

# Know Your Rights for Disabled Protestors Guide



**Disability  
Law United**

Eliminating Discrimination  
At Every Intersection



Disability Rights Education & Defense Fund



August 2024

## About this Guide

This *Know Your Rights for Disabled Protestors Guide* was developed in collaboration between Disability Rights Education & Defense Fund, Disability Law United, and the Civil Liberties Defense Center in August 2024. The cover photo is by Tom Olin from the day after the Capitol Crawl in March 1990 in Washington, DC. That day, over 200 ADAPT activists demanded the passage of the Americans with Disabilities Act, and the Capitol Police arrested 104 demonstrators.

This guide is meant to help you understand your rights and best practices while protesting as a disabled person and is split into three sections for ease of use: Preparing for the Protest, During the Protest, and Police Interactions.

*Disclaimer: This guide is not a substitute for legal advice. Speak to a lawyer if you are uncertain of your rights regarding a protest, if you have an interaction with the police, or become involved in the criminal-legal system.*



### **Disability Rights Education and Defense Fund**

(DREDF) is a leading national civil rights law and policy center directed by individuals with disabilities and parents who have children with disabilities. Founded in 1979, DREDF works to advance the civil and human rights of people with disabilities through legal advocacy, training, education, and public policy and legislative development.

Website: [dredf.org](http://dredf.org)



### **Disability Law United** (DLU) is a nonprofit legal

organization that fights for liberation and equity through the lens of intersectional disability justice. DLU's work is informed by grassroots movements for systemic change and centers the concerns and goals of people with disabilities who are confronting barriers to access to programs and services and resisting oppressive legal systems in the United States.

Website: [disabilitylawunited.org](http://disabilitylawunited.org)



### **Civil Liberties Defense Center** (CLDC) is a nonprofit

organization that supports movements that seek to dismantle the political and economic structures at the root of social inequality and environmental destruction. We provide litigation, education, and legal and strategic resources to strengthen and embolden the success of those movements. Our motto is "We've got your back until all are free." We provide pro bono activist defense to social, environmental, and climate justice activists, as well as free Know Your Rights and related trainings to progressive activist organizations, groups, and communities.

Website: [CLDC.org](http://CLDC.org)

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*1994 ADAPT action for community-based services in Las Vegas, Nevada. Photo by Tom Olin.*

## **Introduction: Disabled People’s History of Protest**

The disability rights movement has a history of using radical and effective protest tactics to achieve lasting change, and disabled people have been and continue to be an essential part of all civil rights movements.

In April 1977, hundreds of disabled activists across the country staged sit-ins at the federal Health Education and Welfare (HEW) offices in their cities to advocate for the enforcement of Section 504 of the Rehabilitation Act of 1973 through the passage of enforcing regulations. The sit-ins aimed to pressure the federal government to finally sign the regulations into law. The Sit-in in San Francisco included over 100 disabled protestors, and lasted for 25 days setting the record for the longest occupation of a federal building in United States history. These actions became known as the “504 Sit-ins” and ultimately pushed the HEW secretary to sign the regulations, which protect

disabled people from discrimination in programs and activities that receive federal funding.

In 1978, after the Denver Regional Transportation District repeatedly refused to add wheelchair lifts to buses, 19 young wheelchair users protested by blocking buses at the busiest intersection in Denver. The protestors, who became known as “The Gang of 19” got out of their wheelchairs and laid in the street for two days. Eventually, the Regional Transportation District relented and put lifts on their buses, and Denver became one of the first cities in the country to make their buses wheelchair accessible. These protestors went on to found the national disability rights and direct action group ADAPT, which was instrumental in helping organize major disability rights protests going forward.

On March 12, 1990, hundreds of disabled people marched from the White House to the U.S. Capitol in Washington to begin the “Wheels of Justice” campaign to advocate for the passage of the Americans with Disabilities Act (ADA). Once at the Capitol, the group left behind their mobility aids, and spontaneously crawled up the steps of the Capitol (later known as the “Capitol Crawl”). The following day, protestors took over the Capitol Rotunda demanding the passage of the ADA. The ADA was passed that same year, and protects people with disabilities from discrimination in many areas of public life.

On June 22, 2017, in the midst of Congress’s attempt to cut essential Medicaid funding in a Senate bill, ADAPT led the staging of a national “die-in.” The protest that received the most attention was held outside of then Majority Leader Mitch McConnell’s office. The disabled protestors laid on the ground to represent the harm the bill would cause to disabled people if passed. Police dragged protesters out of Congressional offices and arrested them. The protestors' efforts resonated with people around the country, and the bill didn’t pass during the Senate vote that July.

