

# Guide to Protesting in Portland v1.0

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# Introduction

Because Black lives matter. Today. Tomorrow. Always.

Know your rights. They are some of your tools to create leverage against systems of oppression. Know them so that when they are violated, you can leverage them even harder.

This guide is intended to be a resource for those protesting within Portland, OR city limits. It contains:

- Applicable state and local laws that protestors, organizers, and those in support roles should be aware of
- Short write-ups on current law enforcement tactics and munitions
- Contact information for the local chapter of the National Lawyer's Guild, and more

The goal of this document is to concisely present information to help you protest safely and effectively, but full documentation for current legal codes is included as well. This guide is by no means exhaustive, but a primer for those who are new to protesting as well as a helpful reference sheet for those who have been on the ground before or since the murder of George Floyd.

If you do not live or protest in the Portland area, you can use this framework to create a guide for where you live to help build and strengthen your local protest community. The more people know about their rights, the more likely they will be to attend a protest. The more communities there are protesting and getting involved, the more able we are to affect change.

Stay sexy, stay safe, and stay dangerous. Be water. Get in good and necessary trouble for the things you believe in.

Portland, OR  
Spring 2021

# Before You Go Checklist

Portland National Lawyer's Guild Jail Support: **971-247-1072**

- ☐ Review your rights as a protestor (see next page)
- ☐ Assess the risk level of the event. Know that any event has the potential to attract aggressors, from inconvenienced drivers to intentional menacing from white supremacists. Risk level can change rapidly based on these outside influences.
- ☐ Let someone who won't be at the event know where you're going and what to do in case of arrest or injury
- ☐ Pack any supplies you might need based on the risk level of the event

Low Risk	Moderate Risk	High Risk
<ul style="list-style-type: none"> <li>- Family and kid centered events</li> <li>- Day time events in low traffic or supportive areas</li> </ul>	<ul style="list-style-type: none"> <li>- Day time events in high traffic or contentious areas</li> <li>- Day time events that may attract individual aggressors</li> <li>- Day time events in locations that don't usually experience protest</li> <li>- Night time events in low traffic or supportive areas</li> </ul>	<ul style="list-style-type: none"> <li>- Direct Action events</li> <li>- Night time events in high traffic or contentious areas</li> <li>- Events where large numbers of counter protestors are expected</li> <li>- Events where large police presence is expected</li> </ul>
<b>WHAT TO BRING:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Comfortable shoes for walking</li> <li><input type="checkbox"/> Water to stay hydrated</li> <li><input type="checkbox"/> Basic first aid               <ul style="list-style-type: none"> <li>- Band aids</li> <li>- Pain relievers</li> <li>- Sunscreen</li> <li>- Extra face covering</li> </ul> </li> <li><input type="checkbox"/> Emergency contact info, including lawyer</li> </ul> <p><i>Suggested:</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Individual First Aid Kit</li> <li><input type="checkbox"/> Signs or noise makers</li> <li><input type="checkbox"/> Snacks for long events</li> </ul>	<b>WHAT TO BRING:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Comfortable shoes for walking</li> <li><input type="checkbox"/> Water to stay hydrated</li> <li><input type="checkbox"/> Additional water or saline for eye washes</li> <li><input type="checkbox"/> Basic first aid               <ul style="list-style-type: none"> <li>- Band aids</li> <li>- Pain relievers</li> <li>- Sunscreen</li> <li>- Extra face covering</li> </ul> </li> <li><input type="checkbox"/> Emergency contact info, including lawyer</li> </ul> <p><i>Suggested:</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Individual First Aid Kit</li> <li><input type="checkbox"/> Signs or noise makers</li> <li><input type="checkbox"/> Snacks for long events</li> </ul>	<b>WHAT TO BRING:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Shoes you can run in</li> <li><input type="checkbox"/> Clothing that covers skin and identifying characteristics (colored hair, tattoos, etc)</li> <li><input type="checkbox"/> Water to stay hydrated</li> <li><input type="checkbox"/> Additional water or saline for eye washes</li> <li><input type="checkbox"/> Basic first aid</li> <li><input type="checkbox"/> Lawyer's contact written on your body (arm not recommended)</li> </ul> <p><i>Suggested:</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Individual First Aid Kit</li> <li><input type="checkbox"/> Self defense items*: shields, body armor, helmets, bear spray, etc.</li> <li><input type="checkbox"/> Phone at home or turned off</li> </ul>

\* Note that bringing these items may increase the likelihood of arrest or criminal charges

# Protesters' Rights

*The information in this section is collected from the ACLU Protesters' Rights page (<https://www.aclu.org/know-your-rights/protesters-rights/>).*

The First Amendment protects your right to assemble and express your views through protest. However, police and other government officials are allowed to place certain narrow restrictions on the exercise of speech rights. Make sure you're prepared by brushing up on your rights before heading out into the streets.

## YOUR RIGHTS

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- Your rights are strongest in what are known as “traditional public forums,” such as streets, sidewalks, and parks. You also likely have the right to speak out on other public property, like plazas in front of government buildings, as long as you are not blocking access to the government building or interfering with other purposes the property was designed for.
- Private property owners can set rules for speech on their property. The government may not restrict your speech if it is taking place on your own property or with the consent of the property owner.
- Counterprotesters also have free speech rights. Police must treat protesters and counterprotesters equally. Police are permitted to keep antagonistic groups separated but should allow them to be within sight and sound of one another.
- When you are lawfully present in any public space, you have the right to photograph anything in plain view, including federal buildings and the police. On private property, the owner may set rules related to photography or video. Recording the acts of fellow protestors that could incriminate them should be avoided at all costs. Avoid recording faces, identifying characteristics, unique clothing, and license plates.
- You don't need a permit to march in the streets or on sidewalks, as long as marchers don't obstruct car or pedestrian traffic. If you don't have a permit, police officers can ask you to move to the side of a street or sidewalk to let others pass or for safety reasons.
- Police officers may not confiscate or demand to view your photographs or video without a warrant, nor may they delete data under any circumstances. However, they may order citizens to cease activities that are truly interfering with legitimate law enforcement operations.
- If you are videotaping, be aware that there is an important legal distinction between a visual photographic record (fully protected) and the audio portion of a videotape, which some states have tried to regulate under state wiretapping laws. In Oregon, you must explicitly state to those whose conversations you are recording that they are being recorded. However this doesn't apply to police while they are performing official duties, you are in a place you are lawfully allowed to be, and your recording device is in plain view.

## IF YOU BELIEVE YOUR RIGHTS HAVE BEEN VIOLATED

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- When you can, write down everything you remember, including the officers' badge and patrol car numbers and the agency they work for.
- Get contact information from witnesses.
- Take photographs of any injuries and keep any documentation from medical treatment.
- Once you have all of this information, you can file a written complaint with the agency's internal affairs division or civilian complaint board.

## IF THE POLICE ISSUES AN ORDER TO DISPERSE THE PROTEST

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- Shutting down a protest through a dispersal order must be law enforcement's last resort. Police may not break up a gathering unless there is a clear and present danger of riot, disorder, interference with traffic, or other immediate threat to public safety.
- If officers issue a dispersal order, they must provide a reasonable opportunity to comply, including sufficient time and a clear, unobstructed exit path.
- Individuals must receive clear and detailed notice of a dispersal order, including how much time they have to disperse, the consequences of failing to disperse, and what clear exit route they can follow, before they may be arrested or charged with any crime.

## In Case of Arrest

*The information in this section is collected from the ACLU Protesters' Rights page (<https://www.aclu.org/know-your-rights/protesters-rights/>), The Black Panther Party Pocket Lawyer pamphlet, and first hand accounts of local Portland protesters.*

## BEFORE YOU GO OUT

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- Make an assessment of the risk level of arrest for that protest event; know that bringing things like weapons or body armor could increase the likelihood of arrest or criminal charges.
- Memorize, or write on your body with sharpie, the number of a lawyer you can call in case of arrest, such as the local chapter of the National Lawyer's Guild. It is recommend to write this somewhere other than your arms or hands as officers may force you to wash it off while in custody.

Portland National Lawyer's Guild  
**Jail support hotline: 971-247-1072**  
Non-jail support hotline: 833-680-1312  
<https://portlandnlg.org/>

- Ask someone you trust who will not be attending the protest to be an emergency contact. This person should know:
  - Your full legal name
  - How to check local arrest databases
    - Multnomah County: <http://www.mcso.us/PAID/>
  - Who to call in case of arrest, such as a lawyer, partner, or family member
  - Any important needs in case of arrest, like medication
- Know that protest related arrests do not always occur at the event itself. Warrants can be issued after the fact and may not be executed for weeks or months after a specific protest.

