



October 29, 2020

Contact:

Redmond Haskins
The Legal Aid Society
(929) 441-2384
rhaskins@legal-aid.org

*****FOR IMMEDIATE RELEASE*****

Ahead of Election, Legal Aid Re-Releases Know Your Rights Information for Protestors

(NEW YORK, NY) – The Legal Aid Society re-released [Know Your Rights](#) information today covering a range of topics to help keep safe New Yorkers who may choose to protest following the election:

"New Yorkers have the right to assemble and express their views and concerns about our democracy and the election process," said **Jennvine Wong, Staff Attorney with the Cop Accountability Project at The Legal Aid Society**. "And given the New York City Police Department's abysmal track record infringing on these rights, it is essential that those who choose to protest are informed and are prepared for a variety of scenarios."

Information New Yorkers need to be safe and informed while protesting:

You Have the Right to Protest

- You do not need a permit to march on the sidewalk, as long as you do not block pedestrian traffic. A permit may be required to march in the street or gather in a city park.
- During a protest under social distancing rules you can gather in groups of up to 10 people, while maintaining a distance of 6 feet from others.
- You have a right to hold signs and hand out flyers.

- Even if you follow these rules, the police may issue a dispersal order. If they do, they need to provide clear notice and an opportunity for you to leave the area.

General Info if You Are Arrested

- You have the right to remain silent. If you choose to talk to the police, it can be used against you. Don't tell the police anything except your name, address, and date of birth.
- If you're arrested, ask for a lawyer immediately. Write the phone number for the NYC Chapter of the National Lawyers Guild on your arm: 212-679-6018. You can call that number if you witness an arrest, too.
- If bail is set and you can't afford it, ask your lawyer about contacting a bail fund.

Protect Your Digital Security

- Carry as few electronic devices as possible.
- Disable face/fingerprint unlock on your phone. Use 6+ digit passcodes, preferably alphanumeric.
- Don't consent to a search of your devices. Do not unlock your device for police.
- Use the Signal app to communicate with others. Enable the disappearing messages feature.
- Turn off GPS, NFC, Bluetooth, WiFi, and any location services.
- Review your social media privacy settings to limit who can see your posts and accounts.
- Avoid tagging or posting identifiable images of people without their permission. Doing so puts activists, organizers, and other individuals at risk for additional surveillance and retaliation. Use your best judgment.
- Wearing sunglasses and a hat with your face mask will make it more difficult for facial recognition to be used against you.
- Don't try to remotely wipe your device because police will secure against that and it can result in additional criminal charges.
- Pay for your Metrocards in cash. Paying with a credit card connects the Metrocard and your movements to your identity.

Prevent Against NYPD Surreptitious DNA Collection

DNA testing can detect as little as one skin cell left at a location – it can track where you've been. In New York, the police are required to get a warrant before taking your DNA, but they employ trickery and deception to try to get around this requirement.

- Don't consent to the police taking your DNA swab without a warrant or court order.
- Don't drink, smoke, or chew gum in police custody. If you do, the police can take the used item to test your DNA.
- If you do drink, smoke, or eat, tell the police you want to take your items with you and that you do not consent to your DNA being tested.
- Try to keep your mask and other PPE as you go through the arrest process. If the police take it, tell them you do not consent to any testing of your DNA.

- If you are a parent whose child is in custody, tell the police that you do not consent to any taking of your child's DNA either through a swab or from something your child ate or drank.

Right to Know Act Protections

- Officers are required to tell you their name, rank, command and the reason you are being stopped.
- At the end of those interactions, regardless of whether you were given a summons or ticket, they should, upon your request, give you a business card that has their name, rank, and badge number, and their command.
- During the following interactions, officers must identify themselves, provide the reason for the interaction, and give you a business card without your having to ask for it:
 - If they suspect you are involved in criminal activity, including if you are stopped.
 - If they frisk or search you.
 - If they stop you at most roadblocks and checkpoints.

Rights for Photos and Video Recording

- You have a right to record the police as long as you are not interfering with the discharge of their law enforcement duties. Keep a safe distance when recording to avoid being accused of interfering with legitimate law enforcement operations.
- Police officers may not confiscate or demand to view your photographs or video without a warrant, nor may they delete data under any circumstances.

What to Do if Your Rights Have Been Violated

- When you can, write down everything you remember, including the officers' badge and patrol car numbers.
Get contact information for witnesses.
- Take photographs of any injuries. Get medical treatment right away if you need it, and ask for a copy of any medical records.
- Once you have all of this information, you can file a written complaint with the NYPD's internal affairs division or the Civilian Complaint Review Board.
- If you are interested in pursuing a civil claim, make sure to consult with a lawyer as soon as you can about filing a notice of claim.
- If you were involved in a protest and personally experienced police misconduct or false arrest, email us for guidance on filing a complaint with the CCRB at nycprotests@legal-aid.org.
- Questions/Concerns – please contact The Legal Aid Society at 212 298-3303.

*****Be sure to follow Legal Aid on Twitter (@legalaidnyc), Facebook (@thelegalaidociety), and Instagram (@legalaidnyc) for live Know Your Rights sessions and additional resources.**

###

The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. www.legalaidnyc.org