

CHESSIE THACHER (SBN 296767)
cthacher@aclunc.org
ANGELICA SALCEDA (SBN 296152)
asalceda@aclunc.org
SHAILA NATHU (SBN 314203)
snathu@aclunc.org
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN
CALIFORNIA, INC.
39 Drumm Street
San Francisco, CA 94111
Telephone: (415) 621-2493

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

PACIFIC MEDIA WORKERS GUILD; ANGEL
JOSE FLORES; JULISSA RUIZ RAMIREZ;
ALYSSA LEIVA;

Plaintiffs,

vs.

CITY OF MODESTO, BRANDON
GILLESPIE, in his official capacity as Modesto
Chief of Police,

Defendants.

CASE NO. 2:26-CV-01623-JAM-CKD

**DECLARATION OF
ANNIE SCIACCA IN SUPPORT
OF PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION
WITH EXHIBITS A-C**

Judge: Hon. John A. Mendez
Courtroom: 6, 14th Floor
Date: June 30th, 2026
Time: 1:00 p.m.

1 I, Annie Sciacca, declare:

2 1. I have personal knowledge of the facts set forth in this declaration, and if called to
3 testify as a witness thereto, could do so competently under oath.

4 2. I am the President of the Pacific Media Workers Guild Local 39521 of the
5 NewsGuild-Communication Workers of America (“the NewsGuild”), which is a plaintiff in this
6 action. The NewsGuild is a labor union that represents approximately 460 journalists across over
7 twenty newsrooms in California and Hawaii, including multiple newspapers that serve the
8 Central Valley, such as the Modesto Bee, the Modesto Focus, and the Merced Focus, along with
9 freelance journalists.

10 3. In my role as the NewsGuild President, I run the NewsGuild’s monthly executive
11 committee, which is made up of journalists who are members of the NewsGuild. I also regularly
12 talk with NewsGuild members to understand issues in their workplaces, support bargaining units
13 across the NewsGuild, facilitate NewsGuild trainings for members, organize new members, and
14 represent the NewsGuild as its President at official events. I have been the President of the
15 NewsGuild for approximately two years and a NewsGuild member for approximately ten years.

16 4. My declaration below describes my experience and lessons from covering protests
17 as a journalist, the NewsGuild’s role in ensuring its reporters are safe during protest coverage,
18 and the impact of Modesto’s Protest Restrictions Ordinance (“Ordinance”) on the safety of
19 reporters in the NewsGuild.

20 **Experiences and Lessons from Covering Protests as a Journalist**

21 5. I have worked as a journalist since 2009. I began my career at the Daily
22 Californian at UC Berkeley and then worked at the East Bay Times, Mercury News, and other
23 daily newspapers under the Bay Area News Group. In 2018, I was part of reporting team
24 honored as a finalist for the Pulitzer Prize in breaking news for my reporting on the 2018 Camp
25 Fire in Butte County. I am currently a contributor at numerous news outlets, including the
26 Imprint and KFF Health News.

27 6. I have covered protests as a journalist throughout the last 17 years. I covered
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1 “Occupy Berkeley” protests at UC Berkeley in 2011, school walkouts over the Charlottesville
2 white supremacist march in 2017, and Black Lives Matter protests in the wake of the murder of
3 George Floyd in Oakland and Walnut Creek in 2020, amongst other protests.

4 7. Being a reporter means covering protests in all their aspects, and this can entail
5 being at or near the front line of the protest, as I have sometimes been. Reporters, including
6 NewsGuild members, need to be able to see what police officers and protesters are doing so that
7 they can faithfully describe if violence erupts, force is used, and how officers control the crowd.
8 It can sometimes be difficult to do this and to remain out of harm’s way. At some protests, such
9 as in dense city centers, there is often no easy place to situate oneself where you can both see the
10 action and stay safe. While there are sometimes easy egress routes for protests in parks, for
11 instance, this is rarely the case in dense crowds on city streets. This means that reporters are
12 sometimes near officers firing crowd-control weapons or in crowds that are actively being fired
13 upon.

