrators.
- 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.