

ACLU

Delaware

KNOW YOUR RIGHTS

Demonstrations & Protests

For more info about your rights and legal protections as well as legal and community resources, visit

bit.ly/protest-kyr



@acludelaware | aclu-de.org

IF YOU BELIEVE YOUR RIGHTS HAVE BEEN VIOLATED

Write down everything you remember, including officers' badge and patrol car numbers, which agency the officers were from, and any other details.

Get contact information for witnesses. If you're injured, seek medical attention immediately and take photographs of any injuries.

File a written complaint with the agency's internal affairs division or civilian complaint board. In most cases, you can file a complaint anonymously if you wish.

For questions, email us at aclu@aclu-de.org.

This information is not intended as legal advice.

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YOU HAVE RIGHTS

Protesters' Rights

- You don't need a permit to protest in response to breaking news and you don't need a permit to march in the streets or along sidewalks, as long as you're not obstructing traffic or access to buildings.
- 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.
- If you believe your rights have been violated, when you can, write down everything you remember, get contact information for witnesses, and take photographs of any injuries.
- If you get stopped by the police, ask if you're free to go. If they say yes, calmly walk away.
- If you get arrested, you have a right to ask why. Otherwise, say you wish to remain silent and ask for a lawyer immediately.
- Don't sign, say or agree to anything without a lawyer present.

Stopped by Police

- Stay calm, keep your hands visible, and don't argue, resist, or obstruct the police, even if you believe they are violating your rights.
- Point out that you are not disrupting anyone else's activity and that the First Amendment protects your actions.
- Ask if you are free to leave. If the officer says yes, calmly walk away.
- If you are under arrest, you have a right to ask why. Otherwise, say you wish to remain silent and ask for a lawyer immediately.
- Don't say anything or sign anything without a lawyer.
- You have the right to make a local phone call, and if you're calling your lawyer, police are not allowed to listen.
- You never have to consent to a search of yourself or your belongings. If you do explicitly consent, it can affect you later in court.
- Police may "pat down" your clothing if they suspect you have a weapon and may search you after an arrest.
- Police officers may not confiscate or demand to view your photographs or video without a warrant, nor may they delete data under any circumstances.

Students' First Amendment Rights (Public Schools)

- You have the right to speak out, hand out flyers and petitions, and wear expressive clothing in school — as long as you don't disrupt the functioning of the school or violate school policies that don't hinge on the message expressed.
- What counts as "disruptive" will vary by context, but a school disagreeing with your position or thinking your speech is controversial or in "bad taste" is not enough to qualify.
- Schools can have rules that have nothing to do with the message expressed, like dress codes. A school can prohibit you from wearing hats, but it can't prohibit you from wearing only pink pussycat hats or pro-NRA hats.
- Outside of school, you enjoy essentially the same rights to protest and speak out as anyone else. You're likely to be most protected if you organize, protest, and advocate off campus and outside of school hours.
- You have the right to speak your mind on social media, and your school has the least authority to punish you for content you post off campus and outside of school hours that does not relate to school.