14 8. A chaotic protest at which officers are using force can be dangerous, even for
15 reporters who are only observing the action. In 2011, for instance, I was covering an Occupy
16 protest at UC Berkeley during which protesters linked arms around a tree. UC police officers
17 responded by whacking the protesters with batons. I stood nearby, covering the scene as a
18 reporter with my notepad, but after police officers forcibly pushed a protester into me, I had to
19 yell out that I was a reporter to not be pushed from the scene.

20 9. In 2020, after the killing of George Floyd, I covered protests in Oakland where
21 officers repeatedly fired tear gas, rubber bullets, and flash bang grenades into crowds of
22 protesters. At one point, there was so much tear gas in the air that it was impossible to avoid it. I
23 remember choking up and blinking back tears. It was uncomfortable to see or even breathe for a
24 period of time. I had no idea what was going on. I had to go flush out my eyes with water. The
25 tear gas incapacitated me and left me unable to follow the protest or do my job at a critical
26 moment.

27 10. From my observations at that Oakland protest in 2020, officers’ use of crowd
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1 control weapons that day was often indiscriminate. I watched officers fire tear gas deep into
2 crowds and throw flash bang grenades far down city streets towards large groups of people. I
3 saw reporters interspersed within these crowds, covering the protest as it unfolded. And though
4 the reporters were only covering the protest, they were being exposed to all the same tear gas and
5 flash-bang grenades as everyone else. It was a clear example of the difficulties of safely covering
6 protests in crowded city centers.

7 11. Because of my early experiences covering the George Floyd protests, my
8 newsroom purchased goggles, respirator masks, and helmets for me and other reporters. I then
9 brought this safety gear to subsequent protests in Oakland. I did so to make sure that I would be
10 able to cover the protests without getting hurt. My photojournalist colleagues also wore goggles,
11 respirator masks, and helmets at these protests to protect themselves while working.

12 12. From my experience, it is necessary for reporters to bring safety gear to all
13 protests, no matter the perceived likelihood of violence or escalation. In 2020, I covered, for
14 instance, a youth-led Black Lives Matter protest that started at a park in Walnut Creek, a small
15 suburb in the Bay Area. My photographer colleague and I followed the protest as it went from
16 the park, around neighboring streets, and then headed towards a highway on-ramp. I had not
17 brought any safety gear with me that day, as I had thought that this youth-led protest would
18 remain relatively calm. However, Contra Costa County SWAT team officers began shooting
19 flash bang grenades and deploying tear gas against the young protesters.

20 13. As the police use of force unfolded, I watched as police officers sicced police
21 dogs on the protesters, injuring one of them badly. After my photographer colleague and I began
22 documenting the officers' actions, some officers pointed firearms directly at me and my
23 photographer colleague, yelling at us to back up. We flashed our press badges in response. The
24 officers appeared to be upset with our documentation of their use of force, but our reporting later
25 led to the Walnut Creek Police Department agreeing in a public meeting to no longer bring
26 police dogs with them to protests.

27 14. Following the Walnut Creek protest, I now try to bring safety gear with me to
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every protest I cover, because I have learned that it is difficult to predict if or when a protest will escalate. My standard safety gear kit includes a helmet to protect against flash bang grenades, rubber bullets, and force that could knock me down; goggles to protect against tear gas and rubber bullets; and a filtration half-face respirator mask to protect against tear gas. I have not found K-95 masks or similar medical masks to offer enough protection for me against tear gas. I also bring a large press pass, which I hang visibly from a lanyard around my neck.

15. Photojournalists, including some of the NewsGuild's members, face even greater risks when covering protests. In order to get the best quality photographs of protest interactions, they need to be as close to the action or front line as possible. They typically lug heavy and expensive gear around, so they are less mobile than other types of journalists and more vulnerable if a protest suddenly shifts. Their work can lead to altercations with officers and protesters alike who may object to their documentation of events. I know several NewsGuild photographers who have sustained injuries during protest coverage.

16. To protect against these particular risks, experienced photographers often work in buddy systems with their reporters, who help to cover a photojournalist's blind spots as they focus on taking photos and videos of the events. But photographers also need fully protective safety gear because of their heightened risks. Photographers that I have worked with wear not only helmets, goggles, and face masks, but also padded vests and kneepads to keep themselves safe.