These examples illustrate the effectiveness of disabled advocacy and the importance of protests led by disabled people and including people with disabilities in protest efforts of all kinds.

# Section 1: Preparing for the Protest

## What should I bring to the protest?

**A mask, hand sanitizer, and gloves.** COVID-19 remains a threat to community safety. Being in a large crowd can increase the risk of spreading viruses like COVID-19, especially since protests often involve loud chanting or projecting one's voice. Wearing a well-fitting N-95 mask will help to protect you and others from getting sick. It is important to also sanitize your hands often and avoid touching your face. You should maintain social distancing when possible.

Wearing a mask will also help to protect your identity by obscuring your face and making it difficult to identify you if you are photographed or video-taped while at a protest. Please be aware that some states have passed mask bans, making it illegal to wear a mask in public and/or at protests. These laws repress anonymous free speech, and put disabled protestors at risk of being infected with COVID-19 or other viruses. Please see the "During the Protest" section for more information about this.

\*It is important to remember that a mask will not protect you from teargas—in fact, you should take off your mask if you encounter tear-gas because the mask could trap chemicals against your face and lead to chemical burns.

**Water and snacks.** It is important to stay properly hydrated and fueled during a protest, especially because protesting can expose you to the elements for a long time or involve physical activity. Having snacks handy may be especially helpful for people who have diabetes to ensure that their blood sugar does not get too low.

**A first aid kit.** Protests can be inherently risky, so having a first aid kit can be helpful in case you or someone else suffers a minor injury during the course of the protest. Use of teargas and violent crowd dispersal tactics by the police also pose health risks to protestors. Some first aid items that might be especially helpful to bring to a protest are band aids, gauze, gloves, an antiseptic, eye washing solution, and burn creams or gels.



**A friend or trusted person.** Going to a protest can be risky but attending with a friend can help keep you safe. A trusted person can help aid you if you are injured, or they can help you if you are arrested. You and your friend can coordinate a safety plan in advance in case you are arrested. If you are arrested, your friend can also take care of your service animal, take your mobility aid, or bring your medications to you after you are released from jail. Remember that you may get separated from your friend or trusted person during the protest, so create a communication plan ahead of time to stay in touch and stay safe.

**Your phone.** For people with communication disabilities, a phone can be an accessibility tool important to have at a protest or if arrested. No matter your disability, having your phone with you at a protest makes sure you can communicate with a trusted person in case of any emergencies. You should consider letting someone not at the protest know what time you plan to be back to a safe area, and check in with them. This can help make sure that if you're arrested or separated from those you went to the protest with, you have support. Be aware that police might confiscate your phone if you're arrested and use the information in it as evidence against you, so you should consider securing your phone with a passcode, turning off location tracking, deleting social media apps, using encrypted messaging services, and putting your phone on airplane mode while at the demonstration.

**Maybe your state ID.** While it may seem counterintuitive to bring something that would identify you if you are trying to be anonymous at a protest, having ID on hand can be helpful if you are arrested at a protest. Sometimes, police detain people arrested for longer if they aren't able to prove their identity. Having ID can help you be released faster. There is also a chance that an officer will give you a ticket instead of arresting you if you have valid identification.

**Maybe your medications.** The general rule is that you should not bring things to protests that you are not willing to lose, and this applies to medication. If you need to take medication during the time of the protest, bring it in its original prescription bottle, but only bring as much as you will need. Know that police will not allow you to keep your medication with you if you are arrested, and they may or may not administer it to you.

Other things to bring to a protest include:

- Backup batteries or chargers for electronic devices or assistive devices
- A portable stool
- Toileting equipment
- Sunscreen, an umbrella, layers of clothing, a rain jacket (for protecting you from the elements)
- Ear plugs and sunglasses (for sensory sensitivities)
- A gas mask and goggles

## What should I leave at home?

Protesting can be inherently risky, and the level of risk will vary from event to event. But generally, it is a good idea not to bring anything to a protest that you do not want to lose or that you do not want to be seen by the police.

**Maybe a service animal or mobility aid (if possible).** In particular, deciding whether to bring a mobility aid or service animal to a protest can be a difficult choice. Mobility aids like power wheelchairs or prosthetic limbs can cost thousands of dollars. They can also be tailored to fit the body of the person who uses them. Service animals may take years to acquire and become a very close companion and teammate for their users. Mobility aids can be damaged and service animals can be injured at protests. This is especially true when there is a high risk of arrest or a risk of the police using violent crowd dispersal tactics like spraying teargas or firing rubber bullets. For these reasons, a mobility aid user or service animal user may want to avoid situations where their mobility aid could be damaged, or their service animal could be injured. This could include avoiding protests with a high risk of police involvement.

