



## What to do if the police knock on your door

Here are some rules to help you protect your rights when the police knock on your door in order to improve your odds of avoiding a search of your home or other injury to life or property:

Don't be intimidated! Unless you are in the process of committing a crime or harboring a fugitive, there are very few reasons to allow the police inside of your home, especially if you are not the owner.

Ask the police officer(s) to show you the warrant. Even if the police have probable cause to suspect something illegal is going on inside the home, the 4th amendment requires police officers to obtain a signed search warrant from a judge in order to legally

enter and search. (If you invite the police inside of the home, you have given consent and they may seize any illegal items that are in plain view and may arrest you, using the evidence against you in court.

Don't let them inside! It's a good safety precaution to know the identity and purpose of a visitor to your home before opening the door. You may greet the police outside of the home after shutting the door, speak with police through protected chain lock, or decline to answer the door at all. If there is no search warrant, they may not legally enter the home and will eventually leave.

Find out the reason for the visit. While you may be alarmed or

anxious, you might be curious to find out what the purpose of the police visit is about. It's important to treat the police like any other unexpected visitor.

Ask them: "How can I help you?" A police officer may be asking neighbors for information about a crime that happened in the area to learn information of a suspect's whereabouts, but you are not required to say anything unless you would be willing to give the same testimony in a courtroom. Maybe you will just be asked to turn the music down inside, and if so, you should oblige. If an officer asks again to enter the home, say: "Officer, I can't let you inside without a search warrant."

\*This is a general guide for how to handle a visit from an officer, and every situation is different. There is no single "best way" to handle these situations at all. While many people think that the cops are out to get them, in reality, the vast majority of police interactions are peaceful and benign.

If you feel that your rights have been violated, your best bet is to fight it in court. Talk to a lawyer or get in touch with the American Civil Liberties Union (ACLU).



### **Do I need a permit before I engage in free speech activity?**

Not usually; however, certain types of events require permits. Generally, these events are:

- A march or parade that does not stay on the sidewalk, and other events that require blocking traffic or street closure
- A large rally requiring the use of sound amplifying devices; or
- A rally at certain designated parks or plazas

Many permit procedures require that the application be filed several weeks in advance of the event; however, the First Amendment prohibits such an advance notice requirement from being used to prevent rallies or demonstrations that are rapid responses to unforeseeable and recent events. Also, many permit ordinances give a lot of discretion to the police or city officials to impose conditions on the event, such as the route of a march or the sound levels of amplification equipment. Such restrictions may violate the First Amendment if they are unnecessary for traffic control or public safety, or if they interfere significantly with effective communication with the intended audience. A permit cannot be denied because the event is controversial or will express unpopular views.

## **DEMONSTRATIONS AND PROTESTS**

### **What about free speech activity on private property?**

The general rule is that the owners of private property may set rules limiting your free speech. If you disobey the property owner's rules, they can order you off their property (and have you arrested for trespassing if you do not comply).

### **Can my free speech be restricted because of what I say—even if it is controversial?**

No. The First Amendment prohibits restrictions based on the content of speech; however, this does not mean that the Constitution completely protects all types of free speech activity in every circumstance. Police and government officials are allowed to place certain nondiscriminatory and narrowly drawn "time, place and manner" restrictions on the exercise of First Amendment rights. Any such restrictions must apply to all speech regardless of its point of view

### **Where can I engage in free speech activity?**

Generally, all types of expression are constitutionally protected in traditional "public forums" such as streets, sidewalks and parks. In addition, your speech activity may be permitted to take place at other public locations that the government has opened up to similar speech activities, such as the plazas in front of government buildings.

## SPECIFIC PROBLEMS

### **If organizers have not obtained a permit, where can a march take place?**

If marchers stay on the sidewalks and obey traffic and pedestrian signals, their activity is constitutionally protected, even without a permit. Marchers may be required to allow enough space on the sidewalk for normal pedestrian traffic and may not maliciously obstruct or detain passers-by.

