Know Your Rights: Interacting with Police at Demonstrations and Protests in Michigan

The right to protest and express your opinions is one of the most basic and important rights in the United States. Peaceful protests play an important role in preserving democracy by raising awareness and bringing about change. Recognizing the historical and central importance of protests and demonstrations, the First Amendment of the U.S. Constitution protects your right to protest, assemble, and petition.

We rely on the police to keep us safe and treat us all fairly, regardless of race, ethnicity, national origin or religion. Knowing your rights in potentially tense situations is the best way to ensure that you are treated fairly.

Can the police search demonstrators or protesters?

No, the police are not permitted to search you unless they have reasonable suspicion that you were engaged in or about to commit a criminal act. If they do have reasonable suspicion, police officers are permitted to frisk your outer clothing to search for weapons.

Can the police search my backpack or purse?

Police officers may only search your bags if they have probable cause to believe that your bags contain weapons, contraband or evidence of illegal activity, such as drugs. In very limited circumstances, police may search your belongings if you are in a designated “secure area.” However, if the police mark out a secure area, they must allow you to refuse to have your bags/containers searched and must permit you to leave the area.

Do I have to show ID when the police demand it?

In general, no, you do not have to show ID if police demand it unless you are under arrest, being ticketed, or driving. You also have to identify yourself to police if (1) the police officers have reasonable suspicion to believe you violated the law and (2) there is a local law requiring that you show ID when the police have reasonable suspicion (as.

You can ask police officers why they are asking for your ID and what will happen if you decline to provide it. In general, we advise you to provide your ID if you have it. However, undocumented immigrants should be aware that showing your ID may result in detention by immigration enforcement authorities (ICE).

Can I record or photograph the police in public?

Yes, you can record or photograph police officers who are performing their official duties in public. Police officers may not confiscate or demand to view your photographs or video without a warrant, nor may they delete data.

What should I do if the police order a crowd to disperse?

Police officers can order a group to leave an area if it is violent or if it has gathered unlawfully—for example, if the size or location of the group required a permit and the group does not have one. Unless you want to be arrested, you should follow the order to disperse—even if you believe you are rightfully in a place where you are allowed to engage in free speech activities and/or that your activities are not creating a disturbance.

May I approach pedestrians with petitions, leaflets or other literature on public sidewalks?

Yes. You have the right to approach pedestrians on public sidewalks and distribute material without a permit. However, you do not have the right to purposely block the path of pedestrians or block the entrances to buildings.

Do counter-demonstrators have free speech rights?

Yes. While counter-demonstrators do not have a right to physically disrupt the event or drown out the speakers they are protesting, they do have the right to be present and to voice their displeasure within in the vicinity of the demonstrators.

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

It is rarely productive to aggressively confront or resist a police officer. You should ask to speak to a supervisor and explain your position to her or him that the First Amendment protects your actions.

We advise that you follow the police order and then write down what happened as soon as possible, including the names of police officers, the police agency, any witness names, take photos and other potentially important information you may remember. Speak with an attorney.