

THINGS TO BRING

- ✓ Pen and paper – to record police badge numbers and names of people arrested.
- ✓ Camera – you have the right to take photos and videos of police, as long as you don't get in their way. They might ask you to stop, but you don't have to. Recording what's happening can help calm down a situation, reminds police they are being watched, and helps ensure you have useful evidence if something goes wrong. Be mindful of what you record. It could be used as evidence against you or other protesters.
- ✓ Water bottles – both for drinking and for washing tear gas out of your eyes, if necessary.
- ✓ Prescription drugs – bring several days' worth in their original packaging in case you are arrested and detained.
- ✓ Identification – bringing one piece of ID (and your Law Society card if you are a lawyer) can help speed up the process of confirming your identity and releasing you from jail if you're arrested.
- ? Cell phone – these can be valuable for staying in touch and taking photos and videos, but may contain sensitive information and could be seized by police and searched if you are arrested.

DIGITAL SECURITY TIPS

Surveillance and seizure of digital devices by police can be a concern at protests. Consider leaving your smart phone at home or purchasing a prepaid, disposable phone for the protest. If you do bring your phone:

- Turn off fingerprint unlock. Use a password instead. Police cannot force you to disclose your password.
- Back up the data on your phone in case it is seized and you don't get it back for a while.
- Consider installing an app like Signal or WhatsApp to encrypt text messages and voice calls.

Photo credit: Annette Bernhardt (Flickr/Creative Commons)

IF YOUR RIGHTS ARE VIOLATED

Document as much as you can about the incident. Record the time, place and details about what happened. Get police names or badge numbers. Try to get contact information for witnesses. Take pictures of any injuries. Upload any photos or videos of the incident to a secure server. Seek legal advice.

You can file a complaint against the RCMP through the Civilian Review and Complaints Commission for the RCMP:

<https://www.crc-cetp.gc.ca>

Send complaints about Vancouver Police Department or other municipal (city) police in BC to the Office of the Police Complaint Commissioner:

<https://www.opcc.bc.ca>

BCCLA's guide to making a complaint against the police is available online here:

https://bccla.org/our_work/making-a-complaint-against-the-police/

The Brydges Line is a province-wide toll-free telephone service available 24 hours a day, 7 days a week. You can call to speak to a lawyer if you've been arrested or detained in custody: 1-866-458-5500.

The information in this brochure is intended as legal information only and does not constitute legal advice. Contact a lawyer for advice about your specific situation.



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Thank you to the Law Foundation of BC for their ongoing support.



KNOW YOUR PROTEST RIGHTS

THE RIGHT TO PROTEST

Protest is a critical part of freedom of expression and freedom of assembly. These rights are protected by Canada's Charter of Rights and Freedoms.

You have a constitutional right to engage in peaceful protest and dissent.

These rights can only be limited in certain exceptional circumstances.

Some city or town governments require you to get a permit before holding a protest on public property like a park or town square. Some areas that seem public, like malls, may be private property. Private property owners can legally ask you to move off their property even if you're not breaking any laws.

Police can also force you to move. Failing to obey police orders to disperse or clear an area can result in criminal charges.

Most protests are safe, peaceful opportunities to speak out on important issues. But it is always a good idea to be prepared and know your rights if you encounter law enforcement during a protest or demonstration.

KNOW YOUR RIGHTS

Your most important right when interacting with police is your *right to silence*. Except for polite conversation, it's best not to say anything to the police until you have spoken to a lawyer. The police may continue to question you, but you can keep asserting your right to silence.

WHAT TO DO

Be polite. Get the officer's badge number or name, and try to remember their physical characteristics.

Ask: "Am I free to go?" If yes, then go. If not, ask: "Am I under arrest?" If yes, ask why.

If you are under arrest, say: "I want to remain silent. I want to speak to a lawyer." Give your name and address if the police ask.

If you are detained, police may do a pat-down search for weapons.

The police may ask to search your belongings, including your phone. You can say you do not consent, but they may do it anyway.

Write a lawyer's phone number somewhere hidden on your body before the protest and ask to place a call to them immediately if you're detained.

Be aware that some people may be more vulnerable during a protest than others (e.g., racialized people, people with disabilities, people with precarious or no legal immigration status). Think about the needs of your group.

You only have to give your name and address to police if

1. You are under arrest.
2. You are driving a car.
3. A police officer is giving you a ticket or serving you with an appearance notice.

You may wish to provide your ID even when you don't have to. Use your judgment.

WHAT NOT TO DO

Do not give the police a wrong name and address or fake ID. You could face serious charges.

Do not struggle or resist arrest. Going limp does not count as resistance.

Do not bring illegal drugs or anything that could be seen as a weapon to a protest.

You do not have to answer police questions, even if they keep asking. You might wish to answer some questions to diffuse the situation or make it so you can leave. But you can always go back to exercising your right to silence.

If you know someone is an undercover police officer and you warn other people, you could be charged with a criminal offence.

If things have escalated and the situation seems unsafe, do not leave a protest alone. People are most often improperly targeted for arrests at the end of the demonstration.

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Check out the BCCLA's Arrest Handbook for more information on your rights: www.bccla.org.

For information about Indigenous law and protest rights, see Leo McGrady's "Cedar as Sister: Indigenous Law and the Common Law of Protests