On the other hand, some people may be unable to attend a protest altogether without their service animal or mobility aid, and attending a protest may be very important to them. ADAPT, a disability rights direct action group, is very experienced in protesting with mobility aids and is a perfect example of protestors with disabilities taking radical action to fight for justice. With the right supports in place, protesting can be accessible to everyone.

Still, deciding whether to protest and what to bring to a protest is a personal choice, but protests with high risks of police involvement pose larger threats to service animals and mobility aids.

**All of your medication.** If you need to take medication at the time of the protest, only bring the amount that you will need for that period of time (including arrest if you plan to be arrested). Otherwise, you may lose your medication during a protest or arrest and not have access to it until you are released or can get your prescription refilled again.

Other things that you should NOT bring to a protest include:

- Valuables or large amounts of cash
- Alcohol
- Illegal drugs or weapons
- Documents revealing protest plans or names/contact information of people who organized the protest
- Bright clothing (may make you a target in a crowd)

## **What are common accessibility barriers at protests I should be aware of?**

**Inaccessible spaces.** Sometimes protests are held in physical spaces that may not be fully accessible. For example, a protest that is held in a paved, open, public square may be more physically accessible than a protest held inside an older, private building that may have inaccessible physical features like stairs or narrow hallways. Further, loud and chaotic environments may not be accessible for people with sensory sensitivities.

**Inaccessible activities.** If a protest involves physical activities like standing for a long time, marching long distances, running, lifting heavy objects, or staying in one place for a long period of time (like a sit-in), some people may not be able to participate in all of the physical aspects of the protest. That being said, there are ways to make these protest activities more accessible. For example, the disability rights direct action group ADAPT has the slowest protestors lead marches so that they are not left behind. In addition, ADAPT has people assisting along the route to help anyone who needs it.

Deciding whether to participate in a protest that may involve challenging physical activity or risk of injury is a personal choice. That being said, disabled activists have a history of using radical physical protest tactics to achieve change, and disabled people should not be excluded from protest activities because of their disability. The most useful tool to make protest activities accessible is community support and care.

**Inaccessible modes of communication.** Due to the sometimes informal nature of protests, or the fact that some protests are organized last minute, protests may not always have accessible ways of communicating with people with disabilities. For example, the protest organizers might not hire an ASL interpreter for Deaf or hard of hearing people to be able to understand rally speeches. Stages or elevated platforms used by protest speakers may not have ramps that allow wheelchair users to speak in front of others. Use of megaphones alone to convey information to protestors in chaotic environments can also be inaccessible for Deaf and hard of hearing people.

## **Do I have a right to reasonable accommodations from the protest organizers?**

Probably not. Reasonable accommodations are changes to the usual way of doing things to include people with disabilities. The Americans with Disabilities Act (ADA) requires certain entities to give reasonable accommodations to disabled people. The ADA applies to employers (under Title I), public entities like state or local governments (under Title II), and public accommodations like businesses and places that are open to the public (under Title III). Generally, protests are not organized by entities falling in one of these categories. Protests are usually organized by private citizens or organizations that are not offering services to the public when they organize a protest.

As such, you might not be legally entitled to reasonable accommodations. Even if you are not legally entitled to reasonable accommodations, you should still request them so that the event organizers have the chance to voluntarily comply with your request.

## How do I ensure my needs are met even if organizers are not required to provide accommodations?

Even if you are not legally entitled to reasonable accommodations, you can still ask for them and give protest organizers resources that can help them organize an accessible protest. If you can get in contact with protest organizers to inform them of your accessibility needs, you should. You can also share [this checklist](#) with protest organizers that explains how to make social justice events accessible to the disability community.

You can also ask for information from the protest organizers to personally assess the accessibility of the event to help you decide whether you will attend. For example, you can ask things like:

- Where will the protest be held? Is the building or square where it will be held accessible?
- Is the protest close to multiple public transportation routes?
- Are there any stairs along the protest path? Will there be spaces to sit down and rest?
- Where are the nearest accessible public bathrooms?
- Will the protest organizers provide interpreters? How do the protest organizers plan to communicate with Deaf or hard of hearing participants if the protest environment becomes chaotic?
- Will organizers hand out written materials summarizing the main points of any speeches given during the protest?
- Are jail support organizers prepared to bring mobility aids if people are arrested without theirs?
- Is there a plan to help support disabled protestors if there is an encounter with the police?
- What are accessible exit options to safely leave the protest, if people need to leave?