## **YOUR RIGHTS**

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- Stay calm. Make sure to keep your hands visible. Don't argue, resist, or obstruct the police, even if you believe they are violating your rights. Point out that you are not disrupting anyone else's activity and that the First Amendment protects your actions.
- If a police officer is not in uniform, ask them to show identification. They have no authority over you unless properly identified. Beware of persons posing as police officers. Always get a badge number and name.
- Ask if you are free to leave. If the officer says yes, calmly walk away.
- If you are under arrest, you have a right to ask why. Otherwise, say you wish to remain silent and ask for a lawyer immediately. Don't say anything or sign anything without a lawyer.
- You have the right to make a local phone call, and if you're calling your lawyer, police are not allowed to listen.
- You never have to consent to a search of yourself or your belongings. If you do explicitly consent, it can affect you later in court.
- Police may "pat down" your clothing if they suspect you have a weapon and may search you after an arrest.
- Police officers may not confiscate or demand to view your photographs or video without a warrant, nor may they delete data under any circumstances. However, they may order citizens to cease activities that are truly interfering with legitimate law enforcement operations. Despite it being an illegal action, police may still try to search your phone if it is unlocked or attempt to use your fingerprint to unlock it if this feature is enabled.
- Police have no right to search your car or your home unless they have a search warrant, probable cause, or your consent. They may conduct no exploratory search, that is, one for evidence of a crime generally or for evidence of a crime unconnected with the one you are being questioned about. Thus, a stop for an automobile violation does not give the police the right to search the automobile. You are not required to consent to a search; therefore, you should not consent and should state clearly and unequivocally that you do not consent, in front of witnesses if possible. If you do not consent, the police will have the burden in court of showing probable cause.

## WHILE IN CUSTODY

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- Police may or may not tell you that you are under arrest before physically grabbing and arresting you. Officers will likely be forceful with you.
- If you are wearing a backpack or other similar item, it will likely be cut off you while you are being held down during the arrest. You will be handcuffed or zip tied.
- All items on your person will be searched and bagged before you are put in a police vehicle with anyone else being arrested.
- Most people arrested in Portland city limits will be detained at the Justice Center downtown.
- Do not engage in “friendly” conversation with officers on the way to or at the station. Once you are arrested there is little likelihood that anything you say will get you released.
- You will be interviewed in a separate room as part of your arrest. Interviews vary and may be conducted by a group of officers or just one or two. Police should read you your rights before the interview process has started. It is in your best interest to exercise your right to remain silent during the interview. Tell police, **“I choose to remain silent. I would like to speak with a lawyer.”**
- After being interviewed you will be taken to a waiting room where they will remove belts and shoelaces and give you flip flops if you’re wearing steel-toed boots. This is where you will be fingerprinted and photographed. You should also be asked if you would like to receive first aid treatment in case you were injured during your arrest.
- In the waiting area you will also be allowed to make a call. It is recommended that you call the Portland National Lawyer’s Guild (NLG) jail support line (**971-247-1072**), or contact someone who can call them for you.
- Most people report being in custody for about 8 hours. The police must bring you into court or release you within 48 hours after your arrest, unless the time ends on a weekend or a holiday, and they must bring you before a judge the first day court is in session.
- A second interview will be required to determine your bail. If you refuse to give police information such as your legal name and address you may not be released on bail.
- You must be allowed to post bail in most cases, but you must be able to pay the bail bondsmen’s fee. If you cannot pay the fee, you may ask the judge to release you from custody without bail or to lower your bail, but they do not have to do so.
- As part of your release you will need to sign a form acknowledging your arraignment date and that you received any property that you are able to recover.
- Police will likely hold onto your keys, wallet, glasses, phone, and other essential items until a later date. Make a note of when you will be able to recover this property and have a plan for how to get home, into your home, into your vehicle, and how to contact people if the police hold onto these items for up to several days.
- Jail support teams will be waiting for you outside of the Justice Center, to be a source of comfort and to help you with any logistical issues you might have after your arrest.

- If you know that there is a warrant for your arrest or that arrest is very likely, consider what clothing you are wearing at the time as many people report feeling cold.

## IF YOU BELIEVE YOUR RIGHTS HAVE BEEN VIOLATED

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- When you can, write down everything you remember, including the officers' badge and patrol car numbers and the agency they work for.
- Get contact information from witnesses.
- Take photographs of any injuries and keep any documentation from medical treatment.
- Once you have all of this information, you can file a written complaint with the agency's internal affairs division or civilian complaint board.

## Basic First Aid

*The information in this section has been gathered from on the ground experience with advice from local medics.*

### LOCAL MEDIC GROUPS

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Local medic groups are present at most protest events. These are groups of protesters who are specifically trained and equipped to deal with protest-related injuries. Members of these groups are a mix of medical professionals, medical students, emergency responders, and others who have received specific first aid training. **When in doubt, find a medic or medical professional before attempting to treat an injury.**

Medics on the ground are marked with a red cross, usually created from tape, on their clothing, backpack, or helmet. To get medical attention for someone try yelling "Medic!" and waving your hands to indicate where the medic is needed. If you are boosting a call for a medic to the larger crowd include a location if possible. For example, "Medic! Front of march!" or "Medic! 4th and Main!"

### SUGGESTED FIRST AID SUPPLIES

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Consider taking basic first aid supplies with you as part of your standard protest gear. This may include:

- Band-Aids and Neosporin for common cuts and scrapes
- Pain relievers like Tylenol or Ibuprofen
- Extra bottle of water or saline solution to use as an eye wash in case of tear gas or pepper spray exposure
- Disposable gloves to safely assist others with bandages or eyewashes



- Extras masks or face coverings in case one is soiled or exposed to an irritant
- Medical allergy ID bracelet or something similar in case you are severely injured and are not able to communicate with medics before receiving treatment

## **INDIVIDUAL FIRST AID KITS (IFAK)**

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It is recommended that protestors carry an IFAK with them at all events, even if it seems low risk. These are more robust first aid kits designed to help first responders treat traumatic injuries, such as a gunshot wound or major bleeding, and usually contain supplies like tourniquets and chest seals. These kits are called “individual” because they are made to be used on the person who is carrying the kit by first responders and contain limited supplies. IFAKs usually come in small pouches that can be attached to a larger bag or carrying rig for quick access. The pouches are often marked by small velcro patches that may have a red cross or say things like “Bleeding Control.”

If you have not been trained on how to use a particular item in an IFAK, find a medic or medical professional before attempting to treat an injury. Your local medic group or Red Cross may offer training sessions on how to administer first aid for more severe injuries. Refresh this knowledge often. If you need help funding or sourcing an IFAK there may be local mutual aid groups that can help.

## **WHAT TO DO IF YOU SUFFER A MINOR INJURY**

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- Stay calm. Tear gas exposure can be particularly disorienting and cause panic. Know that this is a temporary experience.
- Move to safe location away from the crowd and any irritants.
- Assess your injuries and call for a medic if needed. A friend may also be able to help you if they feel comfortable doing so.
- Apply first aid like bandages, eye wash, or pain medication.
- Rest. Our bodies are flooded with various hormones after an injury that can mask additional injuries or symptoms.
- Assess how you feel and whether or not you should continue protesting. Find a safe way home or to a medical professional if necessary.

## **WHAT TO DO IF SOMEONE ELSE SUFFERS A SEVERE INJURY**

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- Stay calm. Witnessing someone being severely injured can be scary and can cause a fight-flight-freeze response.
- If you are not able to help move away from the area to clear a path for others.
- Call for a medic and alert emergency services by calling 911.

- **Do not move the injured person.** This could cause further injury and should be left to those with the proper medical training. If you must move someone because there is a greater risk of injury from staying in the current location (from munitions, a running crowd, etc) work with others and make sure that the head and neck are supported at all times.
- If someone is bleeding heavily, apply pressure to the wound to help prevent blood loss until a medic can relieve you. Once medics are onsite, let them provide assessment and treatment. In most cases, the best thing you can do for someone is help them get care by a trained responder.
- Help keep the area clear for medics and emergency responders.
- Arrange transport to a hospital. Depending on the nature and location of the protest ambulance services may have difficulty responding immediately. Evac cars are often designated ahead of time in case of an emergency. Medics, motorcade, and security members are most likely to know how to alert an evac vehicle that they are needed. **If possible, an ambulance should be the first choice of transportation.**

## Common Police Tactics

*The information in this section has been gathered from on the ground experience as well as the Chemical Weapons Research Consortium (<https://www.chemicalweaponsresearch.com/>), a local Portland group focused on understanding the impact of chemical weapons used by law enforcement on humans and the environment.*

Law enforcement responses vary widely from department to department. City police departments often respond very differently to situations than suburban or rural police departments, especially depending on the frequency and intensity of events that have happened within their jurisdiction. However, they all pull from the same playbook and utilize similar strategies.

### Kettling

Kettling is a trap technique where law enforcement officers will strategically herd a crowd of protestors down streets into a dead end or to an area where there are other law enforcement officers (LEOs) staged and ready to make mass arrests.

You can avoid kettling by being aware of your surroundings, the streets you are traveling, and how officers are moving. Don't Get Kettled maps have been made for several common protest locations and show the safest routes that allow multiple options for egress. See the Local Maps section on page 16 for Don't Get Kettled maps for common Portland protest locations.

On rare occasions, PPB has completely surrounded crowds to prevent them from moving or to detain or arrest protestors. In other situations, police have blocked the path of the crowd in only one direction in attempts to prevent them from reaching a specific destination.

Note that if you are kettled by police and are detained, but not arrested, you are not required to show your ID or give other information. However, if you refuse to give this information you may be more likely to be arrested.

## Impact Munitions

Law enforcement often uses various types of impact munitions as a legal means of violence to disperse protestors. These munitions may include powder balls, rubber bullets, rubber buckshot, bean bags, FN303 marking rounds, or plastic batons. The rubber buckshot and FN303 marking rounds are hybrid chemical weapons. The rubber buckshot is sometimes coated in CS (see section C for more detailed information on chemical weapon usage). The FN303 marking rounds contain bismuth shards, which can lead to heavy metal toxicity.

