

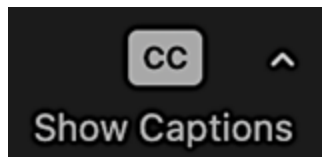
## **This is a Zoom Webinar**

- All attendees are muted, and cameras are disabled.
- There will be a Q&A at the end of the webinar.

## **Live Captioning and tech support are available**

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**Disability  
Law United**

Eliminating Discrimination  
At Every Intersection



**DREDF**

Disability Rights Education & Defense Fund

# No Protest Without Us: Tips and Tools for Protestors with Disabilities

August 29, 2024



# Brand New Resources!



Disability Law United  
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CIVIL LIBERTIES DEFENSE CENTER

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NEW DISABLED SOUTH

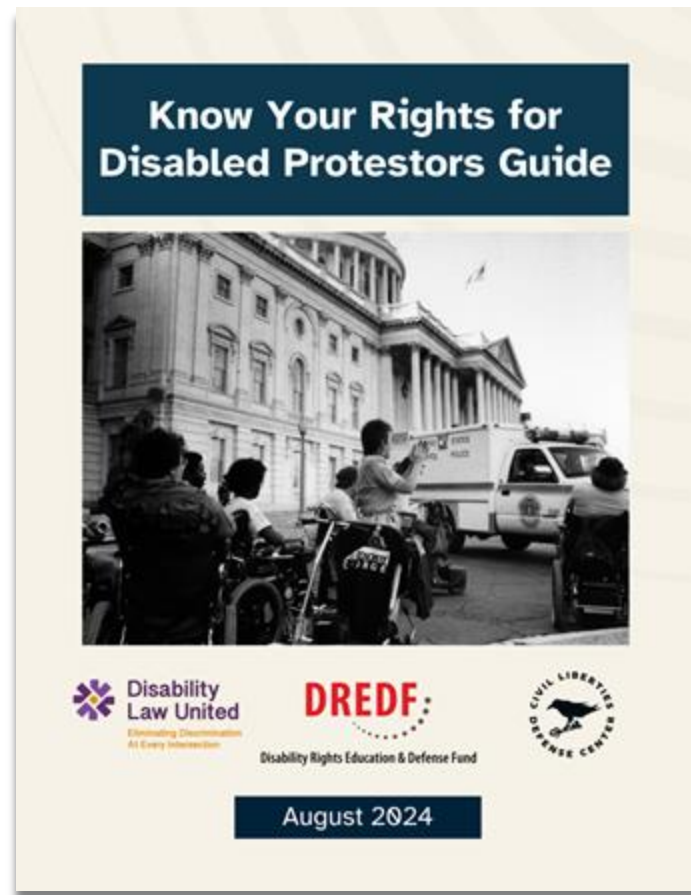
## PROTESTING WHILE DISABLED

Oftentimes, direct action culture centers certain bodies, abilities, and ways of showing up. But there are many ways to show up for an action or a movement!


Here are just a few:

- FRONT LINE DIRECT ACTION
- JAIL/BAIL SUPPORT
- LEGAL OBSERVING
- SOCIAL MEDIA POSTING
- MEDICAL SUPPORT
- COMMUNITY CANVASSING
- OFFERING FOOD & SUPPLIES

No role or action is more valuable than another. Disabled people often lead the way in building creative, accessible ways of showing up for a cause.



## Know Your Rights for Disabled Protestors Guide



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CIVIL LIBERTIES DEFENSE CENTER

August 2024

# Discussion with Anita Cameron & Adele McLean

Moderated by Aviance Brown



# Your Rights as a Protester with Disabilities



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- Sinjita Bhattacharya, Legal Intern
- Jillian MacLeod, Legal Fellow (DREDF)
- Lauren Regan, Director of Litigation & Advocacy (CLDC)
- *Contributor:* Ally Cline, Paralegal (DREDF)



# Disclaimers

This presentation 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.

# Disclaimers Continued

This presentation and the accompanying guides are meant to be tools for protestors to better understand their rights. Still, knowing your rights cannot protect you from police violence. The police often do not respect the rights of the people they interact with.

- Multiply marginalized people's experiences
- Providing information so you can make an informed choice about your protest tactics

# Topics to be Covered

- Preparing for a Protest
- During a Protest
- Police Interactions
  - Interactions Prior to Arrest
  - Interactions During and After Arrest
- Questions
- Resources



# Preparing for a Protest

# What Should I Bring to the Protest?

- A friend or trusted person
- Items to protect you from COVID-19
  - A well fitting, high filtration mask
  - Hand sanitizer
  - Gloves
- Water and snacks
- A first aid kit
  - Bandages
  - Gauze
  - Antiseptic
  - Eye washing solution
  - Burn creams or gels
- Your phone (location services turned off)

## ***Maybe bring:***

- Your State ID
- Your medications - in the original bottle, only as much as you need during the protest and arrest



CO-EDITING

FILE STORAGE

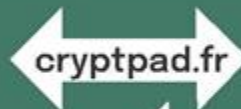
MESSAGING

SMALL CALLS

MEDIUM CALLS

HUGE CALLS

ENCRYPTED



TRUSTED



UNTRUSTED



Password-protected but not end-to-end encrypted

\*These recommendations are not exclusive—there are many other apps that fall within these 3 categories.

