

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 HALEY JO
DIKKERS**

I, Haley Jo Dikkers, 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 was born and raised in Northern Wisconsin. I moved to Des Moines in 2014 to attend Drake University, where I majored in psychology, and I have resided in Des Moines since that time.
3. I am now working as an education assistant, helping elementary aged children and their families with “pod learning” and remote education during the Covid-19 crisis.

4. After the death of George Floyd, I felt compelled to join the protests. I wanted to use my voice to stand in solidarity against racial injustice and violent police practices used against people of color.

5. I began attending the Black Lives Matter movement protests organized by the Des Moines Black Liberation Movement (“Des Moines BLM”) in early June 2020. My experiences at these protests only confirmed for me the importance of continuing to protest the violent and unjust tactics used by police officers. I witnessed the police use pepper spray and mace indiscriminately against non-violent protestors. I also witnessed them employ other abusive tactics, such as blocking protestors from leaving then ordering protestors to disperse in order to arrest people for failure to disperse.

6. On the afternoon of June 29, 2020, I attended a protest inside the Capitol building. This protest was aimed at pressuring Governor Reynolds to sign an executive order restoring voting rights to Iowans with felony convictions. Reynolds was in an office room on the second floor of the Capitol, and a group of us chanted outside that door. There were two officers outside the doors where we were chanting, but that protest proceeded without any incident. We continued chanting until 4 pm, at which point we left to avoid any issues with law enforcement by staying past the regular public hours inside the Capitol building.

7. On the afternoon of July 1, 2020, I attended another protest at the Capitol. This action was also focused on restoring voting rights to people with felony convictions, but it went very differently from the previous one I attended.

8. While we were waiting to begin our demonstration inside the Capitol lobby area under the dome on the first floor, we saw Des Moines Police Department (“DMPD”) officers detain Jasmaray (“Jazzy”), a well-known protestor. We didn’t understand why they

were detaining her. Several protestors began following the police as they took Jazzy inside a room. We stood outside the door and chanted, asking the police why they were arresting protestors. The police emerged with Jazzy in handcuffs and escorted her by the elbow. As the police took Jazzy outside, we followed them and continued our chants asking the police why they were arresting her.

9. Once outside, like others, I asked a detective why they were arresting people who were peacefully protesting. He told me that they were arresting people who they suspected were involved with vandalizing a police vehicle at a previous protest held at a Hy-Vee store. He then showed me a pamphlet with photos of the people they were looking to arrest.

10. A few minutes later I saw an officer arresting another protestor, a young woman. Her phone had fallen to the ground in the process of the arrest. I heard her asking if someone would pick up her phone for her. As I bent down to pick up the phone, I heard an officer ask me if I knew the protestor who was being arrested. I told him I was picking up her phone, as she had requested.

11. The officer told me to back off and then immediately tackled me to the ground to get the phone. He took it out of the back pocket of my pants. Then he told me to stand up, and arrested me. I was hurt, confused and disoriented. I kept asking why he had arrested me. The officer did not answer.

12. They took me to the paddy wagon, where I was held with seven other people, including Brandi Ramus and Brad Penna. I noticed that some of the men in the vehicle had been pepper-sprayed. There was also one person being held in the vehicle who I know to be a minor.

13. They drove us from the Capitol to the Des Moines Police Station. At that time, an Officer with the DMPD took each of us outside individually to take our photograph and get our names and addresses.

14. One at a time, after each of our photos, names, and addresses were taken, we were placed back in the paddy wagon. While we were in the paddy wagon, an officer from the Iowa State Patrol came and told us that we were banned from the Capitol Complex grounds until January 1, 2021. He then told us they were trying to extend the ban to one-year.

15. We were then taken to a holding cell at Polk County Jail. I was then finally notified that I was charged with interference with official acts. I was released from the jail at approximately 7 pm that evening.

