

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

NORTH BATON ROUGE MATTERS,	* CIVIL ACTION
ET AL	*
PLAINTIFFS	* NO: 3:16-cv-00463-JWD-RLB
	*
VERSUS	*
	* JUDGE JOHN W. DEGRAVELLES
CITY OF BATON ROUGE,	*
ET AL	* MAG. JUDGE RICHARD L. BOURGEOIS,
DEFENDANTS	* JR.

**MEMORANDUM OF UNDERSTANDING REGARDING FREE SPEECH ACTIVITIES
IN THE CITY AND PARISH OF EAST BATON ROUGE**

To resolve the above-captioned lawsuit, the parties have conferred and agreed to the following Memorandum of Understanding. The parties recognize the rights of all persons to assemble and engage in the public for the purpose of peaceful public discourse and protest. Public streets, sidewalks, and parks are recognized as “traditional public forum.” Law enforcement parties are committed to ensuring use of traditional public forums for all persons in a manner safe for all.

Individuals and groups have the right to assemble and speak on City/Parish sidewalks. Should other persons be disturbed in their equal use of such sidewalks, the law enforcement parties will make every effort to ensure reasonable alternatives that attempts to respect the rights of all parties and ensures the safety of all parties. This may, depending on the size of the assembly, require law enforcement to publicly designate speaking zones for persons of opposing views and traffic zones for pedestrians. Law enforcement, in turn, expects compliance with all such designations.

A permit may be required for certain activities. (Please see www.brgov.com/dept/dpw/traffic/streetclosure.htm) For instance, a permit may be required for

assemblies that would involve obstruction of traffic such that law enforcement is notified in advance so that such thoroughfares can be closed and traffic redirected, to the extent possible.

If assemblies involving the obstruction of traffic are planned or desired, those plans should be communicated in advance to the law enforcement parties using existing permitting mechanisms so that such thoroughfares can be closed and traffic redirected, to the extent possible. Law enforcement will assist any person or group willing to employ permit processes just as they do throughout the year for major parades, festivals, and other large assemblies. In the event that persons are found attempting to obstruct traffic on a roadway that has not closed for the purpose of assembly, they will be asked to remove themselves from the roadway. Anyone refusing to move or anyone reentering the roadway after a directive has been issued to stay out of the roadway may face criminal consequences.

Additionally, law enforcement partners are available to work with persons and representatives of any group to designate a “free speech” venue where speakers can schedule their appearances for speaking on a first come first serve basis.

For the safety of demonstrators and the public, individuals are legally prohibited from walking on, along or across interstate highways (I-10, I-12, and I-110), and interstate highway ramps, including climbing fences bordering the interstate highways for the purpose of entering, walking on, along or across the interstate highway.

The law enforcement partners responsible for keeping the peace may issue command(s) to disperse if they reasonably believe that a riot or unlawful public disturbance is occurring or about to occur. The command to disperse will be given in a manner reasonably calculated to be

communicated to all persons present. The law enforcement parties, in turn, expect compliance with such commands. Parties in protest expect clear commands to disperse and reasonable exit avenues to disperse.

Law enforcement commits to use only that level of force that is objectively reasonable to bring an incident under control, while ensuring the safety of the officer and others. Law enforcement commit to limiting arrests to those who they reasonably believe have violated the law.

In commitment to all people's constitutionally protected rights, all parties are committed to de-escalation. To advance these goals, law enforcement will make every effort to self-identify who has the authority to make decisions on-site and what agency has jurisdiction in the area. Likewise, a demonstrating group will make every effort to identify a representative to law enforcement.

Before making any material change to the Agreement, counsel for the Baton Rouge Police Department, East Baton Rouge Sheriff and State Police will meet and confer with representatives of the parties to the original lawsuit that led to this agreement¹ in a good faith effort to reach agreement on such changes.

Nothing herein should be construed to limit law enforcement from fulfilling their sworn constitutional or statutory duties.

¹ Case 3:16-cv-004630JWD-RLB North Baton Rouge Matters et al v. City of Baton Rouge, et al.