Consider scoping out the area where the protest will take place before the action takes place. You can create your own exit plan, based on what businesses you see near the

demonstration area, nearby public transportation stops (if you plan to take public transit to leave), and side streets that you can use to leave the action, in case of any emergencies. You can also view the demonstration area using “street view” on a map app, but be mindful that this information may not be secure if you get arrested and could even be used as evidence to charge you of a crime. Consider using a VPN or “incognito” browser if you are worried that you might be arrested at the action.

## **Section 2: During the Protest**

### **What are my rights as a disabled person to protest?**

The First Amendment protects your right to freedom of speech. This includes:

- Picketing, chanting, marching on public sidewalks, parks, or plazas (as long as the protest meets permitting requirements)
- Handing out leaflets, flyers, or other literature

You may also request reasonable accommodations in interactions with police or protest organizers. Please refer to other sections of this guide for more on this process.

Consider coming up with an exit plan if you need to leave the protest location suddenly and share it with a trusted person who is not at the protest.

### **Can I face disciplinary action at school for protesting?**

It depends. You should review your school’s code of conduct before participating in a protest. Schools have rules and regulations written into their codes of conduct that outline what types of behaviors lead to suspensions, expulsions, and other kinds of consequences. The code of conduct is usually listed in a student handbook or can be found by contacting your school’s administration.

If you are a student at a public school or university, the First Amendment protects your freedom of expression. Your school can set reasonable, viewpoint-neutral rules about the time, place, and type of protest activity that is permitted, however. Substantially disrupting the school environment may lead to disciplinary action.

If you go to a private school or university, the First Amendment does not generally protect your speech. You should consult your school's code of conduct to learn what types of consequences you might face if your protest breaks any of the listed rules.

## **Can I lose my benefits for protesting?**

No. You have the right to protest the government under the First Amendment. Your benefits cannot be taken away just because you exercise your First Amendment rights.

If you are arrested at a demonstration, you might not be able to access your benefits if you are in jail. Your benefits are protected unless you have too much income/earnings or your living arrangements change.

## **Can I lose my job for protesting?**

It depends. If your employment is considered "at will," your employer may be able to fire you for any reason, at any time (unless there is a specific law or contract provision in place protecting your activity).

It's important to understand that the First Amendment only prevents the government from suppressing your speech, not private employers. If you work for the government, you may still be subject to certain limitations under the Hatch Act that prohibits certain types of political activity.

If you work for a private employer, you may have more protections if your state or local jurisdiction has laws that protect off-duty employee political activity. Employees who are unionized may have more protections.

## **What actions may result in interactions with police or the criminal legal system?**

The content of your speech is usually protected (meaning the things that you are saying), but there may be restrictions on your actions or the effects of your speech. These activities might cause the police to get involved:

- Blocking access to sidewalks or buildings
- Disrupting counter-protests or being violent towards counter protesters
- Engaging in speech that is likely to incite an immediate dangerous or disruptive disturbance (like yelling “Loot the store!” during a protest), makes a threat, or slanders someone.
- If you “disturb the peace” (are too loud) during your protest. Check your local laws on noise and amplification (speakers, megaphones, music).
- Being part of a large protest in the streets that doesn’t have a permit.
  - Some cities require permits for certain displays of speech, that limit the time, place, or rules of protesting in the street. Check your local laws.
- Engaging in violence can result in arrests and charges. While you have the right to defend yourself using as much force as can allow you to get away from the situation, you can still be arrested and charged for the harm you cause. These charges can go away in court, if you argue that you acted in self-defense. Acting in self-defense does NOT prevent you from being arrested and charged with crimes.
- Civil disobedience while you are undocumented may result in the police calling Immigration and Customs Enforcement (ICE). People who are impacted by the criminal legal system may face harsher penalties for arrests arising out of protest; particularly those who are on probation or having pending charges. Immigrants who have non-citizen status may also experience additional penalties for arrests arising from protest, such as being denied status in the future.
- Wearing a mask, if your state or city has adopted a mask ban, might result in being asked to remove your mask or harassment if you decline to.