17. The passage of Penal Code section 409.7 ensures the ability of journalists to remain in areas that have been declared unlawful assemblies. It allows us to stay in areas at protests that have been declared closed by police officers, similar to closed zones during natural disasters. As a result, it shores up journalists' right to cover protests and bear witness to police actions after an unlawful assembly has been declared. This right to remain and report on police actions after a dispersal order is issued has made it even more likely that a reporter could get injured when police use weapons like tear gas and flash bang grenades. As a result, journalists need to be able to bring safety gear to any protest that they are reporting on to be able to safely

1 continue reporting after police declare an unlawful assembly. Not having this gear when needed
2 could mean that NewsGuild members, other reporters, and I would not be able to do our work
3 and would instead be wrongfully excluded from areas when crowd control weapons are used.

4 **The NewsGuild's Role in Ensuring Journalists' Safety**

5 18. Due to the dangers of covering protests, other veteran members of the NewsGuild
6 and I have led repeated safety trainings for younger reporters who are NewsGuild members.
7 These trainings have covered, for instance, journalists' right to stay in closed areas, necessary
8 safety gear for journalistic fieldwork, and how to correctly use that gear. After the widespread
9 use of crowd control weapons by police officers during the George Floyd protests in 2020, this
10 training and focus on safety gear increased amongst NewsGuild members.

11 19. As President of the NewsGuild, I also conduct informal trainings for reporters on
12 what safety gear to bring to protests. Ahead of planned protests, I often speak to NewsGuild
13 members to advise them on what they should bring and why, answer any questions they have,
14 and offer support on how to advocate with their management to obtain the necessary gear.

15 20. The NewsGuild also distributes materials created by journalist safety
16 organizations to member journalists. We often circulate the guide created by the journalist safety
17 organization Crisis Ready Media, which covers necessary safety gear for protests. A true and
18 correct copy of Crisis Ready Media's main guide, which explains the importance of helmets,
19 padded vests, goggles, gas masks, and other gear, is attached hereto as **Exhibit A** and is available
20 at: <https://www.crisisreadymedia.org/personal-protective-equipment-for-covering-civil-unrest>.
21 We also often circulate the guide created by the Committee to Protect Journalists, another
22 journalist safety organization, which similarly details necessary safety gear for protest coverage
23 and how to use said safety gear. A true and correct copy of the Committee to Protect Journalists
24 guide is attached hereto as **Exhibit B** and is available at: [https://cpj.org/wp-](https://cpj.org/wp-content/uploads/2020/11/ppe-glossary_cpj-final.pdf)
25 [content/uploads/2020/11/ppe-glossary_cpj-final.pdf](https://cpj.org/wp-content/uploads/2020/11/ppe-glossary_cpj-final.pdf).

26 21. As the NewsGuild President, I am aware that NewsGuild reporters who work for
27 local newsrooms and regularly cover protests in Modesto have safety gear for protest coverage,
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1 including gas masks, goggles, padded PRESS vests, and helmets, which the NewsGuild helped
2 reporters at these newsrooms obtain.

3 22. If a journalist covering a protest in Modesto either got arrested or injured on the
4 job due to the Ordinance, the NewsGuild would advocate for that journalist, expending
5 NewsGuild resources such as time and mobilization. We would work hard to protect that
6 journalist, make that incident visible to the broader public, and try to ensure that the journalist
7 was not prosecuted. We take our members' safety seriously and use our resources to ensure that
8 NewsGuild members can be safe on the job.

