

KNOW

YOUR

RIGHTS

IDENTIFICATION

The TRO requires all federal agents who are not undercover (*i.e.*, dressed in plain clothes and/or not otherwise wearing any type of government gear or clothing) to wear and display identifying information like a badge number, name, or unique alphanumeric identifier.

JOURNALISTS

Federal agents cannot disperse, arrest, threaten to arrest, threaten or use physical force against anyone they know or reasonably should know is a Journalist (*i.e.*, displaying a professional press pass, badge or credentials; distinctive clothing or patches identifying them as press member; professional gear such as photographic or videography equipment), who the federal agent does not have probable cause to believe has committed a crime. TRO Section (1)(a). Federal agents can ask a journalist to move locations so as not to interfere with law enforcement activity so long as the journalist has objectively reasonable time to comply and an objectively reasonable time to report and observe.

DISPERSAL

Under the TRO, Federal agents cannot issue a crowd dispersal order requiring any person to leave a public place that they lawfully have a right to be, unless dispersal is justified by exigent circumstances as defined by Department of Homeland Security Use of Force Policy (updated Feb. 6, 2023), Sections III.F and XII.E (“A situation that demands unusual or immediate action that may allow LEOs to circumvent usual procedures in order to preserve life or prevent catastrophic outcomes.”) TRO Section (1)(b). Under the TRO

dispersal orders can be given when “three or more persons are committing acts of disorderly conduct that are likely to cause substantial harm in the immediate vicinity.” TRO Section (1)(c).

Note: Local municipal restrictions such as the Broadview executive order restricting protest times and locations may apply.

WARNINGS BEFORE USING CROWD CONTROL WEAPONS

When feasible (*i.e.*, when allowing time for voluntary compliance does not pose an immediate threat of harm to the officer or others), federal agents cannot use riot control weapons without issuing two separate warnings at a sound level that it can be heard. The warning should say that federal agents will use force and should give time and opportunity for voluntary compliance. TRO Section (1)(i).

USE OF CROWD CONTROL WEAPONS ON A CROWD

- Federal agents cannot use crowd control weapons (e.g., tear gas, flash-bang grenades, pepper spray, pepper balls) on protesters, observers, journalists, and religious practitioners “who are not posing an immediate threat to the safety of a law enforcement officer or others.” TRO Section (1)(d).
- Federal agents cannot use tear gas or flash-bang grenades to strike any person, including throwing them over the head of a crowd, unless the person poses an immediate threat of causing serious bodily injury or death to a person in equivalent circumstances to those where the officer is authorized to use deadly force. TRO Section (1)(f).

USE OF CROWD CONTROL WEAPONS AT A TARGETED PERSON

Federal agents cannot use crowd control weapons (e.g., tear gas, flash-bang grenades, pepper spray, pepper balls) at an identified target if it is foreseeable that they could hurt a protester, observer, journalist, or religious practitioner who poses no immediate safety threat “unless such force is necessary to stop an immediate and serious threat of physical harm to a person.” TRO Section 1(e).

USE OF BODILY FORCE

A federal agent should not use force such as pulling or shoving someone to the ground, tackling, or body slamming on someone who poses no immediate threat of physical harm to others, unless necessary and proportional to effectuate an apprehension and arrest. TRO Section (1)(h).

SEIZURE OR ARREST

Federal agents cannot seize or arrest “any non-violent protester who is not resisting a lawful crowd dispersal order, unless there is specific probable cause to believe that the individual has committed a crime for which a custodial arrest is warranted and for which the law enforcement officer has lawful authority to make an arrest.” TRO Section (1)(j).

USE OF DEADLY FORCE

Federal agents cannot use potentially lethal force (items fired from compressed air or munition launchers) aimed at the head, neck, groin, spine, or female breast, or strike any person with a vehicle “unless the person poses an immediate threat of causing serious bodily injury or death to a person in equivalent circumstances to those where the officer is authorized to use deadly force” TRO (1)(g).

**You have a
PROTECTED RIGHT
under the
FIRST AMENDMENT
to PROTEST and RECORD
law enforcement officers,
including FEDERAL AGENTS,
provided you
DO NOT INTERFERE
with the performance of their
JOB-RELATED DUTIES.**

In the lawsuit *Chicago Headline Club, et al. v. Noem, et al.* (N.D. Ill. Case No. 25-cv-12173), federal district court Judge Sara L. Ellis issued a Temporary Restraining Order (TRO) protecting protestors', journalists', and religious practitioners' First Amendment Rights, and placing limits and requirements on federal law enforcement agents interacting with the public in the Northern District of Illinois.

REPORT ANY
VIOLATIONS
OF THE TRO AT
tinyurl.com/ChicagoTRO
OR CLICK THE QR CODE



WHAT TO KNOW ABOUT THE T.R.O.

**A “KNOW-YOUR-RIGHTS” GUIDE
FOR PROTESTERS & PRESS IN THE
NORTHERN DISTRICT OF ILLINOIS***

**Cook, DuPage, McHenry, Grundy, Kane, Kendall,
LaSalle, Lake, Will, Boone, Carroll, DeKalb,
Jo Daviess, Lee, Ogle, Stephenson, Whiteside,
and Winnebago counties*