

## If You Are Arrested:

- Do not run or resist even if you believe the arrest is unlawful. It may result in additional charges.
- The whole process, from arrest to release on bail, can take up to 48 hours, or more on holidays.
- If you qualify financially and your potential sentence includes jail or prison time, a public defender should be appointed for you at your arraignment.
- You can hire an attorney to represent you at the arraignment and, if you have not already been released or paid bail, present arguments regarding bail.
- If you must go to court for your bail, the judge will set bail according to several factors (local connections, seriousness of the crime, how many other protesters have been arrested, etc.).

## For More Information:

Please see our website: <https://www.acluarkansas.org/Know-Your-Rights>

## About This Guide

This guide is designed to answer common questions. **It DOES:**

- Outline your free-speech rights under the U.S. and Arkansas Constitutions;
- Define the limits to your rights, including when speech may not be protected;
- Outline the steps you may take to keep your demonstration lawful;
- Give you the tools to recognize when your rights have been violated.

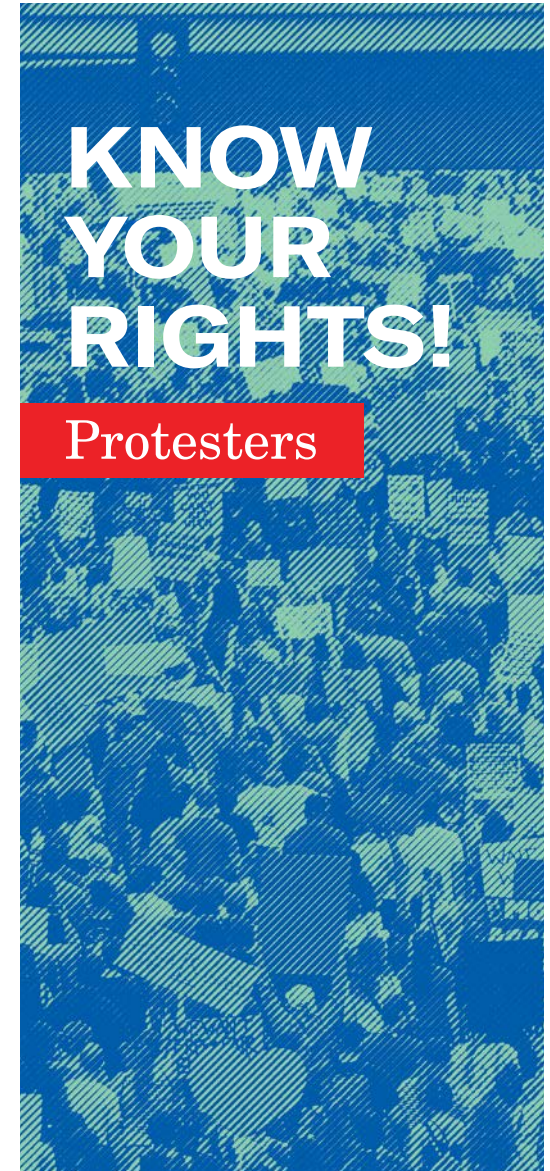
### It Does NOT:

- Advise on political strategy or on the nuts and bolts of how to organize a protest;
- Provide specifics on local ordinances or on state laws outside Arkansas;
- Replace legal counsel, including if you are arrested, or believe your rights have been violated.

# ACLU

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# ACLU

Arkansas

# Protesters:

## KNOW YOUR RIGHTS!

### THREE PRINCIPLES TO REMEMBER

#### 1. Conduct, Not Content

Your right to express your opinion is protected no matter what beliefs you hold. What matters is how you use that right. If you organize a protest that causes serious disruption, the government may be able to intervene. But with a few notable exceptions, nobody can restrict your rights simply because they don't like what you say.

#### 2. Free Speech Is For Everyone

Young or old; anarchist or evangelical; pacifist or hawk; Mormon or Muslim; these rights apply to you. It doesn't matter whether you're a U.S. citizen, whether you're of voting age, or whether you speak English. Free speech rights are for everybody. Don't let anyone tell you otherwise.

#### 3. When, Where, and How

Consider when, where and how you use your free speech rights. If you organize a rally that causes violence or unnecessary disruption, your event may be disbanded. Every municipality has regulations and it's your responsibility to understand them. You must observe reasonable regulations on time, place, and manner when you exercise your rights to demonstrate and protest. Although the right to peacefully protest is constitutionally protected, the definition of "peaceful protest" may differ from person to

person. Here are some valuable tips on what to do if you are confronted by a police officer or another public official during a protest. Keep this brochure handy! If you encounter the police, you can protect yourself and your rights. If you believe that your rights have been violated, please contact an attorney and the ACLU.

#### Police Encounters, Self-Identification and Searches:

- What you say to the police is always important. What you say can be used against you, and it can give the police an excuse to arrest you—especially if you “bad mouth” an officer. Be respectful, be safe.
- State law says you must identify yourself to a law enforcement officer upon request. However, police can't legally arrest you for refusing to provide your name unless you are suspected of criminal activity, or your identification is needed to protect officer safety or resolve whatever reasonable suspicions prompted the stop. If you reasonably fear that your name is incriminating, you can assert your right to remain silent, which may be a defense in case you are arrested anyway. (If it sounds a little complicated, it is.)
- Police can ask your name if you have been properly detained.
- If asked for your identity, you must use your discretion as to whether you wish to refuse, or ask the law enforcement purpose behind the request, or to comply.
- You do not have to consent to a search of yourself, your belongings or your car.

#### Limitations on Speech:

- The government can limit speech by imposing “time, place, and manner” restrictions. This is most commonly done by requiring permits for meetings, rallies, and larger demonstrations.
- The First Amendment does not protect speech that incites violence or is threatening.
- It is a federal crime to threaten to harm the President, the Vice President, or a major candidate for either office.

#### Limitations on Action:

- You do have the right to distribute literature, chant, and engage passersby in debate, but you do not have the right to block a building entrance or physically harass people.
- You can videotape the police, but do not interfere with police.
- If you endanger others through the manner in which you choose to protest, you can be arrested. A protest that blocks traffic is likely illegal without a permit.
- Protesters who do not have a permit should stick to public sidewalks and right of ways and be sure not to obstruct the flow of pedestrian or other traffic.
- Protesting on someone else's private property without permission is not protected by the law.
- Avoid carrying any alcohol, drugs or weapons. If you happen to be arrested you could face additional charges for their possession.