



PROTESTERS' RIGHTS DURING COVID-19

The right to protest is a fundamental right protected by the Constitution and is an important aspect in the fight for social justice. New York is currently under a state of emergency due to COVID-19.

Disclaimer: This KYR guide is educational and is not intended as legal advice. If you need legal advice, please contact a licensed attorney.



IF YOU ARE PLANNING TO ENGAGE IN PROTEST, HERE IS WHAT YOU SHOULD KNOW AS A PROTESTER:

- 1.** Wear a face covering when you are in a public place and unable to maintain a safe distance of 6 feet from others, as well as when using public transportation or hired vehicles.
- 2.** You may engage in peaceful protest on public sidewalks and streets, and in public parks or other public property, like a plaza.
- 3.** During a peaceful protest, you may hand out leaflets, rally, and set up a moving picket line, as long as you do not block building access or more than half the sidewalk. Certain types of events may require permits. These include a march or parade that requires blocking traffic or street closure; a large rally requiring the use of sound-amplifying devices; or a rally over a certain size at most parks or plazas.

THE RIGHT TO PHOTOGRAPH



When you are lawfully present in any **public** space, you have the right to photograph anything in plain view, including federal buildings and the police. On private property, the owner may set rules related to photography or video.

Police officers may not confiscate or demand to view your photographs or video without a warrant, nor may they delete data under any circumstances. However, they may order citizens to cease activities that are truly interfering with legitimate law enforcement operations.

WHEN CAN POLICE BREAK UP A PROTEST?

Police may not break up a gathering unless there is a clear and present danger of riot, disorder, interference with traffic, or other immediate threat to public safety.

If officers issue a dispersal order, they must provide a reasonable opportunity to comply, including sufficient time and a clear, unobstructed exit path.

Individuals must receive clear and detailed notice of a dispersal order, including how much time they have to disperse, the consequences of failing to disperse, and what clear exit route they can follow, before they may be arrested or charged with any crime.



INTERACTING WITH LAW ENFORCEMENT:

When dealing with officers, keep your hands in plain sight, refrain from making sudden movements, do not touch the officer or their equipment, and avoid walking behind an officer or the police line.

You have a constitutional right to remain silent.



If police ask your questions, you may say nothing and walk away. Do not attempt to run away. If police prevent you from leaving, ask, “Am I free to go?” If they answer “Yes,” you may say nothing and walk away. If police answer “NO,” say “I wish to remain silent. I want to talk to a lawyer.” If police answer “NO,” repeat “I wish to remain silent. I want to talk to a lawyer.” Wait for the police to arrest or release you.

If the police ask to search your bag, you should say, “No, I do not consent to a search.” If the police search anyway, you are advised to continue to say, “I do not consent to a search.” Do not physically interfere with the search. Physical interference may risk arrest.

If you believe your rights have been violated, write down everything you can remember, including the officers’ badge and patrol car numbers and the agency they work for. Get contact information for witnesses.

WHAT TO DO IF ARRESTED?



You are advised to unambiguously state: “I am going to remain silent. I want to speak to a lawyer.” Repeat this to any officer who questions you. Do not believe everything the police say—it is legal for the police to lie to you.

INFORMATION YOU MAY PROVIDE DURING AN ARREST

You can give your **name and address**, show **photo ID**, and allow yourself to be photographed and fingerprinted for purposes of confirming ID.



Refusal to provide ID information may delay your release from jail. Do not lie to law enforcement. Do not claim U.S. citizenship if you are NOT a U.S. citizen.



During the photographing process, if you wear religious attire (such as hijab), inform police that you have a sincerely held religious belief to wear your religious attire.

If police fail to accomodate, or violate your rights,

PLEASE CONTACT CAIR-NY:

LEGAL@NY.CAIR.COM

once you are released from jail

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