

**Criminal Division**

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Felecia Chandler, Juvenile Deputy  
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**Victim-Witness Assistance Program**

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**Office Administrator**

Christa (Teagan) Levine

September 15, 2020

Sheriff Anthony Hawley  
Okanogan County Sheriff's Office  
123 Fifth Ave  
Okanogan, WA 98840

Re: Recent Protests in Okanogan County and Armed Citizen Responses

Dear Sheriff Hawley,

As you are aware, some months ago after the death of George Floyd, members of our community attempted to peacefully protest. At the same time, members of our community attended the protests armed. The armed citizens claimed to be exercising their Second Amendment rights and to protect the community in the event of violence. To this office's knowledge, there was no violence during that protest.

However, after the protests, this office received a number of complaints based upon RCW 9.41.270 and potentially RCW 38.40.120. The complainants felt that law was violated and that protestors were intimidated and alarmed by the persons armed at the protests. This office researched both statutes along with any case law.

We discussed whether complaints were called in on the day of the protests, and I was told that your office received no 911 calls on the day of the protests. Therefore, at that time, this office felt that no charges should issue and told the same to the persons complaining. This office is not sure if this does not necessarily mean that persons were not intimidated. Just like in domestic violence cases, the intimidated may have been too fearful to report, or they may have simply believed nothing would be done? Later, I was told that at least one person did call the police, but I have not been able to confirm this. I am also not sure if the Sheriff's Office was the agency that fielded the possible call.

Upon further reading and research of the statute, it is this office's position that RCW 9.41.270 can be violated in two ways. First, if one manifests and intent to intimidate another the law is violated. Second, the statute is also violated if there is a situation that warrants alarm for the safety of other persons regardless of intent.

With the recent events that have occurred nationwide, specifically, the shooting of protesters in Kenosha, WI and the shooting of a man in Portland, OR, this office writes to inform you that it is this office's position that if there are any future protests, any organized groups of armed individuals should be prohibited. If the protestors complain RCW 9.41.270 is violated by the presence persons with guns because through the current social context, this office believes that an environment would exist that would "warrant alarm for the safety of others." This office condemns violence, and to ensure that no violence occurs, the law should be enforced so that much more severe laws are not violated, and all persons in our community are protected. This is especially true if any persons call emergency lines to obtain law enforcement assistance.

Furthermore, the Second Amendment does not protect armed groups, it is an individual right. Any persons in groups that are armed in Washington for whatever purpose are not protected by the Second Amendment, and those groups would be violating RCW 38.40.120. That statute makes it a crime for groups to parade in public, organize, or associate together as a military company with firearms, unless they are a recognized

militia of Washington State, they are part of the armed forces of the United States, they are a bona fide veterans organization, or they are military education students that are part of the course of instruction. This law is applicable to the situation at hand.

This office does not want to ever have to see a situations like the tragedies in Kenosha, WI or Portland, OR. This office would like to be clear that any arrests that are made will be taken seriously and will be prosecuted. The last thing we would ever need would be armed groups or armed protestors in the same space as the potential for violence is too high and the First and Second Amendments do not protect violence. This office believes that this scenario could be a recipe for disaster and all of the lives of the Okanogan County citizenry deserve to be protected.

Thank you for your time and consideration.

Sincerely,



Arian Noma  
Prosecuting Attorney for Okanogan County

Cc:

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