



# **TACTICS IN THE EYES OF THE STATE**

**The Anti-Repression Committee (ARC) works closely with the National Lawyers Guild – SFBA. Both of us are committed to civil and human rights over property and people over profit.**

**We defend people across a diversity of tactics in movements for social justice.**

**NLG hotline numbers for demonstrators who are **NOT** in jail: (415) 909-4NLG  
For demonstrators **IN JAIL**: (415) 285-1011.  
If you are contacted by the FBI: (415) 285-1041.**

**You can contact the NLG hotline numbers to connect with the ARC bail fund as well.**

We are legal workers and radicals, not lawyers, we provide educational resources so that people can make informed decisions about the tactics they choose and the potential impact of those tactics on themselves, their loved ones and the movement.

These flashcards provide information on the following **potential charges across a diversity of tactics**:

- Property Damage
- Looting
- Arson
- Community Defense
- Public Disturbance and Endangerment
- Mayhem
- Hate Crime Enhancements

# **PROPERTY DAMAGE**

## **PENAL CODE 594**

**TACTIC:** Damaging or destroying property such as breaking windows, spray painting, etc.

**POTENTIAL CHARGES:** Vandalism.

Vandalism that causes over \$400 in damage can be prosecuted as a felony in state court. The court can also order someone convicted of vandalism to pay restitution, money in the amount of “correcting” the property damage, plus fines. In some cases, cities such as Oakland have also sued persons accused of vandalism in civil court to recover money for the damage regardless of whether restitution was also ordered

# **LOOTING**

**PENAL CODE 463, 487, 459, 460**

**TACTIC: Taking goods from a store, office or home that has been broken into.**

**POTENTIAL CHARGES:** Looting by petty theft (taking stuff worth less than \$950) is a misdemeanor crime that carries a minimum of 90 days in county jail and a fine of up to \$1,000.

Looting that involves breaking in or taking more than \$950 of stuff, are “wobbler” crimes in California, meaning you can be charged with a felony carrying up to 3 years in jail or prison, or with a misdemeanor.

# **ARSON**

## **PENAL CODE 451**

**TACTIC: Setting something on fire - property, a car, a motorcycle, trash bin, etc.**

**POTENTIAL CHARGES: Arson.**

Arson is a felony carrying a maximum penalty of nine years incarceration, no matter how small the fire was. It can be punished more severely if someone is injured, or if the building is inhabited.

# **COMMUNITY DEFENSE**

## **PENAL CODE: 240,241,242,243**

**TACTIC:** Taking action to defend a group of people against police or fascist violence, such as holding shields up against a police line or line of fascists, throwing a teargas round out of a crowd, punching a fascist, threatening a crowd, etc.

### **POTENTIAL CHARGES: Assault, battery or threats against an officer**

Assault or battery on an officer may be a misdemeanor (punishable by up to one year in jail) or a felony (punishable by one year or more in prison). If the assault involves a weapon of any kind (even a stick or rock), or is by “any means of force likely to produce great bodily injury”, it is punished more harshly. If the officer sustains a serious injury, the defendant can expect to serve as much as five to 25 years in prison in most states.

### **Penalties may include:**

- imprisonment or time in jail
- restitution (repayment) to the victim for any injuries suffered
- probation, or
- fines in the thousands of dollars.

# COMMUNITY DEFENSE

## PENAL CODE:240,241,242,243

**Assault or Battery?** Under California law, an assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another. A battery is any willful and unlawful use of force or violence upon the person of another. Civil liability: Fascists who have been physically attacked or pepper sprayed by counter-demonstrators have sued activists who were doxed. Even when the lawsuit has no merit, it can be costly and take a long time to resolve.

**Civil liability:** Fascists who have been physically attacked or pepper sprayed by counter-demonstrators have sued activists who were doxed. Even when the lawsuit has no merit, it can be costly and take a long time to resolve.

**Holding a Shield Up?** Holding a shield is not a crime in and of itself but police could accuse someone of using the shield as a weapon, or as a means of resisting, delaying or interfering with the police. On the other hand, if police are using excessive force, people have a right of self-defense. Ultimately this will depend how a judge or jury see the facts.

**PUBLIC DISTURBANCE AND  
ENDANGERMENT  
PENAL CODE: 372, 373**

**TACTIC:** Almost anything that creates or maintains a public nuisance

**POTENTIAL CHARGES:** If you're convicted of violating Public Nuisance law (a misdemeanor), the penalty may be: imprisonment in the county jail for up to six (6) months; or, a fine of up to \$1,000 (one-thousand dollars); or, both a fine and imprisonment.

# **MAYHEM**

## **PENAL CODE: 203**

**TACTIC: Disfiguring someone or causing them to lose a body part such as a front tooth, part of their tongue, eye, ear, finger, or slitting their ear, nose or lip, or causing permanent scarring. Mayhem is a felony. Aggravated mayhem carries a possible life sentence.**

### **WHAT TACTICS HAVE RESULTED IN THIS CHARGE?**

Throwing bottles or objects, or punches, that knock out teeth.

# **HATE CRIME ENHANCEMENT**

**PENAL CODE: 422.6, 422.7, 422.75**

**What charge means:** An enhancement to a charge based on an accusation that someone is being targeted as a result of their race, gender, sexual orientation or religion. An enhancement of any kind can add years to sentencing if found guilty, a hate crime enhancement can be very serious.

## **WHAT TACTICS HAVE RESULTED IN THIS CHARGE?**

Any words that indicate that someone is being attacked or targeted based on their race, gender, sexual orientation or religion.