These munitions have killed and severely injured protestors, especially when directed at protestors' heads. Impact munitions can also cause broken bones, cuts, and severe bruising. If you are attending an event where munitions are likely to be used consider wearing or bringing a helmet, motorcycle armor and goggles (not swim goggles), shields, and/or umbrellas.

## Chemical Weapons

The use of chemical weapons on human beings in the setting of warfare has been outlawed under many different political bodies. Abraham Lincoln outlawed chemical weapon usage in American warfare in 1863, and the Hague Conventions of 1899 and 1907 classified chemical warfare as a war crime, as did the Geneva Conventions of 1925. For domestic use however, these chemical weapons are still a legal option by many cities to use as a form of riot control and crowd dispersal. In Portland, as of 2021, chemical weapons are a legal form of riot control. None of the following chemical weapons are permitted for use in warfare.

### TEAR GAS

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Tear gasses and smokes are used to temporarily cause irritation to the eyes, mouth, throat, lungs, and skin. Federal and local LEOs both deploy tear gas.

Exposure to tear gas can make it difficult for you to see and make you feel like you're unable to breathe normally, which can cause confusion, panic, and psychological distress in addition to intense physical pain. Covering your eyes with goggles, wearing long sleeves and pants, and using a respirator with acid/vapor rated filters or gas masks are the best strategies to avoid debilitating exposure.

Tear gasses are the chemical compounds CS, OC, and PAVA.

- **CS** has been used in gas canister form, aerosol spray, and as a powder coating on rubber buckshot impact munitions.
- **OC** is used in impact chemical weapon hybrids like powder form on foam bullet impact munitions and powder balls as well as in gas canister and aerosol spray.

- **PAVA** is commonly used in impact chemical weapon hybrids such as powder balls and FN303 marking rounds. While it is available as an aerosol spray as well, it has not been proved to have been used in this form in Portland.

## **SMOKES**

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While "Saf Smoke" incendiary devices are labeled safer than tear gasses, they include heavy metals that can lead to heavy metal toxicity. These are not safer to inhale and are still harmful.

### **HC Smoke Grenades**

Federal agents from DHS and BORTAC have deployed HC grenades in 2020 and 2021 in the downtown parks Lownsdale and Chapman Squares and the Immigration and Customs Enforcement (ICE) facility in the South Waterfront neighborhood. HC produces a Zinc Chloride (ZnCl<sub>2</sub>) gas, which can be deadly when inhaled and cause an illness called metal fume fever. The symptoms of metal fume fever include flu-like symptoms, extreme prolonged nausea and loss of appetite, dizziness, coughing, fatigue, and joint pain. More severe symptoms suggest a lethal heavy metal toxicity and one should seek medical help ASAP.

Unfortunately there is little short of a closed breathing apparatus and full body Tyvek for personal protection against HC grenades.

## **TREATING EXPOSURE TO TEAR GAS AND OTHER IRRITANTS**

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- Rinse eyes with plain water or saline while blinking to restore vision.
- Wash any exposed skin with soap and water.
- Carefully remove contaminated clothing as soon as possible. Avoid pulling clothing over your head, which could further irritate your eyes, nose, and mouth. Shirts may need to be cut off instead.
- Contaminated clothing and other items should be double bagged and handled with care until they can be laundered. Do not touch contaminated items with your bare hands. Use gloves, tongs, or other tools during bagging and disposal.

## **Relevant Laws**

*This section covers local and state laws most relevant to those protesting in Portland, OR. See Full Legal Codes on page 24 for the full definition of each law referenced here.*

## **Firearms**

**Oregon state gun laws take precedent over Portland city gun laws**

## OREGON STATE LAW

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If you do not have a conceal carry permit (CHL), you can open carry an unloaded weapon and have loaded magazines on your person--which is in contradiction to Portland gun laws.

## PORTLAND CITY LAW

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- Firearms cannot be brought into a courthouse or on federal property, even if you have a conceal carry permit.
- If you have an Oregon conceal carry permit (CHL): you can open or conceal carry a loaded firearm and loaded magazines in a public space, including in a vehicle and on public streets. You can also open or conceal carry an unloaded firearm.
- If you do not have an Oregon conceal carry permit: you cannot have a loaded firearm or loaded magazine in a public space, including in a vehicle and on public streets. You can open carry unloaded firearms and magazines.
- You cannot point an empty or loaded gun at another person within range of the firearm unless in self-defense.
- You cannot fire a gun in Portland with a few exceptions, including defense of property or another person.
- You cannot have armor piercing handgun ammunition.
- You do not have to tell a police officer you are carrying a weapon unless they ask.

## Other Weapons

### KNIVES

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- Oregon law does not restrict the ownership of any type of knife for those who have not been convicted of a felony. It is legal to own a dirk, dagger, or other stabbing knife, Bowie knife, switchblade or other automatic knife, ballistic knife, gravity knife, Balisong, or butterfly knife and Balisong trainer, and a stiletto.
- If you **have not** been convicted of a felony: you can have and open carry a dirk, dagger, or other stabbing knife, Bowie knife, switchblade or other automatic knife, ballistic knife, gravity knife, Balisong, or butterfly knife and Balisong trainer, and a stiletto. The only knife you can conceal carry is a pocketknife.
- If you **have** been convicted of a felony: you may not own a knife with a blade that projects or swings into position by force of a spring or by centrifugal force. You may not open or conceal carry a dirk, dagger, or stiletto.

## PEPPER SPRAY

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- Pepper spray is legal to buy/carry/use/ship to Oregon
- Must be a minimum of 18 years old
- Cannot have any convicted felonies on record
- For self defense purposes only
- Don't spray cops, EMTs, firefighters, parole officers, etc.
- In the state of Oregon, it is perfectly legal to carry pepper spray or an electrical stun gun; however, a person can be charged with a crime for recklessly discharging either of these items against another person.

## Self Defense & Property Defense

### CARRYING WEAPONS

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- If you do not have a CHL, you cannot carry any weapons in a park.
- If you have a CHL, you can open or conceal carry firearms in a park, but no other weapons.
- You cannot bring firearms or knives onto a Portland streetcar. Where you cannot be prohibited from carrying a weapon, it must at least be concealed.

### USE OF FORCE

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- A person may use physical force upon another person in self-defense or in defending a third person, in defending property, in making an arrest or in preventing an escape.
- Be on the lookout if an aggressor tells you to talk to their accomplice during a heated interaction: if things escalate between you and the accomplice the aggressor can claim that use of force was justified because they feared for their accomplice's safety.

### BODY ARMOR

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- If you **have not** been convicted of a felony or violent misdemeanor: you can legally own and wear body armor.
- If you **have** been convicted of a felony or violent misdemeanor: you cannot legally own or wear body armor.
- It is illegal to possess body armor if you are committing a felony or violent misdemeanor while also possessing a deadly weapon.

## **SHIELDS**

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- Shields are not illegal if covered with padding and used as defense items
- Having a shield may mean you are more likely to be target by police. Law enforcement has claimed that they are weapons and use this to justify arrest.
- If you are arrested while carrying a shield it will likely be confiscated and is unlikely to be recoverable.
- Shields are best used in large groups where carriers can abandon them if needed.
- A common tactic that can used disable someone with a shield is to grip the shield by the lower lip and then flip it upwards to towards the carrier to topple them backwards.

## **Doxing**

There are currently no laws that limit or punish the intentional dissemination of someone's personal information online without the persons consent and with the intention to harass, humiliate or injure that person, but two bills are currently under consideration for the 2021 legislative session. If the bills become law doxing will become a Class A misdemeanor punishable by up to 364 days in jail and a fine of \$6,250. If the person posting information has a prior conviction they could be charged with a Class C felony instead.

## **Trespassing & Vandalism**

### **CRIMINAL MISCHIEF**

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- Criminal mischief covers the damage of property "with the intent to cause substantial inconvenience to the owner or someone else."
- Depending on what is damaged, its value, and how it is damaged, criminal mischief may be a misdemeanor punishable by fine and up to 1 year in prison or a Class C felony punishable by fine and up to 5 years in prison.
- Doing more than \$750 of damage, use of an explosive, and damaging or interfering with a public utilities or telecommunications are among are among criteria for a felony charge.

### **ARSON AND BURNING**

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- You can be charged with arson if you set a fire that damages protected property, such as buildings, endangers another person, or injures another person, firefighter, or law enforcement officer.
- Arson charges are felonies with prison sentences of up to 5 or 20 years depending on severity

- Reckless burning includes any fire or explosion that damages property. This is a Class A misdemeanor punishable with up to 1 year in prison.

## **GRAFFITI**

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- Graffiti is a Class A violation, will get you a fine, and up to 100 hours of community service that will need to be completed within six months. This also goes for possessing a graffiti implement with intent to use it for creating graffiti. Possession will get you a fine and up to 50 hours of community service that needs to be completed within six months.
- Portland law defines graffiti as: Any unauthorized markings of paint, ink, chalk, dye or other similar substance which is visible from premises open to the public, and that have been placed upon any real or personal property such as buildings, fences, structures, or the unauthorized etching or scratching of such described surfaces where the markings are visible from premises open to the public, such as public rights of way or other publicly owned property.

