

Protestor Handbook

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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 general resource for those protesting in various states and cities. It contains:

- Information on protestor's rights, discussion of the risks of protesting, and tips for staying safe
- Short write-ups on current law enforcement procedures, tactics, and munitions
- Suggestions for familiarizing yourself with the state and city laws that may be most applicable to protestors, and more

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.

Please share this guide 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

- ☐ Review your rights as a protestor (see next page)
- ☐ Look up the jail support number for your local chapter of the National Lawyer's Guild
- ☐ 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
- Family and kid centered events - Day time events in low traffic or supportive areas	- Day time events in high traffic or contentious areas - Day time events that may attract individual aggressors - Day time events in locations that don't usually experience protest - Night time events in low traffic or supportive areas	- Direct Action events - Night time events in high traffic or contentious areas - Events where large numbers of counter protestors are expected - Events where large police presence is expected
WHAT TO BRING: ☐ Comfortable shoes for walking ☐ Water to stay hydrated ☐ Basic first aid - Band aids - Pain relievers - Sunscreen - Extra face covering ☐ Emergency contact info, including lawyer <i>Suggested:</i> ☐ Individual First Aid Kit ☐ Signs or noise makers ☐ Snacks for long events	WHAT TO BRING: ☐ Comfortable shoes for walking ☐ Water to stay hydrated ☐ Additional water or saline for eye washes ☐ Basic first aid - Band aids - Pain relievers - Sunscreen - Extra face covering ☐ Emergency contact info, including lawyer <i>Suggested:</i> ☐ Individual First Aid Kit ☐ Signs or noise makers ☐ Snacks for long events	WHAT TO BRING: ☐ Shoes you can run in ☐ Clothing that covers skin and identifying characteristics (colored hair, tattoos, etc) ☐ Water to stay hydrated ☐ Additional water or saline for eye washes ☐ Basic first aid ☐ Lawyer's contact written on your body (arm not recommended) <i>Suggested:</i> ☐ Individual First Aid Kit ☐ Self defense items*: shields, body armor, helmets, bear spray, etc. ☐ Phone at home or turned off

* 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

- 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. There may be additional laws in your city or state that require you explicitly state if you are recording a conversation, which may or may not apply to police.

IF YOU BELIEVE YOUR RIGHTS HAVE BEEN VIOLATED

- 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

- 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 Portland area protesters.

BEFORE YOU GO OUT

- 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.
- 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
 - 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

- 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

- 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.

- 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 likely be taken to a holding area where they will remove belts and shoelaces and give you flip flops if you’re wearing steel-toed boots. Expect to 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 holding area you should be allowed to make a call. It is recommended that you call your local National Lawyer’s Guild jail support hotline, 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 may 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 may be available in your area 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

- 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 Portland area medics.

LOCAL MEDIC GROUPS

Local medic groups are likely present at most protest events in larger cities. These are groups of protesters who are specifically trained and equipped to deal with protest-related injuries. Members of these groups may be 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 often marked with a red cross 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

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)

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

- 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

- 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. Evacuation strategies are often designated ahead of time in case of an emergency. Event organizers or support persons 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 Portland based 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. If attending a high risk event, it is recommended to study or create maps so you know ahead of time the safest options for egress.

Law enforcement may also completely surrounded crowds to prevent them from moving or to detain or arrest protestors. Police may also block 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

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

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 US cities. HC produces a Zinc Chloride (ZnCl_2) 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

- 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 lists categories of local and state laws it would be helpful to be aware of before you protest, especially if you are considering bringing defensive items like weapons, shields, or body armor.

COMMON CHARGES: DISORDERLY CONDUCT, RESISTING ARREST, & RIOT

- Disorderly conduct laws are often nebulous catch-alls that criminalize many protest-related activities. What are the legal ramifications of a disorderly conduct charge?
- You cannot legally resist arrest by someone who is law enforcement or appears to be law enforcement, whether or not the arrest is lawful.
- If you are charged with resisting arrest, what are the legal ramifications?
- How does your city or state legally define a riot? What are the legal ramifications of a riot charge?

FIREARMS

- Are you legally allowed to conceal carry a firearm in your state or city?
- Are you legally allowed to open carry a firearm in your state or city?
- If you can legally carry a firearm, are there restrictions on whether or not it can be loaded?

- Are the limitations on the type of ammunition you can use?
- Under what circumstances are you legally allowed to use a firearm?
- Are you required announce to law enforcement when you are carrying a firearm?
- Firearms cannot be brought into a courthouse or on federal property
- Note that sometimes state laws may contradict city laws. Generally, the state laws take precedent in these cases.

OTHER WEAPONS

- Are there legal restrictions on owning or carrying knives?
- Are there specific styles of knives that are legal or illegal to carry?
- Does conviction history affect whether you are allowed to carry a knife?
- Can you legally buy and use pepper spray?
- Don't spray cops, EMTs, firefighters, parole officers, etc.
- In what cases are you legally allowed to use a knife, pepper spray, or other weapon?

SELF DEFENSE & PROPERTY DEFENSE

- Are there limitations on where you can legally carry self defense weapons in your city or state? Do the limitations vary depending on whether the weapon is concealed?
- Under what circumstances is it legal to use physical force against another person in self defense?
- 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 may be able to claim that use of force was justified because they feared for their accomplice's safety.
- Can you legally wear body armor in your city or state? Is this affected by conviction history?
- Is it legal to carry a shield in your city or state? Is padding required for legal shields?
- 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 be used to disable someone with a shield is to grip the shield by the lower lip and then flip it upwards towards the carrier to topple them backwards.

DOXING

- Are there currently city or state laws that limit or punish the intentional dissemination of someone's personal information online?
- Do these laws vary depending on if the person is a civilian or law enforcement officer?

VANDALISM & TRESPASSING

- Criminal mischief laws may apply to property damage and may result in misdemeanor or felony charges depending on how and what is damaged
- Arson and burning laws may apply to property damage from fire or explosion and may result in misdemeanor or felony charges
- Are there specific laws against graffiti in your city or state? How is graffiti legally defined?
- Can you be charged just for possession of graffiti implement?
- What are the possible legal ramifications for graffiti related charges?
- What is the definition of trespassing? What are the legal ramifications of a trespassing charge?
- How does carrying a weapon or firearm affect a trespassing charge?