# HOW TO SECURE YOUR PHONE AGAINST CONFISCATION OR LOSS

**IF YOUR PHONE IS LOST OR TAKEN AND IT IS:**



## OFF

Your information is likely safe!

### To ensure its safety:

- Keep a strong passphrase



**GET MORE  
INFORMATION  
ABOUT DIGITAL  
SECURITY HERE**



## LOCKED

A fair amount of data is compromised.

### To limit available information:

- Keep a strong passphrase
- Turn off message previews/notifications
- Turn off voice controls or Siri
- Deactivate fingerprint unlock

## UNLOCKED

Everything has been compromised.

### To minimize damage:

- Enable remote wiping and remotely wipe phone
- Change all account passwords
- If you get your phone back, don't trust it!

**ALWAYS KEEP YOUR PHONE LOCKED, & POWER DOWN YOUR PHONE IF POSSIBLE!**

# What Should I Leave at Home?

- Valuables or lots of cash
- Illegal drugs or weapons
- Alcohol
- Documents revealing protest plans or contact information for protest organizers
- Bright clothing
- *All* of your medication

***Consider whether you feel comfortable bringing:***

- Service animals
- Expensive mobility aids

# Common Accessibility Barriers at Protests



Image supplied by mizfirestormue / 500px via Getty Images

Inaccessible  
spaces



Image supplied by Etienne Laurant / AFP via Getty Images

Inaccessible  
activities



Image supplied by FG Trade / E+ via Getty Images

Inaccessible  
modes of  
communication

# Can/Should I Request Accommodations From Protest Organizers?

**Short answer: Yes!**

**Long Answer:** In most circumstances, **you will not be legally entitled to reasonable accommodations** from protest organizers under the ADA. This is because protest organizers do not usually fall into the categories covered by the ADA. **BUT ...**

Even if you are not legally entitled to reasonable accommodations, **you can still ask for them, share resources, and give protest organizers the chance to make the protest more accessible.**

# Requesting an Accommodation from Protest Organizers

Let protest organizers know exactly what your accessibility needs are.

You can also ask questions to help you personally assess the accessibility of the event, like:

- Where will the protest be held? Is the space accessible?
- Are there any stairs along the protest path? Will there be spaces to sit down?
- Where are the nearest accessible public bathrooms?
- Will the protest organizers provide interpreters?
- 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?



# During a Protest

# What are my rights while protesting?

The First Amendment protects your right to free speech. This can look like:

- Picketing
- Chanting
- Marching on public sidewalks, parks or plazas
  - Sometimes needs a permit (stopping traffic, sound)
  - Blocking access can attract police
- Handing out flyers



Image supplied by Chona Kasinger  
via Disabled and Here

# What kinds of actions may be higher risk for police interaction?

- Blocking access to buildings
- Disrupting counter-protests
- Inciting an immediate dangerous or disruptive disturbance (like yelling “Loot the store!”), making a threat, or slandering someone
- “Disturbing the peace”
- Large protest without permit
- Civil disobedience (note: ICE)



Image supplied by Daniel Arauz via Wikimedia Commons.

- Violence against others (note: **self-defense does not prevent arrest**)
- Wearing a mask in areas with mask bans

# What are some of the risks/outcomes I should be prepared for?

## School Disciplinary Action

- Public vs. private school (First Amendment; time place manner restrictions)
- Code of Conduct

## Employment Consequences

- Public vs. private (First Amendment; Hatch Act)
- “At-will” employment
- Local/state protections

## Police interactions/arrest

- Content vs. conduct
- Mask bans
- Actions with higher risk of police

## Other things to keep in mind

- Doxxing campaigns
- You cannot lose your benefits for protesting!
- Have an exit plan

# How can I manage my access needs?

- Map out the protest location and route before you go
  - Using bathrooms (Ally's Law)
  - Sitting or laying down during the protest (Sit-lie laws/ordinances)
- Wearing a mask (note: Mask bans), earplugs, and/or sunglasses.
- Go with a friend or support person; tell someone where you will be so you can call them, if needed.
- Reasonable accommodation requests



Image supplied by Getty Images

# Where is my speech most protected?

## Traditional Public Spaces

- Most protected
- Only restricted by time, place, manner laws
- E.g. sidewalks, streets, city halls, plazas in front of public buildings, and public parks

## Other Public Spaces

- Less protected
- Restricted by reasonable, viewpoint neutral rules.
- E.g. airport terminals, military bases, post offices

