

Protesters' Rights in Nevada

Exercising your right of free speech and assembly is clearly protected under the First Amendment. However, with mass demonstrations can come unwanted police contact, arrests — even violence. If you're going out to protest, here's what you need to Know Your Rights.

Where can I protest?

Physical protests are not the only form of protest available, however, they are common, and physically gathering to challenge the government is the oldest American tradition.

Physical protests can take place on public property like a street, sidewalk, plaza, or park. These areas are called traditional public forums and afford the greatest 1A protections.

Physical protests may also take place within government buildings. The government can make more rules limiting these protests, but they must be universally applied. And the government can't target a specific protest group with special rules or limitations.

Some protests may require a permit, but only if the protest diverges from sidewalks/blocks streets, is a large rally that uses amplified sound, or exceeds to size limitations of public parks or courthouses. The government cannot deny a permit simply because of the content of the protest.

Your First Amendment rights in residential neighborhoods are more limited. Targeting a particular residence, for example, may violate constitutionally valid laws like noise ordinances.

Private property owners can set rules for speech, photography, or videography on their property, making protesting on private property difficult.

What methods of protest are legal?

It is unconstitutional to make protesting illegal. That being said, imposing some limits on protesting has been allowed. One limitation is the location of the protest. A protest can be shut down when there is a clear and present danger of a riot, disorder, interference with traffic, or other immediate threats to public safety.

When can a protest be forcibly disbanded?

Police may only require a protest to disperse as a last resort. When forcing a protest to disperse, police have been known to inflict bodily harm by physical force, rubber bullets, bean bag rounds, live ammunition, tasers, tear gas, and/or pepper spray. The police are only supposed to use force to disband a protest as an absolute last resort when there is present danger.

Can I record a video or take photographs at a protest?

It is perfectly legal to record or photograph anything that is in plain view from a public place. This includes recording interactions with law enforcement and counter-protesters. Police officers may not take or demand to view your phone or other device, including photographs or video, without a warrant.

Is protesting safe?

Protesting is a physical and public form of civic engagement. You are using your body to draw attention to an issue or cause. While the majority of protests are peaceful, there have been instances of violence by the government or otherwise at protests. If you think a protest is becoming dangerous or if dispersal orders have been declared, you can choose to leave.

What if I am detained or arrested while protesting?

Try to stay calm. Ask the officer if you are free to go. If not, you may invoke your Fifth Amendment right to remain silent until your lawyer is present. Make sure to affirmatively and clearly state, "I am invoking my Fifth Amendment right to stay silent, and I will not speak until my attorney is present." You do not have to agree to a search of your belongings, but an officer may do a "pat down" if they think you have a weapon or have committed a crime. It's always better to refuse a search if possible, just like it's best to remain silent. If you are being detained, you have to identify yourself. Other requests can be denied, but follow all lawful orders. It can be difficult to determine what a request and what an order is from an officer.

What if I am detained or arrested while protesting?

Across the nation, the government is implementing the use of technology to monitor and control protests. This includes the use of stingray technology to intercept data sent through a phone. This technology tricks your phone into connecting to it as if it were a cell phone tower or wifi hotspot and records all the data you send. The government has also been known to use cell phone jammers during protests, which interfere with a phone's ability to communicate with other devices.

If You Feel Your Rights Have Been Violated

- If you can, take notes on what happened. Try to include the officers' badge and patrol car numbers and the agency they work for.
- Get contact information for witnesses.
- Take video/photographs of the events if it is safe to do so.
- Take photographs of any injuries and, if needed, seek medical attention.