## **TRESPASSING**

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- Trespassing with or without a firearm is a misdemeanor.

## **Other Common Violations Filed Against Protesters**

### **DISORDERLY CONDUCT**

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- Disorderly conduct in the second degree is the most commonly cited crime for protestors, as it is a nebulous catch-all that criminalizes most protest-related activities. It is a misdemeanor.

### **RESISTING ARREST**

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- You cannot legally resist arrest by someone who is law enforcement or appears to be law enforcement, whether or not the arrest is lawful.

### **RIOTING**

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- A riot is defined as five or more people intentionally engaging in “tumultuous and violent conduct,” and is a felony.

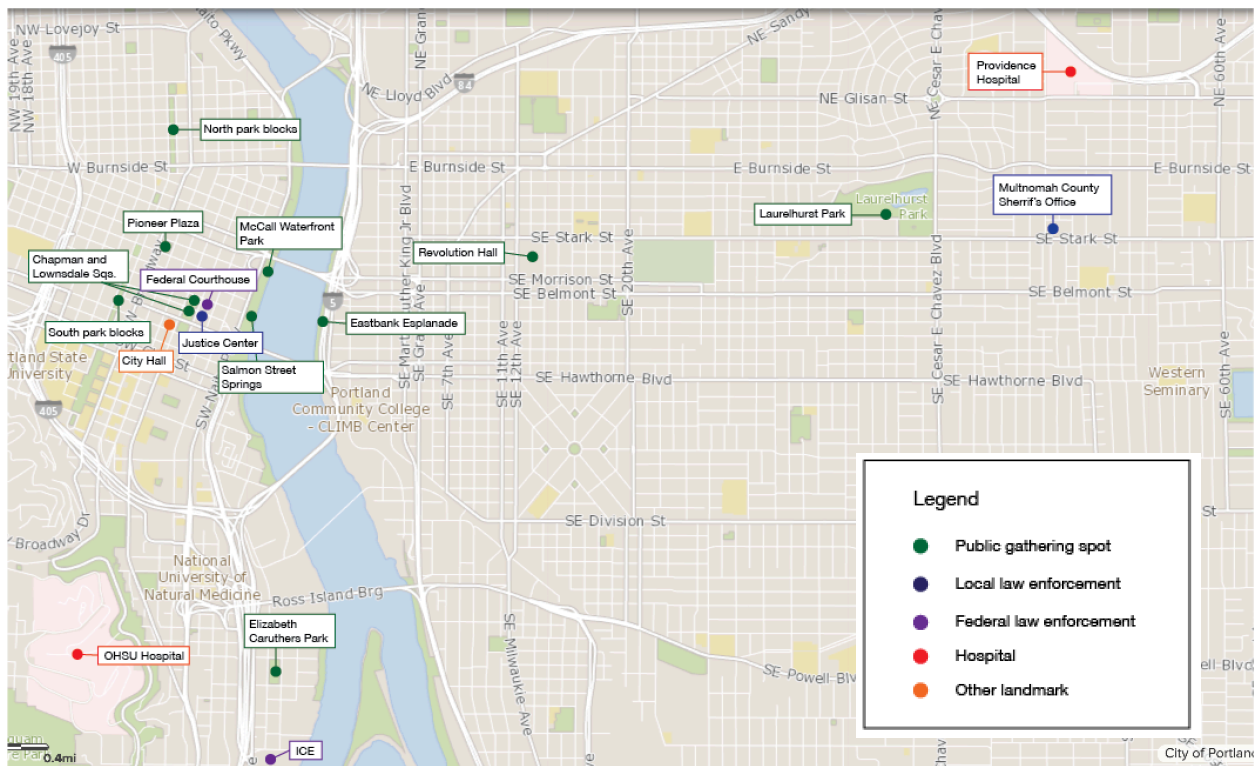


# Maps & Important Locations

## Maps of Portland

*These maps show the location of local police buildings, federal buildings, landmarks, hospitals, and public gathering spots that are most relevant to protesters.*