## **What if my state/city has passed a mask ban law?**

Disabled people are at higher risk of severe cases of COVID-19 and face masks are one of the few tools that are still accessible to people to protect themselves, as many public health measures have been rolled back. Wearing a mask at a protest is one way to protect yourself in a large crowd from COVID-19 and can also protect you from doxxing or harassment by making it harder for bad actors to identify you.



Many of these mask bans may be unconstitutional. The First Amendment protects your right to protest anonymously. Even if you are wearing a mask to conceal your identity, your lawful exercise of free speech is protected. However, you may face criminal penalties if your actions go beyond what is protected by the First Amendment. For example, if you spray paint a building during a protest while wearing a mask to protect your identity, you may still be arrested for vandalism or destruction of property.

If your state/city has passed a mask ban law, you should familiarize yourself with the specific actions that are seen as criminal under the law. Some laws criminalize wearing masks at protests, but have an exemption for mask wearing for health reasons. These exemptions will be hard to enforce fairly and will likely lead to police and other authorities targeting marginalized groups and protesters whose beliefs they disagree with. Nonetheless, it may be helpful to be prepared with knowledge of what the law says about exemptions, so that you can defend yourself from future charges, if you are arrested or detained. You may want to consider telling authorities who question your mask wearing, "I am wearing a mask to protect my health," but you should be prepared that it may not prevent harassment.

## **Where are my free speech rights to protest best protected?**

**Some "traditional" public spaces** are most protective of your First Amendment rights. Protests on sidewalks, streets, city halls, plazas in front of public buildings, and public parks can only be restricted through time, place, and manner laws. These laws say that you can protest at certain times, in certain places, and only in certain ways. For example, a law could prevent you from protesting in the middle of the night with speakers or megaphones so you don't wake people living in houses nearby.

**Other public spaces** (military bases, airport terminals, post offices) may not be as protected. You may face reasonable restrictions on your protest as long as they don't discriminate against one viewpoint.

You do not have the right to protected speech on **private property** and can be asked to leave by the owner if protesting.

## What if I need to use the bathroom during a protest?

Private businesses *can* tell members of the public that they are not allowed to use their bathrooms, even when there is not an ongoing protest.

Many states have passed versions of **Ally's Law**, which requires stores to allow people with certain disabilities to use an employee bathroom if no public bathrooms are available. Note: Many of these states may require proof/doctor's note to access the restroom. You should check your state's version of Ally's Law or other restroom access laws to learn about what is required to use the bathroom.

States that recognize Ally's Law include:

California	Maine	Ohio
Colorado	Maryland	Oregon
Connecticut	Massachusetts	Tennessee
Delaware	Michigan	Texas
Illinois	Minnesota	Washington
Kentucky	New Hampshire	Washington D.C.
Louisiana	New York	

Protesters may be denied access to a bathroom if a private owner does not wish to respect their speech. However, providing documentation of your disability may allow you to access the bathroom regardless of your involvement in a protest if your state has enacted a restroom access law. Some protesters may not want to reveal their identities to businesses, however, which can make bathroom access during a protest challenging.

If your state does not protect access to a public bathroom or if you prefer to stay anonymous during a protest, you should plan for how you will handle your restroom needs at the protest. For example, if you have a friend who lives along the protest route, you could ask to use their private bathroom during the protest.

## **What if I cannot stand for the entire protest?**

Some towns have sit-lie laws that prohibit people from sitting or lying down on a street or sidewalk. These laws are ableist and intended to prevent unhoused people from sleeping outside. You should check your local laws and map out potential benches or seating areas in the protest location to reduce the risk of interactions with police. You can also consider bringing a collapsible stool that can be folded up and moved, if necessary.

## **How can I keep myself safe at the protest by communicating with others?**

First, tell an emergency contact that you plan to protest. Let them know what time you plan to be home, and make a plan to check in after.

Next, tell friends and organizers about your access needs. Create a plan for how you will communicate in the event of loud noise, chaotic crowds, or to escape danger.

Connect with local harm reduction organizations and protection and advocacy organizations for additional support.

## **Section 3: Police Interactions**

### **Police Interactions Prior to Arrest**

#### **Are police required to give notice before raiding a protest encampment?**

Yes, police are required to give a clear dispersal order (a directive to a group of people to move from a specific area) with reasonable time to leave and an accessible path, although they do not always do this. If the police leave a written notice ordering protestors to leave, it must be posted where people can actually find it. The order must include how much time protestors have to leave, which exit route they should take, and what the consequences will be if they do not comply. Police may not infringe upon your free speech rights if you are following local laws regarding time, place and manner of the action. They can only legally break up a gathering if there is an

“immediate threat to public safety”, which may include interference with traffic, direct threats, or clear and present danger of riot. If there are counter protestors present, police are not supposed to treat one side more harshly than the other.

