



Know Your Rights As a Protester

The right to protest is a fundamental right protected by the Constitution and is an important tool in the fight for social justice

Disclaimer:

This KYR guide is for educational purposes and is not intended as legal advice, please contact a licensed attorney.



If You Are Planning to Engage in Protest, Here Is What You Need to Know

1

You may engage in peaceful protest on public sidewalks and streets, and in public parks or other public property, like a plaza.

2

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.

3

Depending on where you are, certain events will require protest permits from law enforcement. Some examples 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. Check your local precinct for what applies to you.

The Right to Photograph



1

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.

2

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?

1

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.

2

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

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**



What to Do If Arrested?

You are advised to clearly 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.

ARRESTED?



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 accommodate, or violate your rights, please fill out an incident report at cair-ny.org/incident-report



**Help us continue
speaking out for you!**

**Donate to CAIR-NY at
cairny.org/donate**

f @ in d X @cairnewyork

Tel: 646.665.7599

| info@ny.cair.com

| cairny.org