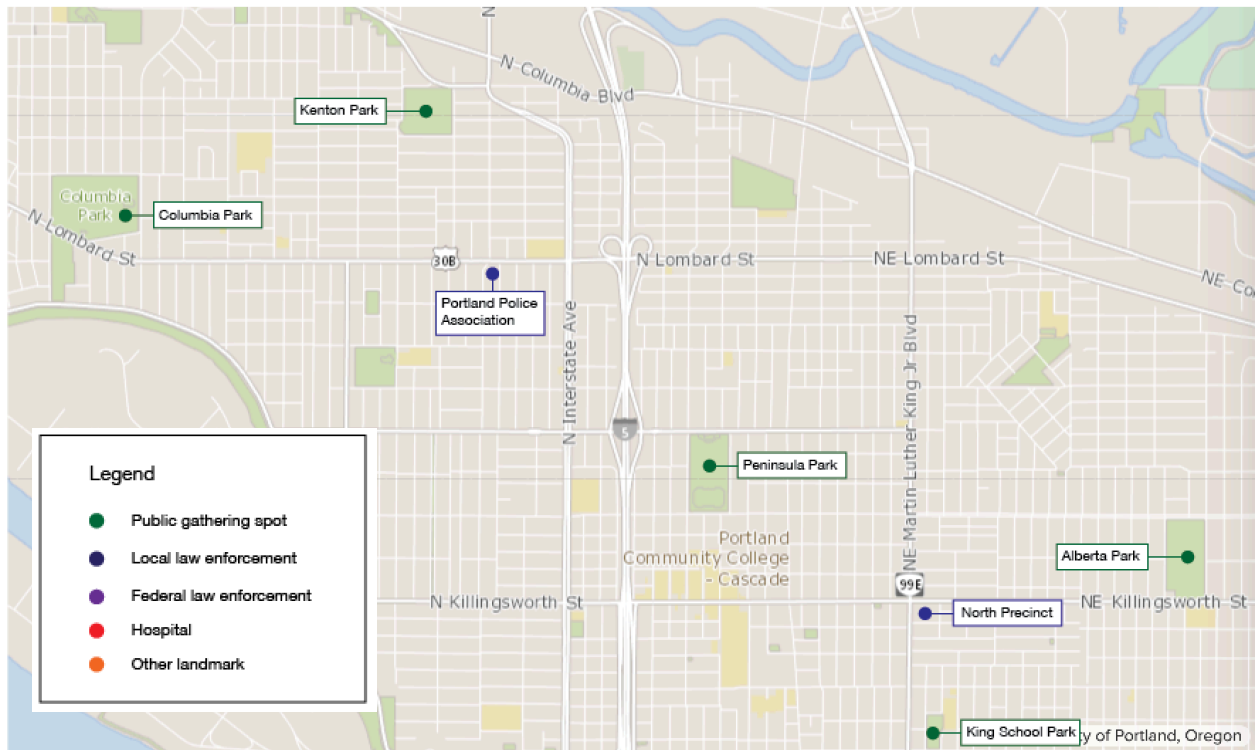
### CENTRAL PORTLAND





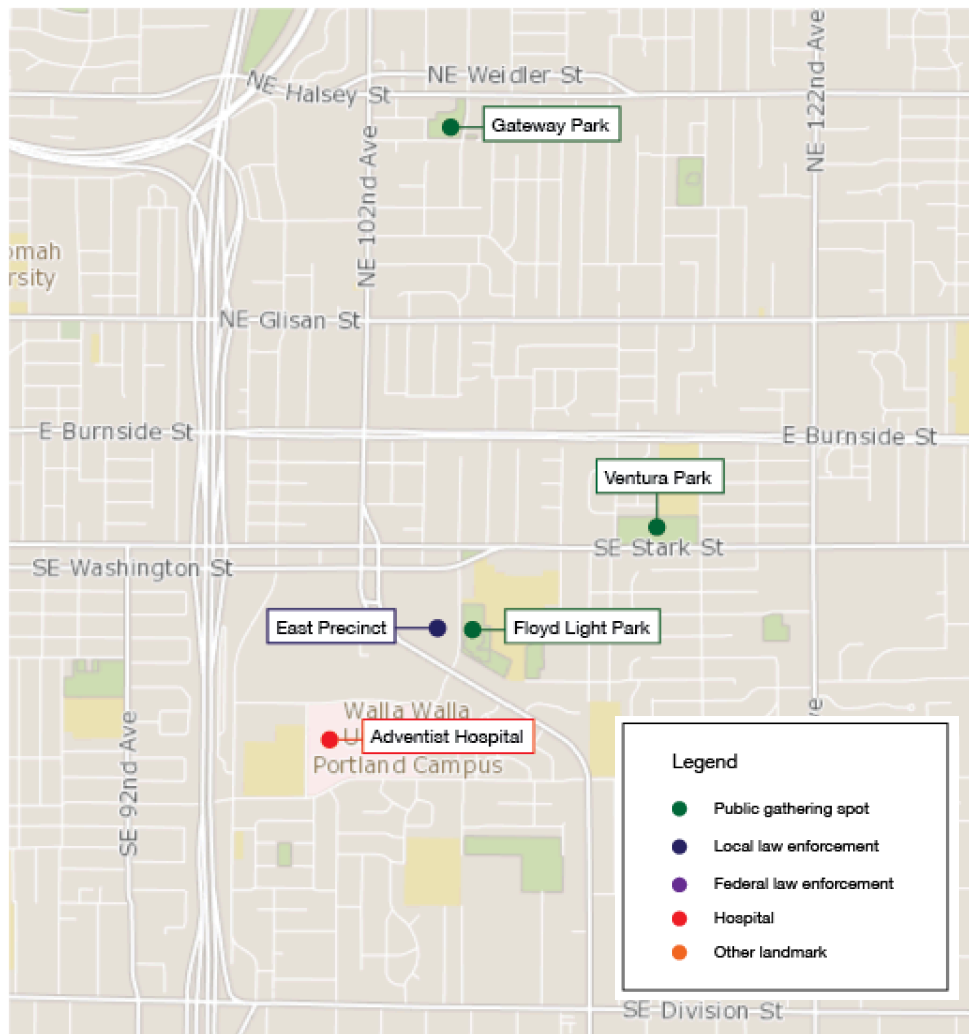
## NORTH PORTLAND

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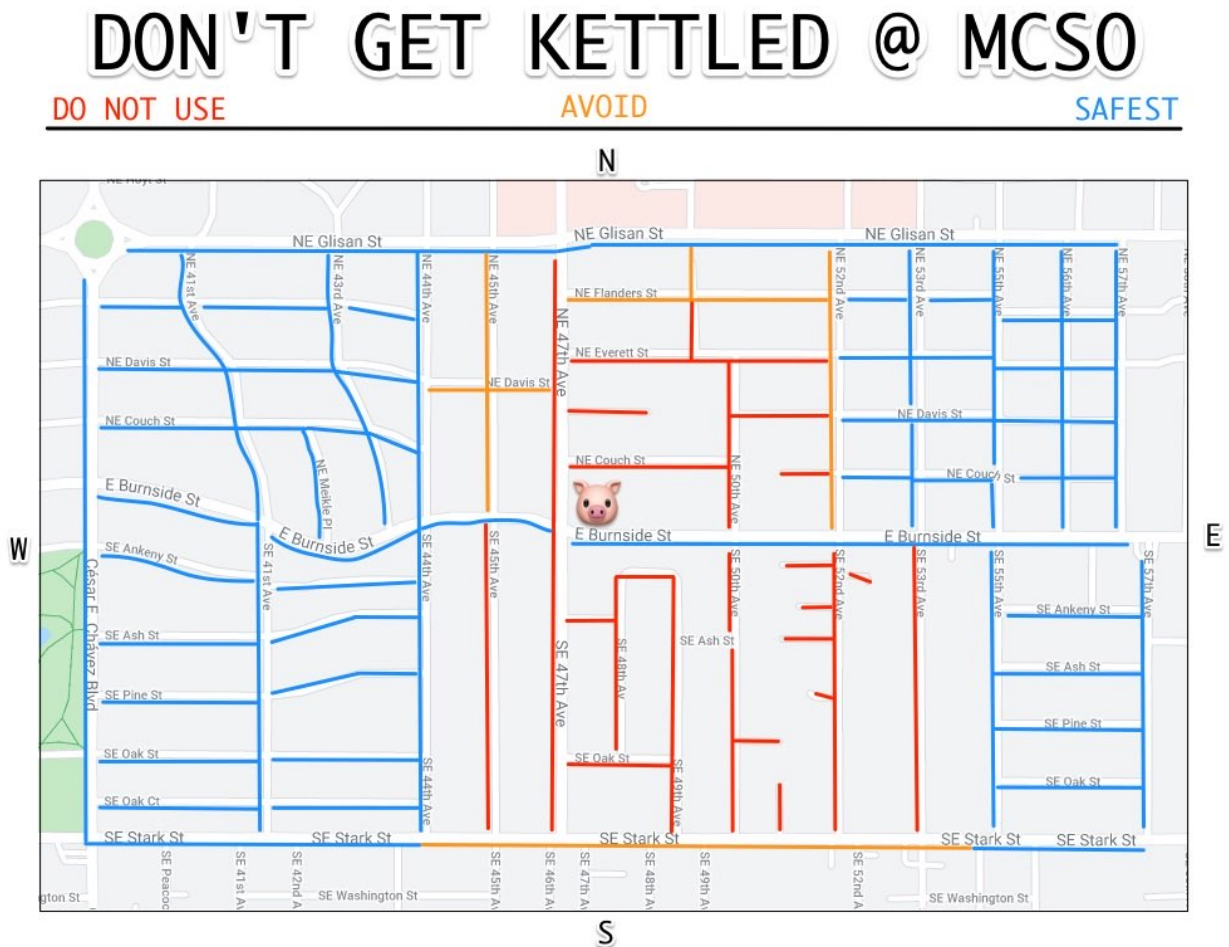
## EAST PORTLAND