### **May I distribute leaflets and other literature on public sidewalks?**

Yes. You may approach pedestrians on public sidewalks with leaflets, newspapers, petitions and solicitations for donations without a permit. Tables may also be set up on sidewalks for these purposes if sufficient room is left for pedestrians to pass. These types of free speech activities are legal as long as entrances to buildings are not blocked and passers-by are not physically and maliciously detained. However, a permit may be required to set up a table.

### **Do I have a right to picket on public sidewalks?**

Yes, and this is also an activity for which a permit is not required; however, picketing must be done in an orderly, non-disruptive fashion so that pedestrians can pass by and entrances to buildings are not blocked.

### **Can government impose a financial charge on exercising free speech rights?**

Some local governments have required a fee as a condition of exercising free speech rights, such as application fees, security deposits for clean-up, or charges to cover overtime police costs. Charges that cover actual administrative costs have been permitted by some

courts; however, if the costs are greater because an event is controversial (or a hostile crowd is expected)—such as requiring a large insurance policy—then the courts will not permit it. Also, regulations with financial requirements should include a waiver for groups that cannot afford the charge, so that even grassroots organizations can exercise their free speech rights. Therefore, a group without significant financial resources should not be prevented from engaging in a march simply because it cannot afford the charges the City would like to impose.

### **Do counter-demonstrators have free speech rights?**

Yes. Although counter-demonstrators should not be allowed to physically disrupt the event they are protesting, they do have the right to be present and to voice their displeasure. Police are permitted to keep two antagonistic groups separated but should allow them to be within the general vicinity of one another.

### **Does it matter if other speech activities have taken place at the same location?**

Yes. The government cannot discriminate against activities because of the controversial content of the message. Thus, if you can show that similar events to yours have been permitted in the past (such as a Veterans or Memorial Day parade), then that is an indication that the government is involved in selective enforcement if they are not granting you a permit.

### **What other types of free speech activity are constitutionally protected?**

The First Amendment covers all forms of communication including music, theater, film and dance. The Constitution also protects actions that symbolically express a viewpoint. Examples of these

symbolic forms of speech include wearing masks and costumes or holding a candlelight vigil. However, symbolic acts and civil disobedience that involve illegal conduct may be outside the realm of constitutional protections and can sometimes lead to arrest and conviction. Therefore, while sitting in a road may be expressing a political opinion, the act of blocking traffic may lead to criminal punishment.

### **What should I do if my rights are being violated by a police officer?**

It rarely does any good to argue with a street patrol officer. Ask to talk to a supervisor and explain your position to him or her. Point out that you are not disrupting anyone else's activity and that the First Amendment protects your actions. If you do not obey an officer, you might be arrested and taken from the scene. You should not be convicted if a court concludes that your First Amendment rights have been violated.

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**STAY!  
INFORMED!**

# KNOW YOUR RIGHTS!



## SAFETY FIRST!

During a traffic stop, pull over in a well-lit area, never make sudden movements, and ALWAYS have your hands where the officer can see them. The best way to ensure your safety is to do everything that you can to make the officer feel safe.

## As soon as you pull over, turn off your engine and roll down your window

**NEVER** get out of the car unless you are asked to. Keep your license and registration somewhere close (like in your visor) so you don't have to reach somewhere where the officer can't see your hands.

## If you do decide to stop the conversation, from that point you should only talk to the police with a lawyer present.

If you choose to converse with the police, then it will be assumed in court that you were disclosing information voluntarily. Your silence may frustrate the officer, and they may attempt to continue interrogating you or even threaten to call for a K-9 unit or additional backup – don't be intimidated. Police interrogation tactics are tricky. Don't end up in jail because of wrongful self-incrimination – it happens more than most people think.

## WHAT TO DO DURING A TRAFFIC STOP

### When the officer approaches your vehicle, give them your license, registration, and proof of insurance.

You should always be as respectful and cooperative as possible with any law enforcement officer, but if you feel like an officer is attempting to lead you into self-incrimination, you have the right to stop the conversation at any time by saying: "I wish to remain silent."

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### The officer may ask you to get out of the car.

