

"Occupy Albany" Protesters Face Plenty of Problems if Event Goes Awry

Protesters should know what they're up against if they break the law

With dozens - if not hundreds - expected to descend upon Lafayette Park Friday afternoon to take part in Occupy Albany, a well intentioned gathering can fast turn ugly. Protesters need to be aware that their freedom of speech will not protect them if they are found to be in violation of certain local laws. People may find themselves locked up fast should they disobey the law. Many are expected to gather at the park at noon to voice their frustration with greed, government and economic inequality. "Protesters have every right to be out there, but one slip-up and law enforcement has every right to drag them off in handcuffs. That scene is never a pretty picture and can often times incite uglier situations," said Thomas J. Carr, a criminal law attorney and partner at Tully Rinckey PLLC. Protesters should not be arrested as long as they remain peaceful. They cannot damage property, commit acts of violence, block the path of pedestrians or vehicles and noise levels must not exceed the legal limit as stated by local law. "This means megaphones are probably not a good idea. Police officers will have every right to confiscate them if they feel they are being a nuisance and at the same time they can arrest you," said Mr. Carr. If a protester is arrested he or she could be charged with disorderly conduct, which is a violation and punishable with fines and possible jail time. "Disorderly conduct may seem like an insignificant charge at first but one needs to be aware that a conviction of this sort on their record can make it more difficult down the road to get a job, get into a nice school or work against you on your next loan application. First-time offenders most likely will get off light but those repeat offenders or with a criminal record can expect much harsher penalties," warned Mr. Carr. These protesters who don't go easy can, and most often times will, be slapped with resisting arrest, a class A misdemeanor. Obstructing government administration, also a misdemeanor, is another charge to look out for in this sort of environment. "For those charged with misdemeanors, you can expect that disorderly conduct charge to also stick, which means you are not just looking at one charge but two, three, even more depending on the circumstances. A criminal law attorney will be needed to get some of these charges reduced or thrown out altogether. Between the fines and their services it can be pricey. Playing by the rules will better serve you and allow your voice to be heard just as loud," said Mr. Carr.