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## Don't Get Kettled Maps

*These maps show the safest egress routes around common protest locations.*

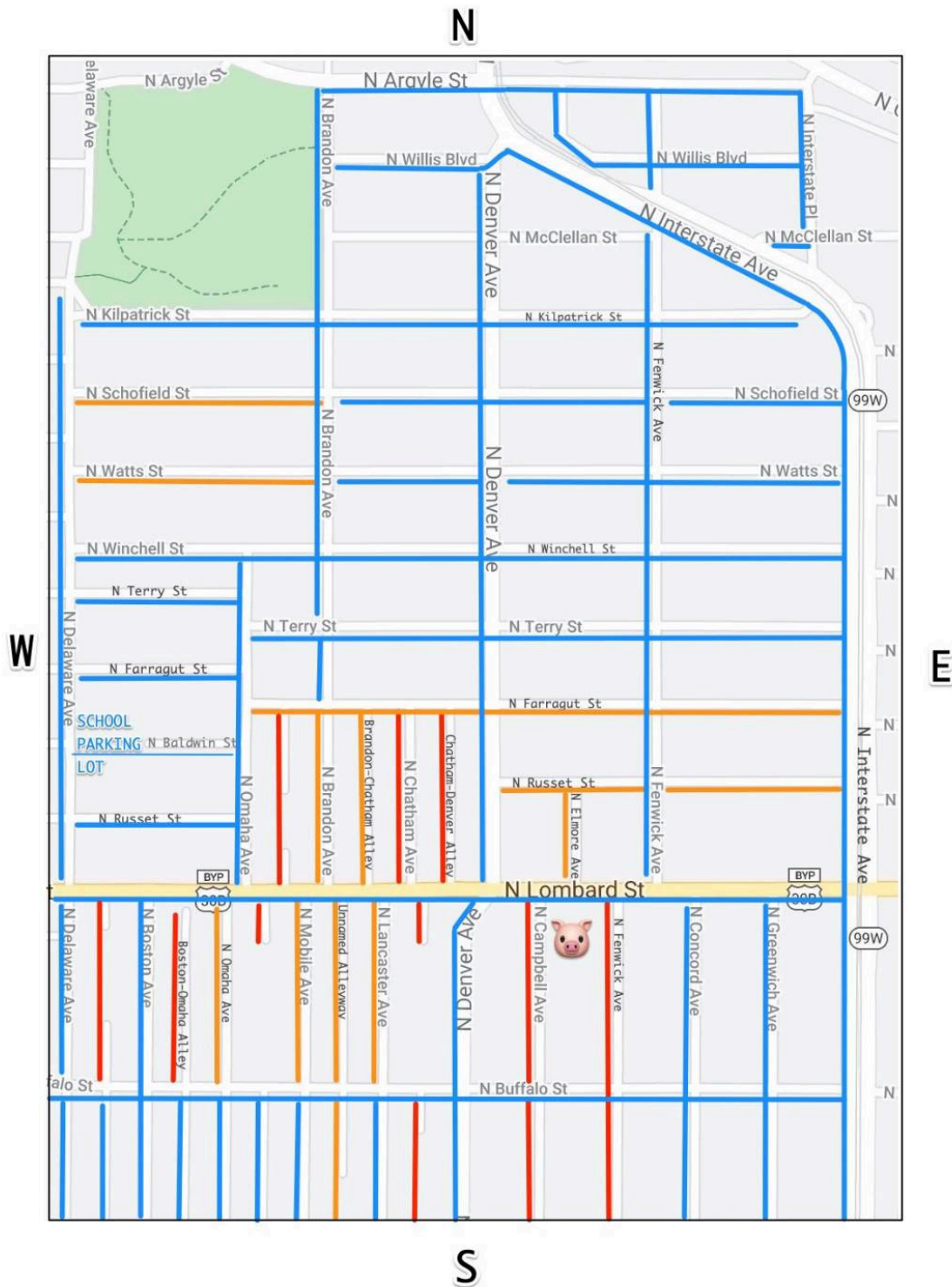


# DON'T GET KETTLED @ PPA

DO NOT USE

AVOID

SAFEST





DO NOT USE      AVOID      SAFEST



DO NOT USE      AVOID      SAFEST

**S**



# Full Legal Codes

## Firearms

Oregon weapon laws source: <https://www.oregonlaws.org/ors/chapter/166>

Portland weapon laws source: <https://www.portland.gov/code/14>

The law: <https://www.portland.gov/code/14/a60>

### **14A.60.010 POSSESSION OF A LOADED FIREARM IN A PUBLIC PLACE.**

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1. It is unlawful for any person to knowingly possess or carry a firearm, in or upon a public place, including while in a vehicle in a public place, recklessly having failed to remove all the ammunition from the firearm.
2. It is unlawful for any person to knowingly possess or carry a firearm and that firearm's clip or magazine, in or upon a public place, including while in a vehicle in a public place, recklessly having failed to remove all the ammunition from the clip or magazine.
3. The following are exceptions and constitute affirmative defenses to a violation of this Section:
  - (a) A police officer or other duly appointed peace officers, whether active or honorably retired.
  - (b) A member of the military in the performance of official duty.
  - (c) A person licensed to carry a concealed handgun.
  - (d) A person authorized to possess a loaded firearm while in or on a public building under ORS 166.370.
  - (e) A government employee authorized or required by his or her employment or office to carry firearms.
  - (f) A person summoned by a police officer to assist in making arrests or preserving the peace, while such person is actually engaged in assisting the officer.
  - (g) A merchant who possesses or is engaged in lawfully transporting unloaded firearms as merchandise.
  - (h) Organizations which are by law authorized to purchase or receive weapons from the United States or from this state.
  - (i) Duly authorized military or civil organizations while parading, or their members when going to and from the places of meeting of their organization.
  - (j) A corrections officer while transporting or accompanying an individual convicted of or arrested for an offense and confined in a place of incarceration or detention while outside the confines of the place of incarceration or detention.
  - (k) Persons traveling to and from an established target range, whether public or private, for the purpose of practicing shooting targets at the target ranges.
  - (l) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from a hunting or fishing expedition.
  - (m) A person authorized by permit of the Chief of Police to possess a loaded firearm, clip, or magazine in a public place in the City of Portland.
  - (n) A security guard employed at a financial institution insured by the Federal Deposit Insurance Corporation while the security guard is on duty.
4. It is unlawful for any person who possesses a firearm, clip or magazine in or upon a public place, or while in a vehicle in a public place, to refuse to permit a police officer to inspect that firearm after the police officer has identified him or herself as a police officer. This Section does not apply to law enforcement officers or members of the military in the

performance of official duties, nor persons licensed to carry a concealed handgun or persons authorized to possess a loaded firearm, clip or magazine while in or on a public building or court facility.

5. Penalty

- (a) In the absence of the aggravating factors listed in Subsection 14A.60.010 E.2., the court may impose a sentence of up to 6 months imprisonment and a fine not to exceed \$500 for violation of this section.
- (b) When this offense is committed by carrying a loaded firearm containing ammunition that employs gunpowder as a propellant in a vehicle, including a transit vehicle, the court must impose a mandatory minimum sentence of 30 days for violation of this Section.

#### **14A.60.020 DISCHARGE OF A FIREARM.**

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- 1. It is unlawful for any person to discharge a firearm in the City or upon its boundaries.
- 2. This Section does not apply to:
  - (a) A person discharging a firearm in the lawful defense of person or property;
  - (b) A person discharging a firearm on a public or private shooting range, shooting gallery, or other area designed, built, and lawfully operating for the purpose of target shooting;
  - (c) A person conducting an athletic contest who fires blank ammunition toward the sky;
  - (d) A person authorized to fire blank ammunition as part of military or police ceremonies;
  - (e) A person authorized by permit of the Chief of Police to discharge blank ammunition for a lawful purpose;
  - (f) Hunter safety instructors of the Oregon State Game Commission or their pupils who are engaged in hunter safety training classes sponsored by the Commission;
  - (g) A police officer in the performance of official duty;
  - (h) Employees or contractors of the Port of Portland engaged in flight safety hazard abatement at and around Portland International Airport to comply with FAR Part 139.337.

## **Other Weapons**

#### **ORS 166.240<sup>1</sup> CARRYING OF CONCEALED WEAPONS**

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<https://www.oregonlaws.org/ors/166.240>

- 1. Except as provided in subsection (2) of this section, any person who carries concealed upon the person any knife having a blade that projects or swings into position by force of a spring or by centrifugal force, any dirk, dagger, ice pick, slungshot, metal knuckles, or any similar instrument by the use of which injury could be inflicted upon the person or property of any other person, commits a Class B misdemeanor.
- 2. Nothing in subsection (1) of this section applies to any peace officer as defined in ORS 133.005 (Definitions for ORS 133.005 to 133.400 and 133.410 to 133.450), whose duty it is to serve process or make arrests. Justice courts have concurrent jurisdiction to try any person charged with violating any of the provisions of subsection (1) of this section. [Amended by 1977 c.454 §1; 1985 c.543 §2; 1989 c.839 §21; 1999 c.1040 §15]

## **ORS 163.212 UNLAWFUL USE OF AN ELECTRICAL STUN GUN, TEAR GAS OR MACE IN THE SECOND DEGREE**

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1. A person commits the crime of unlawful use of an electrical stun gun, tear gas or mace in the second degree if the person recklessly discharges an electrical stun gun, tear gas weapon, mace, tear gas, pepper mace or any similar deleterious agent against another person.
2. Unlawful use of an electrical stun gun, tear gas or mace in the second degree is a Class A misdemeanor. [1995 c.651 §2]

## **ORS 163.213<sup>1</sup> UNLAWFUL USE OF AN ELECTRICAL STUN GUN, TEAR GAS OR MACE IN THE FIRST DEGREE**

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1. A person commits the crime of unlawful use of an electrical stun gun, tear gas or mace in the first degree if the person knowingly discharges or causes to be discharged any electrical stun gun, tear gas weapon, mace, tear gas, pepper mace or any similar deleterious agent against another person, knowing the other person to be a peace officer, corrections officer, parole and probation officer, firefighter or emergency medical services provider and while the other person is acting in the course of official duty.
2. Unlawful use of an electrical stun gun, tear gas or mace in the first degree is a Class C felony. [1995 c.651 §3; 2011 c.703 §50]

## **Self Defense & Property Defense**

### **20.12.050 POSSESSION OF WEAPONS**

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<https://www.oregonlaws.org/ors/166.173>

(Corrected under authority of PCC Section 1.01.035 on June 2, 2017.) No person shall possess in any Park any thing specifically designed for and presently capable of causing, or carried with the intent to threaten or cause, bodily harm to another. Things prohibited under this Section include, but are not limited to: any firearm, pellet gun, spring-loaded weapon, stun gun or taser, any knife having a blade that projects or swings into position by force of a spring or by centrifugal force, any knife with a blade longer than 3-½ inches, any dirk, dagger, ice-pick, sling shot, slungshot, metal knuckles, nunchaku, studded handcoverings, swords, straight razors, tear gas containers, saps, sap gloves, hatchets or axes. The prohibitions of this Section do not apply to handguns lawfully carried by persons exempt from local regulation under [ORS 166.173](#). The prohibitions of this Section do not apply to any thing possessed or used to carry out actions authorized by any contract or permit in any Park.

## **14A.110.280 WEAPONS**

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<https://www.portland.gov/code/14/a110/280>

No person, except a peace officer or shall bring or carry aboard a Portland Streetcar vehicle or to a station any firearm, knife (except a folding knife with a blade less than 3 ½ inches in length) or any other instrument, article, device, material or substance specifically designed to inflict or cause bodily harm to another. Where possession of such weapons cannot be prohibited by law, a person in possession of a weapon may not display or carry the weapon in a manner which is likely to result in fear or alarm by other persons or Portland Streetcar employees.

## **ORS 161.205<sup>1</sup> USE OF PHYSICAL FORCE GENERALLY**

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The use of physical force upon another person that would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances:

1. (a) A parent, guardian or other person entrusted with the care and supervision of a minor or an incompetent person may use reasonable physical force upon such minor or incompetent person when and to the extent the person reasonably believes it necessary to maintain discipline or to promote the welfare of the minor or incompetent person.  
  
(b) Personnel of a public education program, as that term is defined in ORS 339.285 (Definitions for ORS 339.285 to 339.303), may use reasonable physical force upon a student when and to the extent the application of force is consistent with ORS 339.285 (Definitions for ORS 339.285 to 339.303) to 339.303 (Rules for complaints, investigations and seclusion rooms).
2. Subject to ORS 421.107 (Use of dog for cell extraction prohibited), an authorized official of a jail, prison or correctional facility may use physical force when and to the extent that the official reasonably believes it necessary to maintain order and discipline or as is authorized by law.
3. A person responsible for the maintenance of order in a common carrier of passengers, or a person acting under the direction of the person, may use physical force when and to the extent that the person reasonably believes it necessary to maintain order, but the person may use deadly physical force only when the person reasonably believes it necessary to prevent death or serious physical injury.
4. A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious physical self-injury may use physical force upon that person to the extent that the person reasonably believes it necessary to thwart the result.
5. A person may use physical force upon another person in self-defense or in defending a third person, in defending property, in making an arrest or in preventing an escape, as hereafter prescribed in chapter 743, Oregon Laws 1971. [1971 c.743 §21; 1981 c.246 §1; 2011 c.665 §§10,11; 2013 c.133 §4; 2013 c.267 §4; 2019 c.267 §7; 2019 c.333 §2]

## **ORS 161.209 USE OF PHYSICAL FORCE IN DEFENSE OF A PERSON**

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Except as provided in ORS 161.215 (Limitations on use of physical force in defense of a person) and 161.219 (Limitations on use of deadly physical force in defense of a person), a person is justified in using physical force upon another person for self-defense or to defend a third person from what the person reasonably believes to be the use or imminent use of unlawful physical force, and the person may use a degree of force which the person reasonably believes to be necessary for the purpose. [1971 c.743 §22]