## Private Property

- Not protected
- Can be asked to leave or arrested for protesting.
- E.g. private businesses, people's homes, private colleges or schools

# Police Interactions: Prior to Arrest

# Do I have a right to Reasonable Accommodations from Police?

- Law enforcement agencies are public entities that must comply with the anti-discrimination provisions of the ADA
- Examples of Reasonable Accommodations/Modifications:
  - 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



# What can the police do at Protest Encampments?

- When clearing a campus solidarity encampment, police are required to give a clear dispersal order with reasonable time to leave and an accessible path, although they do not always do this.
- If counter-protestors are present, police are not supposed to treat one side more harshly.
- Can only break up a gathering if there is an “Immediate Threat to Safety”
  - Interference with Traffic
  - Direct Threats
  - “Clear and Present Danger of Riot”



Image supplied by Shutterstock

# How do I protect myself from common police tactics?

- Common Tactics to Expect
  - Kettling (cops form a barricade to contain crowd)
  - Rubber Bullets
  - Chemical Weapons - wear goggles if you brought them
  - Lying - The police can **legally** lie to you. But you cannot lie to the police.
- General Tips
  - Look for anyone with a bright-colored security vest to ask if they have a safety plan if police come
  - Stay with your support person and try to find a safe exit route

# Police Interactions: During and After Arrest

# Three Levels of Police Encounters

- **Conversation**
  - “Am I being detained?” “Am I free to leave?”
  - If you are not being detained, you are not required to answer
- **Detention - police need reasonable suspicion**
  - “Am I being detained? Why?”
  - “I do not consent to this search but I am not resisting”
  - Cops may pat you down, you may need to identify yourself (Name, DOB, address)
- **Arrest - police need probable cause or warrant**
  - “I do not consent to any searches”
  - “I want an attorney”
  - “I want to remain silent”

# Your Rights During Interactions With the Police & After Arrest

- Right to accommodations
- Right to record the police
- Right to refuse to consent to a search
- Right to court-appointed attorney if you cannot afford one
  - Within a reasonable time, cops must allow you to call your attorney
- Right to Remain Silent
  - Exception: Stop & Identify Laws

# What can the police charge me with at a protest?

- Resisting arrest or delaying a peace officer
  - Say “I am not resisting”.
- Disrupting a public meeting
- Riot and unlawful assembly
- Failure to disperse
- Disturbing the peace
- Trespassing
- Refusing to obey a peace officer who is enforcing the Vehicle Code
- Attempting to free a person who has just been arrested



Image supplied by Unsplash

# What can happen after I am arrested?

- May be separated from:
  - Mobility Aids
  - Service Animals
  - Support Person/Friend
  - Prescription Medication
- You have the right to be treated in jail after being arrested, but may have to wait until you arrive at the station to receive medical attention and/or use the bathroom. Expect delays.
- Document any injuries & always film the police
  - Names & badge numbers



Image supplied by Pexels

# Organizing Accessible Protests

by Aviance Brown



**Disability  
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# Making Protests/Organizing Events Accessible: Before the Protest

- One in four adults in the US identifies as disabled, whether that is apparent or not so it is imperative to assume that someone attending your event is disabled and take the necessary steps to ensure it is accessible
- Be sure to include the voices of disabled people during the planning phase
- Communicate if something won't be accessible. Despite best efforts, it's better to be honest so people can decide for themselves if they will participate
- Consider how disabled people can participate in supporting overall goals of the protest, even if they cannot physically participate in the event

# Making Protests/Organizing Events Accessible (2/3)

## Before the Protest

- Consider how disabled people can participate in supporting overall goals of the protest, even if they cannot physically participate in the event
- Designate an access team who will coordinate accessibility issues throughout planning through the end of the event. Ensure that they are known and easy to contact.
- Give verbal description of the march route in advance including the distance and destination
- Consider the public transportation options. Are the nearest stops accessible, how far are they from the start of the route?

# Making Protests/Organizing Events Accessible (3/3)

## Before the Protest

- Consider offering wheelchair-accessible shuttles
- Is parking available? Are there spots for disabled protesters to park in?
- Go to view the route in advance and assess
  - Are the walking surfaces even and smooth?
  - Are there ramps-if necessary?
  - Are there accessible all-gender toilets nearby?
  - Check for benches, seats, and rest areas. If there aren't any, provide portable seating and make it clear that seats are for disabled protesters

# Making Protests/Organizing Events Accessible: During the Protest

- Ensure that all speakers, including those in the audience are using microphones or other amplification devices
- Let disabled people lead if they are willing to, this ensures that they are not being left behind
- Know that it's appropriate to offer respectful suggestions but do not hurry folks along and definitely do not touch anyone or their mobility devices without their consent
- **Look out for one another**, be mindful of those who will likely be targeted by law enforcement

# Questions?