### **In general, what are added risks as a person with a mobility/communication/cognitive disability if I do not follow a dispersal order?**

In California (according to California Penal Code Section 409 PC) anyone who remains at a protest after they have been “lawfully warned to disperse,” other than police officers or anyone assisting them, may be charged with a misdemeanor. A person with a disability may face violence and/or arrest.

In general, if you decide to engage in civil disobedience, which is the active refusal to obey a law or demand as a form of protest, it is a good idea to keep a list of trusted phone numbers and valid ID with you. Police may give you a ticket instead of arresting you if you have identification. Before deciding to engage in civil disobedience, be sure you are aware of the potential outcomes and evaluate how much risk you are willing and able to take. If you are undocumented, the police may call ICE if you are arrested.

### **What are my rights if police physically block me from leaving the protest, for example, by surrounding me?**

The best thing to do if you are in this situation is to stay calm and link up with the person you attended the protest with. Together you should be precautionous of tear gas and look for an exit route, although this may be difficult or impossible. One example is kettling, a police tactic used to contain a crowd within a limited area by forming a barricade and/or blocking off streets. The purpose is to isolate a group of people from a larger group with the intention of making arrests. This can be scary for people, and especially dangerous for disabled people. Although many police departments deny the use of kettling, it does happen and puts protestors at risk of being tear gassed, beaten, or arrested by officers as well as trampled by other panicked protestors trying to leave or move away from projectiles. It is questionable whether kettling is legal but it does occur and there are several excessive force cases against departments who have used this tactic.

## **Can I make a reasonable accommodation request to a police officer directly?**

Yes, you have the right to request reasonable accommodations during a police interaction. Law enforcement agencies - including campus police - are public entities that must comply with the anti-discrimination provisions of the Americans with Disabilities Act (ADA) and other state and federal laws. This means that law enforcement agencies must give disabled protestors the benefit of the opportunity to comply with directives in a manner consistent with their disabilities; must carry out protest-clearing and management activities in a way that does not unduly burden disabled people; must make changes to policies, practices and procedures to avoid discrimination; and must take the steps required to ensure that communication with protestors with disabilities is as effective as communication with protestors without disabilities.

## **How do I make a reasonable accommodation request?**

To make a reasonable accommodation request, you or someone who is with you, can directly ask an officer at a protest, either verbally or in writing. To do this, you can say “I have a disability that requires accommodations under the ADA”, then state what accommodation you need. You do not have to use the phrase, “reasonable accommodation”, although it may remind police about their legal obligation.

Following are some examples of reasonable accommodations you could request:

- ASL Interpretation services or auxiliary aids
- Reading written instructions out loud or having instructions written out for verbal commands
- Speaking clearly and/or slowly for lip-reading
- Providing a more accessible exit route from the protest
- Extra time to disperse - the more specific the better
- Not using flashing lights
- Help with exiting the protest area

\*Although the police are legally required to give reasonable accommodations, they often violate this right.

## **What if I am unable to see, hear or verbally respond to police questions, orders or directions?**

Police are required to give clear instructions to crowds, and to not discriminate against people with disabilities under the ADA, although historically, they do not always follow these laws. If you are Deaf, hard of hearing or do not speak, you can carry a phone or notepad to assist you in communicating with the police. As mentioned in the reasonable accommodation question, the police must provide communication aids and services unless they will fundamentally alter the nature of law enforcement services. If providing an interpreter, they must be qualified and impartial, and at no cost to the person with a disability. The police may not force you to use a family member or friend to translate. Note that you are not legally required to answer most questions asked by the police, so in some cases it is best to remain silent.

## **What can I do if I am having a mental health crisis during a protest that is triggered by a police interaction?**

The police usually do not respond well in situations involving mental health. Often, they trigger an even worse mental health response, especially for a protestor with PTSD (Post-Traumatic Stress Disorder) or with any past trauma involving the police. If you feel you are in an unsafe area that may be triggering to you, do your best to move away to a safer, more quiet area. There are possible ways to communicate to the police if they are making symptoms related to your mental health worse. For example, if the police handcuff you too tightly you can let them know it is hurting you.

## **How can I try to avoid being charged with resisting arrest for something related to my disability?**

The police often misinterpret behaviors related to a disability, such as stimming, shock responses, hand gestures, and physical reactions, as “resisting”. While this will not guarantee your safety, communicating to the officer that you have a disability may reduce your chance of being falsely charged with resisting arrest. If you are unable to communicate this to law enforcement, you may consider bringing a friend or family member who can inform the police for you, but you might get separated from them.