## **ORS 161.215 LIMITATIONS ON USE OF PHYSICAL FORCE IN DEFENSE OF A PERSON**

---

Notwithstanding ORS 161.209 (Use of physical force in defense of a person), a person is not justified in using physical force upon another person if:

1. With intent to cause physical injury or death to another person, the person provokes the use of unlawful physical force by that person; or
2. The person is the initial aggressor, except that the use of physical force upon another person under such circumstances is justifiable if the person withdraws from the encounter and effectively communicates to the other person the intent to do so, but the latter nevertheless continues or threatens to continue the use of unlawful physical force; or
3. The physical force involved is the product of a combat by agreement not specifically authorized by law. [1971 c.743 §24]

## **ORS 161.219<sup>1</sup> LIMITATIONS ON USE OF DEADLY PHYSICAL FORCE IN DEFENSE OF A PERSON**

---

Notwithstanding the provisions of ORS 161.209 (Use of physical force in defense of a person), a person is not justified in using deadly physical force upon another person unless the person reasonably believes that the other person is:

1. Committing or attempting to commit a felony involving the use or threatened imminent use of physical force against a person; or
2. Committing or attempting to commit a burglary in a dwelling; or
3. Using or about to use unlawful deadly physical force against a person. [1971 c.743 §23]

## **ORS 161.225 USE OF PHYSICAL FORCE IN DEFENSE OF PREMISES**

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1. A person in lawful possession or control of premises is justified in using physical force upon another person when and to the extent that the person reasonably believes it necessary to prevent or terminate what the person reasonably believes to be the commission or attempted commission of a criminal trespass by the other person in or upon the premises.

2. A person may use deadly physical force under the circumstances set forth in subsection (1) of this section only:
  - (a) In defense of a person as provided in ORS 161.219 (Limitations on use of deadly physical force in defense of a person); or
  - (b) When the person reasonably believes it necessary to prevent the commission of arson or a felony by force and violence by the trespasser.
3. As used in subsection (1) and subsection (2)(a) of this section, premises includes any building as defined in ORS 164.205 (Definitions for ORS 164.205 to 164.270) and any real property. As used in subsection (2)(b) of this section, premises includes any building. [1971 c.743 §25]

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#### **ORS 161.229 USE OF PHYSICAL FORCE IN DEFENSE OF PROPERTY**

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A person is justified in using physical force, other than deadly physical force, upon another person when and to the extent that the person reasonably believes it to be necessary to prevent or terminate the commission or attempted commission by the other person of theft or criminal mischief of property. [1971 c.743 §26]

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#### **ORS 161.235 USE OF PHYSICAL FORCE IN MAKING AN ARREST OR IN PREVENTING AN ESCAPE**

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Except as provided in ORS 161.239 (Use of deadly physical force in making an arrest or in preventing an escape), a peace officer is justified in using physical force upon another person only when and to the extent that the peace officer reasonably believes it necessary:

1. To make an arrest or to prevent the escape from custody of an arrested person unless the peace officer knows that the arrest is unlawful; or
2. For self-defense or to defend a third person from what the peace officer reasonably believes to be the use or imminent use of physical force while making or attempting to make an arrest or while preventing or attempting to prevent an escape. [1971 c.743 §27]

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#### **ORS 161.239 USE OF DEADLY PHYSICAL FORCE IN MAKING AN ARREST OR IN PREVENTING AN ESCAPE**

---

1. Notwithstanding the provisions of ORS 161.235 (Use of physical force in making an arrest or in preventing an escape), a peace officer may use deadly physical force only when the peace officer reasonably believes that:
  - (a) The crime committed by the person was a felony or an attempt to commit a felony involving the use or threatened imminent use of physical force against a person; or
  - (b) The crime committed by the person was kidnapping, arson, escape in the first degree, burglary in the first degree or any attempt to commit such a crime; or

- (c) Regardless of the particular offense which is the subject of the arrest or attempted escape, the use of deadly physical force is necessary to defend the peace officer or another person from the use or threatened imminent use of deadly physical force; or
  - (d) The crime committed by the person was a felony or an attempt to commit a felony and under the totality of the circumstances existing at the time and place, the use of such force is necessary; or
  - (e) The officer's life or personal safety is endangered in the particular circumstances involved.
2. Nothing in subsection (1) of this section constitutes justification for reckless or criminally negligent conduct by a peace officer amounting to an offense against or with respect to innocent persons whom the peace officer is not seeking to arrest or retain in custody. [1971 c.743 §28]

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#### **ORS 161.249 USE OF PHYSICAL FORCE BY PRIVATE PERSON ASSISTING AN ARREST**

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1. Except as provided in subsection (2) of this section, a person who has been directed by a peace officer to assist the peace officer to make an arrest or to prevent an escape from custody is justified in using physical force when and to the extent that the person reasonably believes that force to be necessary to carry out the peace officers direction.
2. A person who has been directed to assist a peace officer under circumstances specified in subsection (1) of this section may use deadly physical force to make an arrest or to prevent an escape only when:
  - (a) The person reasonably believes that force to be necessary for self-defense or to defend a third person from what the person reasonably believes to be the use or imminent use of deadly physical force; or
  - (b) The person is directed or authorized by the peace officer to use deadly physical force unless the person knows that the peace officer is not authorized to use deadly physical force under the circumstances. [1971 c.743 §30]

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#### **ORS 161.255 USE OF PHYSICAL FORCE BY PRIVATE PERSON MAKING CITIZEN'S ARREST**

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1. Except as provided in subsection (2) of this section, a private person acting on the persons own account is justified in using physical force upon another person when and to the extent that the person reasonably believes it necessary to make an arrest or to prevent the escape from custody of an arrested person whom the person has arrested under ORS 133.225 (Arrest by private person).
2. A private person acting under the circumstances prescribed in subsection (1) of this section is justified in using deadly physical force only when the person reasonably believes it necessary for self-defense or to defend a third person from what the person reasonably believes to be the use or imminent use of deadly physical force. [1971 c.743 §31; 1973 c. 836 §339]

## **ORS 161.190 JUSTIFICATION AS A DEFENSE**

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In any prosecution for an offense, justification, as defined in ORS 161.195 (Justification described) to 161.275 (Entrapment), is a defense. [1971 c.743 §18]

## **ORS 161.195 JUSTIFICATION DESCRIBED**

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1. Unless inconsistent with other provisions of chapter 743, Oregon Laws 1971, defining justifiable use of physical force, or with some other provision of law, conduct which would otherwise constitute an offense is justifiable and not criminal when it is required or authorized by law or by a judicial decree or is performed by a public servant in the reasonable exercise of official powers, duties or functions.
2. As used in subsection (1) of this section, laws and judicial decrees include but are not limited to:
  - (a) Laws defining duties and functions of public servants;
  - (b) Laws defining duties of private citizens to assist public servants in the performance of certain of their functions;
  - (c) Laws governing the execution of legal process;
  - (d) Laws governing the military services and conduct of war; and
  - (e) Judgments and orders of courts. [1971 c.743 §19]

## **ORS 161.275 ENTRAPMENT**

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1. The commission of acts which would otherwise constitute an offense is not criminal if the actor engaged in the proscribed conduct because the actor was induced to do so by a law enforcement official, or by a person acting in cooperation with a law enforcement official, for the purpose of obtaining evidence to be used against the actor in a criminal prosecution.
2. As used in this section, induced means that the actor did not contemplate and would not otherwise have engaged in the proscribed conduct. Merely affording the actor an opportunity to commit an offense does not constitute entrapment. [1971 c.743 §35]

## **ORS 166.643 UNLAWFUL POSSESSION OF BODY ARMOR**

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<https://www.oregonlaws.org/ors/166.643>

1. A person commits the crime of unlawful possession of body armor if the person, while committing or attempting to commit a felony or misdemeanor involving violence, knowingly:
  - (a) Wears body armor; and
  - (b) Possesses a deadly weapon.
2. Unlawful possession of body armor is a Class B felony. [2001 c.635 §3]



## **ORS 116.642 FELON IN POSSESSION OF BODY ARMOR**

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<https://www.oregonlaws.org/ors/166.642>

1. A person commits the crime of felon in possession of body armor if the person:
  - (a) Has been convicted of a felony or misdemeanor involving violence under the law of any state or the United States; and
  - (b) Knowingly is in possession or control of body armor.
2. Felon in possession of body armor is a Class C felony.
3. For purposes of subsection (1) of this section, a person who has been found to be within the jurisdiction of a juvenile court for having committed an act that would constitute a felony or misdemeanor involving violence has been convicted of a felony or misdemeanor involving violence.
4. Subsection (1) of this section does not apply to:
  - (a) A person who is wearing body armor provided by a peace officer for the persons safety or protection while the person is being transported or accompanied by a peace officer; or
  - (b) A person who has been convicted of only one felony under the law of this state or any other state, or who has been convicted of only one felony under the law of the United States, which felony did not involve criminal homicide, as defined in ORS 163.005 (Criminal homicide), and who has been discharged from imprisonment, parole or probation for the offense for a period of 15 years prior to the date of the alleged violation of subsection (1) of this section.
5. It is an affirmative defense to a charge of violating subsection (1) of this section that a protective order or restraining order has been entered to the benefit of the person. The affirmative defense created by this subsection is not available if the person possesses the body armor while committing or attempting to commit a crime. [2001 c.635 §2]

## **Doxing**

No applicable laws currently in use, but are being considered in the 2021 legislative session.

