

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

Jalesha Johnson, Louise Bequeaith, Brad Penna, Brandi Ramus, and Haley Jo Dikkers,

Plaintiffs,

v.

Stephan K. Bayens, Commissioner of the Iowa Department of Public Safety, *in his official and individual capacities*, Lieutenant Steve Lawrence, Iowa State Patrol District 16 Commander, *in his official and individual capacities*, and Sergeant Tyson Underwood, Assistant District 16 Commander, *in his individual capacity*, Iowa State Patrol Trooper Durk Pearston (Badge Number 168), *in his individual capacity*, and Iowa State Patrol Trooper John Doe #1, *in his individual capacity*.

Defendants.

Docket No. 20-306

DECLARATION OF BRAD PENNA

I, Brad Penna, declare as follows:

1. I am over the age of 18. I have personal knowledge of all the facts set forth in this declaration and would testify competently to those facts if called as a witness.
2. I have lived in Des Moines since 2016. I own the Horizon Line coffee shop and roastery in downtown Des Moines. I have a master's degree in theology from Fuller Theological Seminary in California, and a background in restorative justice through my prior job in higher education.
3. After the murder of George Floyd, I wanted to show my solidarity with the Black Lives Matter movement and began attending the protests in Des Moines at the start of June

2020. I wanted to use my voice and my platform to help push the movement forward. I attended the Black Lives Matter protests several times a week that month.

4. On the afternoon of July 1, 2020, I attended a protest at the Capitol. The purpose of this protest was to increase the pressure on Governor Reynolds to sign the executive order restoring felon voting rights.

5. We were chanting inside the Capitol when the crowd noticed the police starting to arrest Jasmaray (“Jazzy”), an organizer with the Des Moines Black Liberation Movement (“Des Moines BLM”). We didn’t understand why they were arresting her. They took her into a room, and we followed the police officers and chanted outside the room. Then officers emerged from the room with her and we followed them outside, all the while chanting and asking why they were arresting her.

6. I was part of this group chanting at the officers when I saw detective Pete Wilson leaning on another protestor’s head as he arrested her. I yelled at him to get off her head. After seeing that happen, I was scared and concerned about what else the police might do, so I began filming the police response to the protest.

7. A few minutes later, as I was standing with other protesters, I began filming another arrest. We were standing at a distance, on the sidewalk across from the arrest I was filming, because police had ordered us to get off the grass and onto the sidewalk. Then I saw Detective Pete Wilson point his finger at me, and all of a sudden four officers came up and swarmed me. They grabbed me and pulled me away from the crowd of protesters, and then arrested me.

8. They told me at the time they were arresting me that I was being arrested for assaulting an officer and causing bodily injury. I learned later, at my arraignment, that they added additional charges of interference with official acts causing bodily harm.

9. I was in shock because I had been standing at a distance, just recording the protest on my phone. There is a video posted on KCCI that shows that I was maintaining a distance while filming this interaction before the police swarmed me. In the video I am wearing a gray t-shirt, a white face mask and jeans, I also have long hair. This video is titled "*Wednesday's Arrests at the Statehouse,*" and is available at: <https://www.kcci.com/article/des-moines-blm-members-banned-from-statehouse-for-one-year-group-says/33097583#> (July 02, 2020, 09:55).

10. After the officers handcuffed me, they took me to a paddy wagon where I was held with other protestors for several hours. Brandi Ramus and Haley Jo Dikkers were both in the vehicle with me. They drove us to the Des Moines Police Station, where an officer with the Des Moines Police Department brought each of us out individually to take our photos.

11. Then, while we were still in the paddy wagon at the Des Moines Police Station, a trooper with the Iowa State Patrol came and told us all that we were banned from being present on the Capitol Complex grounds until January 2021. I do not remember him providing any further details on the parameter of the ban that day. I have also not received any further communication or any document in writing regarding this ban from the Iowa State Patrol.


12. Because of this ban, I could not continue attending protests held on the Capitol Complex grounds. On July 4, 2020, there was a protest held by indigenous folks at the Capitol. Normally, I would have been on the Capitol grounds with the group protesting,

and I very much wanted to do so. However, because of the ban, I had to stay several blocks away to ensure I was not the Capitol Complex grounds, along with other protesters banned on July 1. I was with Brandi Ramus and Haley Jo Dikkers. Brandi Ramus had to call Iowa State Patrol and speak with a Sergeant to confirm where we were and were NOT allowed so that we did not inadvertently violate the ban. We ended up at the corner of East 9th St. and Des Moines Street. From that distance we were completely unable to hear any of the speakers, and our group was also omitted from the press coverage of the day's event.

13. Since then, I have avoided the Capitol Complex grounds and have had to be extra cautious because I was provided no guidance as to how far the ban actually extended. I have had to err on the side of caution in avoiding the Capitol or anywhere near it.
14. I have continued to attend protests organized by Des Moines BLM.
15. Not being able to protest at the Capitol has affected the reach of the message, and I feel like it has silenced us. The police station and Capitol are the most effective places for us to have our voices heard and get the attention of our legislators.
16. This ban is also preventing me from engaging in other activities at the Capitol. I am no longer able to access my legislators when they are at the Capitol. I am a small business owner and would like to speak with my legislators about the COVID response and the effect it has had on small businesses. Also, as a socially conscious business, it is frustrating that I cannot meet with my legislators to discuss the issues which are important to me and help push forward change on a broader level.

I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct.

Executed this 2nd day of October, 2020



Brad Penna

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing paper with the Clerk of Court by using the CM/ECF system.

The foregoing paper will also be served along with the Complaint and Summons to all Defendants.

Date: October 5, 2020

/s/Rita Bettis Austen
Rita Bettis Austen