

ENGAGING IN PROTESTS – KNOW YOUR RIGHTS AND RESPONSILITIES

1. Right to Free Speech and Assembly: The U.S. Constitution grants to each of us the rights of free speech and assembly on public property such as sidewalks, streets, and parks as well as public spaces such as the plazas of government buildings, so long as you do not interfere or disrupt normal governmental operations. You also have the right exercise your rights of free speech and assembly on your own property.

However, your rights to free speech and assembly are more limited when you are on private property. Owners of private property can restrict or deny your right to exercise or engage in free speech or assembly on their property. If you do not have the owner's consent to be on their property, then you could be charged with criminal trespass.

2. Counter-protestors: Remember that the Constitution which gives you the right to free speech and assembly also give those same rights to others who may not share your views or positions. Be prepared to possibly encounter counter-protestors. To help maintain safety of all protestors, the Police can separate antagonistic groups, but must treat each group equally and should permit them to be within sight and sound of each other. However, Protestors and Counter-Protestors cannot incite, attempt, or commit violence against one another.

3. Orders to Disperse: The role of law enforcement during protests and demonstrations are to help keep the peace, to enforce any curfews and to provide some crowd control. Orders to Disperse is one of the mechanisms that law enforcement utilizes to achieve these objectives. Before enforcing an Order to Disperse, law enforcement must first inform protestors of how much time they have before they must disperse, how and where they should exit and the consequences of remaining. Law enforcement must also provide a reasonable opportunity for protestors to comply with the Order to Disperse, including sufficient time and a clear exit path. Failure to obey an Order to Disperse could result in arrests and the filing of criminal charges for curfew violations and/or otherwise breaking the law.

4. Protest Peacefully: Your constitutional rights of free speech and assembly protects your rights to do so peacefully. Violence, theft, property destruction, obstruction of legitimate law enforcement activities and other criminal acts are not protected. Engaging in these types of activities could result in arrest, fines, imprisonment, and civil liability for damages. Illegal or non-peaceful activities could also increase the risk of forceful intervention by the Police and/or the use of pepper spray, wooden bullets, physical force, etc., against protestors.

5. Interaction with Law Enforcement: Keep the following principles in mind in the event you come into contact with law enforcement while you are exercising your right to protest.

A. Stay Calm: If you are approached by law enforcement, try to control your emotions and stay calm. Do not argue or resist a police officer, even if you believe that they are acting unlawfully. Keep your hands visible. Calmly remind the officer that the First Amendment protects your rights to free speech and assembly, which includes your right to be involved in a protest.

B. Taking Photos and Videos During a Protest: When you are lawfully on public property, you have the right to photograph or record anything in plain view, including the police so long as you do not interfere with legitimate law enforcement activities. Ohio law also permits a person to record oral communications, including audio, if at least one party to the communication consents to the recording (including the person doing the recording), or if the speakers do not reasonably expect the communication to be private, such as on a street or sidewalk. The Officer must have a warrant to confiscate or view your photos or videos and they can not delete any data under any circumstances.

C. Arrest or Detention: If you are stopped by law enforcement ask if you are free to leave. If they say yes, then calmly walk away. If they say no, you may ask whether you are under arrest and if so, why. Do not argue with them. Remember you have the right to remain silent. You can also request to speak to an Attorney. Do not say or sign anything without first talking to a lawyer. If you are arrested, you can request to be allowed to make a local phone call and the police can not listen to your conversation with your lawyer.

D. Being Searched: Law enforcement may pat down your clothing if they suspect that you have a weapon. Otherwise, they can only search your person if you consent-which you are never required to do OR if they arrest you.

6. Where to Go for Help: If you have specific questions about your rights while engaging in protests or demonstrations you should consult with an Attorney. If you believe that your rights were violated while you were participating in a protest or if you have been charged with a crime for participating in a protest, you should consult an Attorney.

University of Toledo students may contact Student Legal Services, Inc at (419) 530-7230 to arrange a confidential consultation with a licensed Attorney. If you are not a University of Toledo student or you “opted-out” of the legal services program you can contact one of the following entities for assistance:

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| a. Toledo Bar Association Lawyer Referral Program | 419/242-2000 |
| b. Toledo Bar Association Pro Bono Program | 419- 242-9363 |
| c. Lucas County Public Defender’s Office | 419-244-8351 |
| d. Ohio ACLU (www.acluohio.org) | 614-586-1958 |