



**UNIVERSITY OF
GEORGIA**

School of Law

First Amendment Clinic

KNOW YOUR RIGHTS

Tips for Journalists Covering Protests

Preparing To Cover a Protest - What To Take With You

- A device that you can use to video-record and photograph
 - Document your interactions with the police by video-recording the encounter(s) so you have evidence of what transpired.
- A government-issued I.D.
 - If you are arrested, having a government-issued I.D. will help expedite your release. If you are arrested, and the police cannot identify you, you will have to be fingerprinted and positively identified before you can be released, which will prolong your detention.
- Press credentials
 - If you have documentation that demonstrates you are a member of the press, keep this with you at all times.
 - If your documentation is digital, you will not have access to it if you are separated from your phone during or after arrest. Consider supplementing with hard copy documents (e.g., press pass, work I.D. if you are employed by a media company, business cards that identify you as a journalist).
 - A police-issued press I.D. can grant you the right to cross police lines, at the discretion of the on-site officers.
- Press attire
 - Wear clothing that clearly demonstrates you are a member of the press such as a hat or shirt with the word “PRESS” prominently displayed.
- Cash and/or credit card
 - If you are arrested, you may have to post bond to be released. The offenses with which journalists are typically charged could carry a bond ranging from approximately \$150 to \$600, depending on the location of the arrest and the charge.
- A witness and a phone number
 - In the event of a police encounter, having a witness present (colleague, friend, family member) to observe and record what occurs, and to report to others that you have been arrested, could protect you from abuse and lengthy detention.

- Carry or memorize ahead of time the phone number of someone to call if you are arrested who will likely answer (remember you may not have access to your phone to retrieve a number).

Things To Remember When in the Field

- You have a right to be present in public spaces, but not a right to trespass.
 - You have no “special” or “additional” rights beyond those afforded to general members of the public.
- When you are lawfully present in any public space, you have the right to photograph and video-record anything in plain view, including federal buildings and the police, as long as you do not interfere with a police officer.
 - If you are in a place open to the public that is operated by a private entity, such as a private university or inside a business, the property owner may set rules about photographing and video recording, including prohibiting those activities. 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).
- If officers issue a dispersal order, they must provide a reasonable opportunity to comply, including sufficient time and a clear, unobstructed exit path. They must provide clear and detailed notice, including how much time you have to disperse, the consequences of failing to disperse and what exit route you can follow, before you may be arrested or charged with unlawful assembly. You may request this information.

What To Do if the Police Stop You

- Stay calm, keep your hands visible and do not resist.
- Record the encounter or have a witness record the encounter.
- Notify the arresting officer that you are a member of the press and present your press credentials (if you have them).
- If the situation allows for negotiation, ask the police where they would like you to stand that will still allow you to engage in newsgathering.
- If the situation does not allow for negotiation, ask if you are being detained and if you are free to leave.
- If the police ask for your consent to search or begin searching, tell them, “I do not consent to a search.” It can be dangerous and illegal to physically resist a search, but you should not verbally consent.
- Police officers may not confiscate or demand to view your photographs, video or reporting notes without a warrant. This is generally true even after police have arrested you and seized your phone. If you consent to show the police even one photograph on your phone, this may constitute consent for them to view all of your photographs and videos. Police officers may not delete data under any circumstances.

What To Do if the Police Arrest You

- Again, stay calm, keep your hands visible and do not resist
 - The place to challenge the arrest is in court
- Record the arrest or have a witness record the arrest
- Find out which law enforcement agency/jurisdiction is arresting you. There are often multiple agencies operating at the same location – e.g., city police, county sheriffs, state patrol, national guard -- and they each detain and process arrestees differently. Being able to correctly identify the law enforcement agency/jurisdiction to your editor or attorney will expedite your release.
- You have the right to remain silent. At most, give your name, address, age and the name of the media company (if any) with which you are affiliated.
- Ask to call your editor (if you work for a media company), your lawyer or the Reporters' Committee legal defense hotline. Make sure, ahead of time, that any witness who accompanies you knows who to call in the event you cannot make a call yourself.

Generally What To Expect After You Are Arrested

(process will vary depending on where you are arrested and by which agency)

- If you have provided proof of your identity (and your identity has been verified), and you have indicated you are able and willing to post the required bond, you may be released from the government holding facility with a date for a future court appearance.
- If you cannot or refuse to post bond, you will likely be taken to the local county courthouse for arraignment. If you are arrested over a weekend or when the courthouse is not otherwise in operation, you may not be arraigned until normal business hours.
- At the arraignment, you will be represented either by an attorney of your choice or a public defender, and you will enter a plea. If you plead not guilty, consult with your attorney about the importance of requesting a jury trial.
- If you were not released from custody before being arraigned, you likely will be taken to the government holding facility after arraignment to retrieve your property, and you will either pay the required bond to secure your immediate release or be held pending trial.
- Once released, you may request records relating to your arrest under Georgia's Open Records Act.
 - **The Red Book - A Guide to Open Government in Georgia**
<https://gfaf.org/resources/the-red-book/>
 - **The Blue Book - Georgia Law Enforcement and the Open Records Act**
<https://gfaf.org/resources/the-blue-book/>

Selected sources and additional information:

Covering a protest? Know your rights (Kristen Hare, Poynter, 2020), available at <https://www.poynter.org/reporting-editing/2020/heading-back-to-ferguson-know-your-rights/>

Arresting Journalism: What are your rights (News Media Alliance, 2017), available at <https://www.newsmediaalliance.org/arresting-journalism>

FAQ: What Are the Rights of Reporters Covering Protests? (Jonathan Peters, The Nation, 2012), available at <https://www.thenation.com/article/archive/faq-what-are-rights-reporters-covering-protests/>

Police, Protestors and the Press (Reporters Committee for Freedom of the Press, 2012), available at <https://www.rcfp.org/wp-content/uploads/imported/PPTP.pdf>; updated 2018, available at https://www.rcfp.org/wp-content/uploads/2018/12/Police_Protesters_and_the_Press_2018.pdf

Your Right to Take Photographs and Make Video and Audio Recordings (ACLU of DC), available [here](#).

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