Remember that the police can legally lie to you and may encourage you to admit guilt, so don't forget you have a constitutional right to remain silent. If possible, say "I am not resisting". You should also clearly tell the police that you want to speak to an attorney if you can, by saying "I want to speak to an attorney" and then stop communicating with the police. At this point, the police must stop speaking to you. If you tell them you want to remain silent but then continue to communicate with them, they can continue to interrogate you. Following are some offenses you may be charged with if you are arrested during a protest:

- Resisting arrest or delaying a peace officer (Penal Code Section 148)
- Disrupting a public meeting (Penal Code Section 403)
- Riot and unlawful assembly (Penal Code Sections 404-408)
- Failure to disperse (Penal Code Sections 409)
- Disturbing the peace (Penal Code Section 415)
- Trespassing (Penal Code Section 602)
- Refusing to obey a peace officer who is enforcing the Vehicle Code (Vehicle Code Section 2800(a))
- Attempting to free a person who has just been arrested (Penal Code Section 405a)
- Using force, a threat of force, or physical obstruction to interfere with a person's right to reproductive health services or to attend a place of religious worship (18.U.S.C. § 248)

## **How can I protect myself from weapons the police may use on the crowd, such as tear gas, pepper spray, or rubber bullets?**

Some items that may protect you from police weapons are included in the first section of this guide, such as a first aid kit. You may also want to consider bringing goggles to protect your eyes from tear gas and wearing long sleeve shirts/pants. The police may also use rubber bullets on crowds, such as at the UCLA Palestine Solidarity Encampment in 2024. Organizers may also have plans for how the group will respond in these situations. Look for anyone in a bright yellow/green security vest and ask them if they have a safety plan for how to support protestors with disabilities if the

police use these crowd control tactics, such as chemical weapons, which may disproportionately affect people with disabilities, such as asthma.

## **Police Interactions During and After Arrest**

### **What are my basic rights when I am arrested?**

Alabama	Kansas	Ohio
Arizona	Louisiana	Rhode Island
Arkansas	Missouri	South Carolina
Colorado	Montana	Tennessee
Delaware	Nebraska	Texas
Florida	Nevada	Utah
Georgia	New Hampshire	Vermont
Illinois	New Mexico	Wisconsin
Indiana	North Dakota	Wyoming

### **Can the police lie to me once I am arrested?**

Yes, the police can legally lie to you. They may tell you that they have evidence that you committed a crime, or tell you that if you confess you will have a shorter sentence. Do not believe anything the police say to you while you are being arrested. The best thing to do is to remain silent. Tell the police you would like to speak to an attorney before speaking to them and be sure to speak to an attorney before giving them any information.

### **Can the police legally separate me from a support person?**

If you or your support person are arrested, you may be separated. Make sure to stay as physically close to each other as you can during a police interaction/raid. Communicate with each other so you can be on the same page about when to leave a protest and whether you are both comfortable engaging in civil disobedience.

### **Can I use the bathroom or receive medical attention after being arrested?**



If you are injured during a protest, it is important to get medical attention right away no matter what the police say. You have the right to be treated in jail after being arrested, but some medical insurance plans will not cover the bills. Check your policy to see if it would be covered before attending a high risk protest. The police must also allow you to use the bathroom, although they may make you wait until you reach the station. If your medical needs are not being met, contact the sheriff and jail nurse to inform them of your needs if possible.

### **What if I am separated from my mobility aids or prescription medication when arrested?**

As mentioned in previous sections, the general rule is not to bring anything you are willing to lose to a protest. Obviously, you may need to bring certain mobility aids or medication to a protest, but know that police will at least temporarily confiscate any personal belongings. If you are arrested, a clerk will record your items and give you a property voucher. Tell the arresting officers and jail staff of the health risks of not taking your medication or being separated from your assistive device.

When you are released, you can collect your personal belongings, unless the items are considered “evidence”, in which case you would receive them back once the case is resolved. There is no requirement that police must administer non-life sustaining medication. Some organizations delegate jail support organizers who support arrestees as they navigate the legal system and may be able to bring you mobility aids or your medication if you are arrested without them.

### **What happens to my service animal if I am arrested?**

Unfortunately, your assistance animal may be harmed during police interactions during or after a protest, for example, by use of force directly from officers, or from chemical weapons used on crowds. It may not be feasible for you to leave your service animal at home when attending a protest, so it is a good idea to plan for someone you trust to take your animal with them if you are arrested.