16. Two weeks later, on July 15, 2020, the Iowa State Patrol sent me a letter, attached as **Exhibit A**, stating that I could not be present on the Capitol Complex grounds until January 1, 2021.

17. The letter did not define the parameters of the “Capitol Complex grounds”. I learned from Brandi Ramus, who had searched online and found a map, that the Capitol Complex extends further than I had realized and even included public sidewalks and streets.

18. Because I still have not been provided with a clear description of the Capitol Complex grounds that I am banned from by the Iowa State Patrol, even when I am around the East Village, or drive through a street near the Capitol, I have anxiety that I am inadvertently wandering into the Capitol Complex grounds. I feel afraid that I could be arrested.

19. There have been events on the Capitol grounds that I wanted to attend, but was unable to attend because of the ban. An event held by Indigenous leaders held at the Capitol on July 4, 2020, is an example of an event in which I was unable to participate. Along with other protesters who were banned on July 1, 2020, including Brandi Ramus and Brad Penna, I attended from a distance, and stayed outside of what was described to me as the Capitol Complex grounds, to ensure that I was not trespassing. Brandi was on the phone with the Iowa State Patrol to ensure we did not inadvertently enter the Capitol grounds, because none of us knew where we could or could not be without risking arrest for joining the protest. We ended up at the intersection of East 9th Street and Des Moines Street. As a result, we could not be with the other demonstrators to support the Indigenous leaders and could not hear what was being said.

20. If it were not for this ban, I would have continued protesting as part of other Des Moines BLM demonstrations that were planned to be held at the Capitol, but which were moved because so many of us were banned.

21. I view the Capitol as a space meant for Iowans to interact with the state government. However, because of the bans I cannot continue to be an engaged citizen. There are many issues even beyond Black Lives Matter that I would like to engage with, for example: women's rights, and the upcoming supreme court nomination. After Governor Reynolds removed her public schedule, I thought about requesting an individual meeting with her or her staff to discuss some of these issues, such as the coronavirus response, felon voting rights, and the police response to BLM protests. But I know that I am not able to meet with her or my legislators at the Capitol for the duration of the bans.

22. As a young person getting involved in social justice issues, it has been frustrating and disheartening to have our voices silenced. Our peaceful protests were met with a ban from the Capitol, which I understood to be a place where Iowans have typically gone to protest. I do not know of any other group of protesters who have ever been treated in this way, and told they cannot exercise their constitutional rights for six months like we were. It feels like we have been targeted by the Iowa State Patrol because of our message of reforming law enforcement in Iowa.

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 Oct, 2020



Haley Jo Dikkers

Kim Reynolds
Governor
Adam Gregg
Lt. Governor



EXHIBIT A

Stephan K. Bayens
Commissioner

Haley Dikkers
331 SW 7th St.
Des Moines, Ia. 50315

July 15th, 2020

Dear Ms. Dikkers,

As a result of your actions and/or behavior towards citizen(s) and/or employee(s) of the State of Iowa on **July 1st, 2020**, any continued and future presence on or about the property after the date of this letter will not be welcome or tolerated. Pursuant to Section 716.8(1) of the Iowa Code, you are hereby notified that you are to abstain from entering upon any portion(s) of the property known as **1007 East Grand Avenue, Des Moines, IA 50319** including yards, parking areas, state owned streets and sidewalks, and all state owned facilities within the **Capitol Complex** grounds. Be advised that your entry upon any portion of the property after receiving this notice will constitute trespass, a criminal offense, and it will be reported to law enforcement for criminal prosecution.

This admonition is continuing and perpetual until January 1st, 2021, and cannot be withdrawn prior to January 1st, 2021, except in writing by the Iowa Legislative Leadership or other future management staff. Please govern yourself accordingly.

Sincerely,

Sergeant Tyson Underwood #527

Assistant District Commander

Iowa State Patrol District 16

515-281-5608

cc: The Des Moines Police Department

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