Do so slowly with your hands in plain sight. At this point they may pat you down to ensure their safety. If this is about to happen, it is a good time to tell the officer: "I do not consent to any search or seizure." They are not allowed to dig through your pockets without your permission. If they ask you to empty your pockets, repeat: "I do not consent to any search or seizure." If they do dig in your pockets after you have told them that you do not consent, **DON'T STRUGGLE, FIGHT, OR RUN!** Any evidence obtained illegally is thrown out in court. If you do not cooperate, you risk ruining your credibility in court.

# KNOW YOUR RIGHTS

## "Officer, am I free to go?"

If you don't ask this question, the law assumes that you were voluntarily remaining with the police. If the cop does not answer you or tries to keep asking questions, calmly and politely ask again: "Officer, am I free to go?" If you weren't doing anything illegal that might have given the officer probable cause to search or detain you, the officer has to let you go on your way.

- **A police officer has to have a reason to pull you over in the first place.**

- Police officers are trained in advanced interrogation techniques and will often ask you about issues unrelated to the reason they pulled you over. For example, if the police pull you over for not using your blinker, and then to try to see if you have drugs or alcohol, don't let them trick you into incriminating yourself.

**MOST IMPORTANTLY, NEVER RESIST! RESISTING IS A CRIME! EVEN IF YOU WERE COMPLETELY INNOCENT WHEN YOU CAME INTO CONTACT WITH THE POLICE, RESISTING GIVES THEM A REASON TO ARREST YOU!**

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# KNOW YOUR RIGHTS!

## The First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

WHAT DOES  
PROTECTED  
SPEECH  
INCLUDE?

## The cornerstone of our fundamental rights

Freedom of speech, of the press, of association, of assembly and petition -- this set of guarantees, protected by the First Amendment, comprises what we refer to as freedom of expression. The Supreme Court has written that this freedom is "the matrix, the indispensable condition of nearly every other form of freedom." Without it, other fundamental rights, like the right to vote, would wither and die.

**FIRST AMENDMENT** protection is not limited to "pure speech" -- books, newspapers, leaflets, and rallies. It also protects "symbolic speech" -- nonverbal expression whose purpose is to communicate ideas. In its 1969 decision in *Tinker v. Des Moines*, the Court recognized the right of public school students to wear black armbands in protest of the Vietnam War. In 1989 (*Texas v. Johnson*) and again in 1990 (*U.S. v. Eichman*), the Court struck down government bans on "flag desecration." Other examples of protected symbolic speech include works of art, T-shirt slogans, political buttons, music lyrics and theatrical performances.

**GOVERNMENT** can limit some protected speech by imposing "time, place and manner" restrictions. This is most commonly done by requiring permits for meetings, rallies and demonstrations. But a permit cannot be unreasonably withheld, nor can it be denied based on content of the speech. That would be what is called viewpoint discrimination -- and that is unconstitutional.

# KNOW YOUR RIGHTS

When a protest crosses the line from speech to action, the government can intervene more aggressively. Political protesters have the right to picket, to distribute literature, to chant and to engage passersby in debate. But they do not have the right to block building entrances or to physically harass people.

**FREEDOM OF THE PRESS** protects the right to obtain and publish information or opinions without government censorship or fear of punishment. Censorship occurs when the government examines publications and productions and prohibits the use of material it finds offensive. Freedom of press

applies to all types of printed and broadcast material, including books, newspapers, magazines, pamphlets, films and radio and television programs.

In the United States, the government may not prevent the publication of a newspaper, even when there is reason to believe that it is about to reveal information that will endanger our national security. By the same token, the government *cannot*:

- Pass a law that requires newspapers to publish information against their will.
- Impose criminal penalties, or

civil damages, on the publication of truthful information about a matter of public concern or even on the dissemination of false and damaging information about a public person except in rare instances.

- Impose taxes on the press that it does not levy on other businesses.
- Compel journalists to reveal, in most circumstances, the identities of their sources.
- Prohibit the press from attending judicial proceedings and thereafter informing the public about them.

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