

Know Your Rights

A Guide to Demonstrations and Assemblies from the Madison Police Department

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The First Amendment of the United States Constitution protects the freedom of speech and the right to assemble including the right to protest. However, these rights are not without limitation.



The constitutional protections afforded by the First Amendment are the greatest in public settings such as parks and plazas in front of government buildings. You generally have the right to free speech and assembly in these areas.



As a general rule you cannot block or obstruct movement of others on a public street or sidewalk. You also cannot block access to or interfere with the regular business of any building. In general noise amplification is not allowed at protests without a permit.



If you are planning to march in the street or on the sidewalk and obstruct the regular flow of pedestrian and vehicular traffic, or use noise amplification, a permit is required. More information on this process can be found at: <https://www.cityofmadison.com/specialevents/streetevents/>



Private property owners can set additional rules regarding their property to limit protests, including posting no trespassing signs. Whether or not private property is posted no trespassing, the property owner can ask you to leave. If asked to leave or if the property is posted no trespassing and you do not leave, you can be subject to arrest. If you plan to protest on private property, please consider contacting the property owner.



If the MPD Incident Commander reasonably believes a significant number of those assembled will cause injury or property damage if not immediately dispersed, the Incident Commander may declare an unlawful assembly. This is a term defined by statute that we have listed below. Should an unlawful assembly be declared MPD has specific training and tactics covered in SOP designed to disperse the crowd in the safest manner possible. Our Demonstrations and Assemblies Standard Operating Procedure (SOP) outlines general information about our crowd training and tactics is available online, the link is here:

<https://www.cityofmadison.com/police/documents/sop/DemonstrationsAssemblies.pdf>

Wisconsin State Statute 947.06:

An "unlawful assembly" is an assembly in which:

- i. Consists of 3 or more persons, and
- ii. Causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed.

Relevant City of Madison Ordinances:

Madison General Ordinance Sec. 9.54 specifically outlines the type of conduct that is prohibited on the sidewalks without a permit.

Madison General Ordinance Sec. 10.056 specifically outlines the type of conduct prohibited on the streets without a permit.

Madison General Ordinance Sec. 24.02 specifically outlines disorderly conduct that is not protected free speech.

Madison General Ordinance Sec. 24.04 specifically outlines the use of sound amplification and disturbing the peace.

If you violate any ordinance or state statute, you are subject to police contact which may include arrest.

Please remember the mission of the Madison Special Events Team (SET) is to protect the first amendment right of community members to assemble peacefully.

Consider contacting SET, if planning a protest and we can discuss the planned protest and the process to obtain a permit if necessary.

