

# Know Your Rights, Know Your Reality

**LEGAL DISCLAIMER:** This is not intended as a substitute for legal advice. You should always consult a lawyer for advice specific to your individual case.

## Logistics

### What to bring:

- Identification
- Medication
- Snacks, water, comfortable shoes
- Phone - lock your phone with a strong passcode, not fingerprint or facial recognition

### What NOT to bring:

- **Consult LAMC 55.07** which provides a list of prohibited items at a protest (violation of this ordinance may result in a misdemeanor charge)
- Lasers and strobe lights
- Anything that could be considered a weapon
- Personal items you do not need

### Plans for possible arrest:

- Write down phone numbers of people to call post-arrest somewhere on your body
- Set up a bail plan
- Set up a ride home from jail/police station
- Connect with Jail Support: [@jailsupportla](https://twitter.com/jailsupportla)

### **During the Protest:**

- Document incidents of police misconduct
  - You have an express right to record police under the First Amendment and California Penal Code 148 (g)
  - Maintain a safe distance from police so you are not interfering
  - Hold phone horizontally while filming
- Document names and badge numbers of officers that engage in illegal behavior
- Note if police provided a clear dispersal order
- Note if police provided clear exit pathways

### Special considerations:

- Past arrests - there are risks associated with getting arrested especially if you have a prior arrest or criminal record, outstanding warrants, unpaid traffic tickets, or are currently on parole or probation
- Immigration status - certain offenses can trigger immigration consequences
- Medication - if arrested, you may go without medication for an extended period of time; you cannot bring medication into jail
- Health Conditions - consider if you have a health condition that makes it difficult to comply with police commands
- Minors - a parent/guardian must pick you up if arrested
- Gender identity - police often do not respect non-cis gender identities during an arrest, search, or jail booking
- Employment - In CA, employers cannot ask about criminal history before making a conditional job offer & they can only review arrest records that resulted in a conviction or if a trial is pending.

### **Post-Protest:**

- Photo document any injuries you have
- Fill out the MDC's intake form to be connected with legal resources and support at [tinyurl.com/NLGLAMDC](https://tinyurl.com/NLGLAMDC)
- Check out the MDC's arrestee FAQ for additional information and resources at [tinyurl.com/NLGarrest](https://tinyurl.com/NLGarrest)
- **Go to your court date to avoid a warrant!!!**

Presented by:  
National Lawyers Guild Los Angeles  
Mass Defense Committee



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## Common Protest Charges

**Infractions & Traffic Violations:** You can receive a maximum fine of \$250 but will not be sentenced to jail time or probation. **You are not entitled to a public defender.** Failing to appear in court can be a misdemeanor and lead to arrest.

**Misdemeanors:** Protesters are often cited and released at the location of arrest for low level misdemeanors. You can be sentenced up to one year in jail and have to pay fines. **You will be entitled to a public defender.**

### **Common Protest Misdemeanor Charges Include:**

- **PC 405** participating in a riot
- **PC 407** unlawful assembly
- **PC 409** failure to disperse
  - Dispersal orders must be audible and police must give protesters adequate time and pathways to leave
  - An unlawful dispersal order can be a defense to this charge
- **PC 602(m)** trespassing
- **PC 148(a)** resisting arrest/obstructing/delaying officer
  - Almost any movement can be considered resisting
  - Going limp can be considered resisting
  - There does not need to be an underlying offense that you are being arrested for
- **PC 243 (b) & (c) battery on a peace officer**
  - Any touching, even placing a finger on an officer or accidentally falling on an officer, can be considered battery on a peace officer

**Felonies:** You can be sentenced to over one year in prison. **You will be entitled to a public defender.**

### **Common Felony Protest Charges Include:**

- **PC 405a** attempting to free a person from arrest
  - This charge is difficult to defend against. If you want to help someone who is being arrested, document/film the arrest and get their name and birthdate (which is used to locate the person after arrest)
- Offenses involving violence, vandalism, or arson

**Wobblers:** Can be charged as a misdemeanor or felony.

- **PC 245 (a)(1) assault with a deadly weapon**
  - Almost anything can be considered a weapon
  - LAPD commonly cite lasers and lights as weapons
  - Picking up or moving police munitions such as tear gas canisters can be considered ADW

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## Rights in Police Interactions

**Consensual Encounter:** Officer initiates conversation, does not involve commands or force

**You have the right to:**

- Walk away
- Refuse to identify yourself
- Tell the officer you do not wish to speak to them
- Say no to a request for a search

**Detention:** Not free to leave but not officially under arrest, the police must have reasonable suspicion

**You have the right to:**

- Tell the officer you do not wish to speak to them ("I want to remain silent.")
- Refuse to consent to a search beyond a frisk when there is no probable cause ("I do not consent to this search.")

**You DO NOT have the right to:**

- Walk away
- Refuse to identify yourself
- Refuse a frisk of the outside of your clothes

**Arrest:** Physically restrained and not free to leave, requires probable cause

**You have the right to:**

- Remain silent "I don't want to answer questions, I want a lawyer."
- Refuse to provide personal information beyond what is on your license (ex. email or SSN)
- Make three phone calls if booked into jail

**You DO NOT have the right to:**

- Refuse a search of your person or belongings
- Be searched by an officer of a specific gender

**When Cops Show Up To Your home:** You do not have to let police into your home unless they present a valid search warrant

- Ask to see the warrant through a window
- Step outside of your home, do not let officers step inside without a warrant
- You have the right to remain silent "I don't want to answer questions, I want a lawyer"

**The police:**

- Can search you and your belongings
- Do not have to read Miranda Rights until they question you
- Can (and will) lie to you when questioning you
- Use undercover officers to seek information from you in a jail or police station

**Filming the Police:** You have the right to photograph and film police in public

- Keep a safe distance
- Police cannot demand to see photos/videos without a warrant
- Police cannot delete your photos/videos

**REMEMBER: YOU DO NOT HAVE TO ANSWER QUESTIONS FROM POLICE, ANYTHING YOU SAY CAN BE USED AGAINST YOU**

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