### **Are there any legal remedies if I am injured by a police officer during a protest?**

Make sure to document any and all injuries caused by the police, such as cuts, bruises, or burns. Always photograph, film, and record details about the police if you can. Some important information includes officer names, badge numbers, patrol car numbers, and agencies they work for. Be sure to focus on police conduct and the harm it causes, rather than any protest conduct, in your documentation. If you are stopped or confronted for taking photographs, stay calm and if you are able to, ask the police, "Am I free to leave?" A support person may also ask the police if you are free to leave and help you move away from the area if so. The police may only legally detain you if they have reasonable suspicion that you did or will commit a crime. It is not a crime to film the police in a public place. If you are harmed by the police, you may [file a complaint with the Department of Justice \(DOJ\)](#) and/or contact an attorney for legal representation. Refer to the resources page below for organizations you can also reach out to.

## Information & Resources

### General

- **The ADAPT Activist Handbook** | ADAPT: <https://adapt.org/wp-content/uploads/2017/05/ADAPT-handbook-2017.pdf>
- **How to Make Your Social Justice Events Accessible to the Disability Community: A Checklist** | Rooted in Rights: <https://rootedinrights.org/how-to-make-your-social-justice-events-accessible-to-the-disability-community-a-checklist/>
- **Contact the Department of Justice to report a civil rights violation** | U.S. Department of Justice: <https://civilrights.justice.gov/report/>
- **Tactics to secure your smartphone before joining a protest** | Amnesty International: <https://www.amnesty.org/en/latest/campaigns/2020/06/tactics-to-secure-phone-before-a-protest/>
- **Protocols for Common Injuries from Police Weapons** | CrimethInc.: <https://crimethinc.com/2020/06/08/protocols-for-common-injuries-from-police-weapons-for-street-medics-and-medical-professionals-treating-demonstrators>

## Student/Campus Protests

- **Know Your Rights for Campus Protest** | National Lawyers Guild: <https://www.nlg.org/wp-content/uploads/2023/10/NLG-KYR-Campus-Protest.pdf>
- **Students' Rights: Speech, Walkouts, and Other Protests** | American Civil Liberties Union: <https://www.aclu.org/issues/free-speech/students-rights-speech-walkouts-and-other-protests>
- **Answering Your Student Speech Questions** | ACLU: <https://www.aclu.org/podcast/answering-your-student-speech-questions>
- **Can Schools Discipline Students for Protesting?** | ACLU: <https://www.aclu.org/news/free-speech/can-schools-discipline-students-protesting>
- **What the First Amendment Means for Campus Protests** | New York Times: [https://www.nytimes.com/2024/05/01/us/free-speech-campus-protests.html?unlocked\\_article\\_code=1.6k0.T8d-MR5YJtLQefBx&smid=url-share](https://www.nytimes.com/2024/05/01/us/free-speech-campus-protests.html?unlocked_article_code=1.6k0.T8d-MR5YJtLQefBx&smid=url-share)

## Workplace Rights as a Protestor

- **Your Workplace Rights as a Political Protester** | Legal Aid at Work (California): <https://legalaidatwork.org/factsheet/your-rights-as-protester-political-protests-by-employees/>
- **Strikes, Pickets and Protest** | National Labor Relations Board: <https://www.nlr.gov/about-nlr/rights-we-protect/the-law/employees/strikes-pickets-and-protest>

## Organizations

- **American Civil Liberties Union:** <https://www.aclu.org/>
- **Civil Liberties Defense Center:** <http://cldc.org/>
- **Council on American-Islamic Relations:** <https://www.cair.com/>
- **Disability Rights Advocates:** <https://dralegal.org/>
- **Disability Rights Education and Defense Fund:** <https://dredf.org/>

- **Disability Law United:** <https://disabilitylawunited.org/>
- **National Disability Rights Network** | Protection & Advocacy Systems and Client Assistance Programs: <https://www.ndrn.org/about/ndrn-member-agencies/>
- **National Lawyers Guild:** <https://www.nlg.org/>
- **Palestine Legal:** <https://palestinelegal.org/>

## Conclusion

Knowing your rights as a person with or without disabilities is critical for the protection and enforcement of rights. This guide and its resources were created with the hope that disabled people across the country can feel empowered to engage and meaningfully participate in protests of their choosing. Disabled voices are powerful, and much needed in the fight for collective liberation.