## **Trespassing & Vandalism**

### **REF: OR. REV. STAT. §164.335 RECKLESS BURNING**

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Reckless burning is another serious property crime. You may be charged with this offense if you recklessly damage the property of another person by fire or explosion. This is a Class A misdemeanor punishable by up to 1 year in jail and fines reaching \$6250.

## **REF: OR. REV. STAT §164.315 2ND DEGREE ARSON**

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Arson in the second degree is a felony charge that you may be arrested on if you intentionally damage one of the following by starting a fire or explosion:

1. Someone else's building that is not considered "protected",
2. Any property of another where the damage exceeds \$750, or
3. When the fire which destroys the property is from the manufacture of methamphetamines.

Arson in the 2nd degree is a Class C felony charge that carries a potential sentence of up to 5 years in prison and fines up to \$125,000.

## **1ST DEGREE ARSON**

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Arson in the first degree is an extremely serious crime. You may be charged with this if you intentionally start a fire or explosion that intentionally damages:

- (a) Protected property of another
- (b) Any property (including your own) where the fire places someone in danger of physical injury or places the protected property of another in danger, or
- (c) Any property (including your own) where the fire causes injury to a firefighter or peace officer acting in their line of duty.

First degree arson is a Class A felony and is punishable by up to 20 years in prison and fines reaching \$375,000.

## **REF: OR. REV. STAT.§ 164.345 OREGON 3RD DEGREE CRIMINAL MISCHIEF**

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Criminal mischief in the 3rd degree is when you interfere or tamper with the property of another with the intent to cause substantial inconvenience to the owner or someone else. This offense is a Class C misdemeanor punishable by up to 30 days in jail and fines reaching \$1250.

## **REF: OR. REV. STAT.§ 164.345 OREGON 2ND DEGREE CRIMINAL MISCHIEF**

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Criminal Mischief in the 2nd degree is when you commit criminal mischief as described above and this results in property damage valued at more than \$100, or if you intentionally damage someone else's property and the damage exceeds \$100. Criminal mischief in the 2nd degree is a Class A misdemeanor and is punishable by up to one year in jail and fines of \$6250.

## **REF: OR. REV. STAT.§ 164.345 OREGON 1ST DEGREE CRIMINAL MISCHIEF**

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There are several incidences that can lead to a charge of criminal mischief in the 1st degree. You may be charged with this serious felony offense if you do any of the following with intent to damage property:

- (d) Damage property of another in an amount over \$750
- (e) By explosive
- (f) By starting a fire at an institution you are confined in (hospital, jail)

- (g) Damage property that is livestock
- (h) Damage property that is public utility or similar, or
- (i) Interfere with utilities or telecommunications carriers.

Criminal mischief in the first degree is a Class C felony punishable by up to 5 years in prison and fines of \$125,000.

#### **LAWS: ORS 164.383 UNLAWFULLY APPLYING GRAFFITI**

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1. A person commits the offense of unlawfully applying graffiti if the person, having no right to do so nor reasonable ground to believe that the person has such right, intentionally damages property of another by applying graffiti to the property.
2. Unlawfully applying graffiti is a Class A violation. Upon a conviction for unlawfully applying graffiti, a court, in addition to any fine it imposes and pursuant to ORS 137.128 (Community service as part of sentence) but notwithstanding ORS 137.129 (Length of community service sentence), may order the defendant to perform up to 100 hours of community service. The community service must include removing graffiti, either those that the defendant created or those created by another, or both.
3. If the court orders community service, the community service must be completed within six months after entry of the order unless the person shows good cause why community service cannot be completed within the six-month time period. [1995 c.615 §2; 1999 c. 1051 §156]

#### **ORS 164.386 UNLAWFULLY POSSESSING A GRAFFITI IMPLEMENT.**

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1. A person commits the offense of unlawfully possessing a graffiti implement if the person possesses a graffiti implement with the intent of using the graffiti implement in violation of ORS 164.383.
2. Unlawfully possessing a graffiti implement is a Class C violation. Upon a conviction for unlawfully possessing a graffiti implement, a court, in addition to any fine it imposes and pursuant to ORS 137.128 but notwithstanding ORS 137.129, may order the defendant to perform up to 50 hours of community service. The community service must include removing graffiti, either those that the defendant created or those created by another, or both.
3. If the court orders community service, the community service must be completed within six months after entry of the order unless the person shows good cause why community service cannot be completed within the six-month time period. [1995 c.615 §3; 1999 c. 1051 §157]

#### **ORS 164.245 CRIMINAL TRESPASS IN THE SECOND DEGREE**

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1. A person commits the crime of criminal trespass in the second degree if the person enters or remains unlawfully in a motor vehicle or in or upon premises.

2. Criminal trespass in the second degree is a Class C misdemeanor. [1971 c.743 §139; 1999 c.1040 §9]

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**ORS 164.255 CRIMINAL TRESPASS IN THE FIRST DEGREE**

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1. A person commits the crime of criminal trespass in the first degree if the person:
  - (a) Enters or remains unlawfully in a dwelling;
  - (b) Having been denied future entry to a building pursuant to a merchants notice of trespass, reenters the building during hours when the building is open to the public with the intent to commit theft therein;
  - (c) Enters or remains unlawfully upon railroad yards, tracks, bridges or rights of way; or
  - (d) Enters or remains unlawfully in or upon premises that have been determined to be not fit for use under ORS 453.855 (Purpose) to 453.912 (Governmental immunity from liability).
2. Subsection (1)(d) of this section does not apply to the owner of record of the premises if:
  - (a) The owner notifies the law enforcement agency having jurisdiction over the premises that the owner intends to enter the premises;
  - (b) The owner enters or remains on the premises for the purpose of inspecting or decontaminating the premises or lawfully removing items from the premises; and
  - (c) The owner has not been arrested for, charged with or convicted of a criminal offense that contributed to the determination that the premises are not fit for use.
3. Criminal trespass in the first degree is a Class A misdemeanor. [1971 c.743 §140; 1993 c. 680 §23; 1999 c.837 §1; 2001 c.386 §1; 2003 c.527 §1]

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**ORS 164.265 CRIMINAL TRESPASS WHILE IN POSSESSION OF A FIREARM**

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1. A person commits the crime of criminal trespass while in possession of a firearm who, while in possession of a firearm, enters or remains unlawfully in or upon premises.
2. Criminal trespass while in possession of a firearm is a Class A misdemeanor. [1979 c.603 §2]

## **Other Common Violations Filed Against Protestors**

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**ORS 166.023<sup>1</sup> DISORDERLY CONDUCT IN THE FIRST DEGREE**

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1. A person commits the crime of disorderly conduct in the first degree if, with intent to cause public inconvenience, annoyance or alarm, or knowingly creating a risk thereof,

the person initiates or circulates a report, knowing it to be false:

2. Concerning an alleged hazardous substance or an alleged or impending fire, explosion, catastrophe or other emergency; and
3. Stating that the hazardous substance, fire, explosion, catastrophe or other emergency is located in or upon a court facility or a public building, as those terms are defined in ORS 166.360 (Definitions for ORS 166.360 to 166.380)

(2)(a) Disorderly conduct in the first degree is a Class A misdemeanor.

(b) Notwithstanding paragraph (a) of this subsection, disorderly conduct in the first degree is a Class C felony if the defendant has at least one prior conviction for violating subsection (1) of this section. [2005 c.631 §3; 2015 c.361 §1]

#### **ORS 166.025<sup>1</sup> DISORDERLY CONDUCT IN THE SECOND DEGREE**

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1. A person commits the crime of disorderly conduct in the second degree if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, the person:
2. Engages in fighting or in violent, tumultuous or threatening behavior;
3. Makes unreasonable noise;
4. Disturbs any lawful assembly of persons without lawful authority;
5. Obstructs vehicular or pedestrian traffic on a public way;
6. (e) Initiates or circulates a report, knowing it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe or other emergency; or
7. (f) Creates a hazardous or physically offensive condition by any act which the person is not licensed or privileged to do.

(2)(a) Disorderly conduct in the second degree is a Class B misdemeanor.

(b) Notwithstanding paragraph (a) of this subsection, disorderly conduct in the second degree is a Class A misdemeanor if the crime is committed within 200 feet of the real property on which the person knows a funeral service is being conducted.

(3) As used in this section, funeral service means a burial or other memorial service for a deceased person. [1971 c.743 §220; 1983 c.546 §5; 2001 c.104 §55; 2005 c.631 §1; 2012 c.35 §1]

#### **ORS 161.260 USE OF PHYSICAL FORCE IN RESISTING ARREST PROHIBITED**

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A person may not use physical force to resist an arrest by a peace officer who is known or reasonably appears to be a peace officer, whether the arrest is lawful or unlawful. [1971 c.743 §32]

**ORS 166.015<sup>1</sup> RIOT**

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1. A person commits the crime of riot if while participating with five or more other persons the person engages in tumultuous and violent conduct and thereby intentionally or recklessly creates a grave risk of causing public alarm.
2. Riot is a Class C felony. [1971 c.743 §218]