9 **The Impact of the Ordinance on Journalists' Safety**

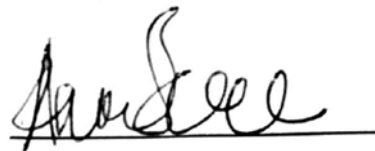
10 23. In July 2025, the NewsGuild joined an advocacy letter with the First Amendment
11 Coalition and the Society for Professional Journalists NorCal identifying issues with the
12 Ordinance. The letter was sent to the Modesto City Council after our members became aware
13 that any journalist who took standard safety gear to a protest in Modesto risked being arrested
14 and charged with a misdemeanor. A true and correct copy of this letter is attached hereto as
15 **Exhibit C** and is available here [https://firstamendmentcoalition.org/wp-](https://firstamendmentcoalition.org/wp-content/uploads/2025/07/07-21-2025-Letter-to-Modesto-City-Council-re_-MCO-4-23.02.pdf)
16 [content/uploads/2025/07/07-21-2025-Letter-to-Modesto-City-Council-re_-MCO-4-23.02.pdf](https://firstamendmentcoalition.org/wp-content/uploads/2025/07/07-21-2025-Letter-to-Modesto-City-Council-re_-MCO-4-23.02.pdf).

17 24. Months after having sent this letter, I continue to have the same concerns about
18 the Ordinance. In particular, I remain concerned that the Ordinance will hobble the ability of
19 journalists, including members of the NewsGuild, to thoroughly cover protests in Modesto.
20 Without safety gear, NewsGuild reporters will not be able to cover the front lines of protests
21 without risking effects from tear gas, rubber bullets, and other crowd control weapons. They will
22 likely remain at the back of a protest, out of harm's way but also out of view of the action.
23 Photographers will also not be able to document newsworthy moments such as when police
24 officers raise their shields, when officers fire into a crowd, or when a protester throws something
25 at the police.

26 25. As President of the NewsGuild, I also am alarmed that if a NewsGuild member
27 were to wear basic safety gear to do their reporting, they could be arrested. NewsGuild members
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1 in Modesto will be stuck in a terrible dilemma between getting the best coverage and keeping
2 themselves safe. Faced with this dilemma, some NewsGuild journalists may elect not to cover
3 protests at all or not to cover protests in the same way. As a result, the broader public will be left
4 without an independent narrative explaining what happened at a public assembly and why a
5 protest unfolded as it did.

6 I declare under penalty of perjury that the foregoing is true and correct, and that this
7 declaration was executed at Oakland, California this 4th day of May 2026.

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11 Annie Sciacca
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EXHIBIT A

CRISIS READY MEDIA

Personal Protective Equipment for Covering Civil Unrest

January 19, 2026

*Essential gear standards and selection guidance for journalists and
photojournalists*

Current as of Jan 19, 2026

Journalists covering civil unrest face documented physical risks from crowd-control weapons, thrown objects, and physical confrontations. Between 2020 and 2024, the U.S. Press Freedom Tracker confirmed over 500 assaults on journalists during protest coverage, including multiple cases of permanent eye injuries from projectiles. This report provides standards-based guidance on selecting and using personal protective equipment (PPE) to reduce injury risk during civil unrest assignments. Proper PPE selection, combined with situational

awareness and sound editorial judgment, can significantly improve journalist safety without compromising mobility or the ability to work effectively in dynamic environments.

Why It Matters

Civil unrest coverage has become one of the most physically hazardous domestic assignments for journalists. The 2020 Black Lives Matter protests marked an inflection point: the U.S. Press Freedom Tracker documented 459 journalist assaults that year alone, with at least 273 cases involving law enforcement. Injuries ranged from chemical agent exposure to permanent vision loss from impact projectiles. The pattern continued through 2024, when journalist assaults rose more than 50% compared to the prior year, with nearly half of arrests occurring at protest events.

Freelancers and local journalists face more vulnerability. Without institutional support, many lack access to quality PPE, hostile environment training, or insurance coverage. The ACOS Alliance Freelance Journalist Safety Principles emphasize that editors and news organizations should show the same concern for freelancer welfare as they do for staff, including providing or supporting access to appropriate safety equipment.

Key Risks and Indicators

What to Do: PPE Selection by Category

Eye Protection

Eye injuries represent some of the most severe and permanent outcomes documented in protest coverage. At minimum, journalists should wear impact-rated eyewear meeting *MIL-PRF-31013* or standards. Look for the *MIL-PRF* marking, which indicates high-

velocity impact (640-660FPS) certification. The older, Basic Z87 provides only basic impact protection and will not counter current threats.

Recommended specifications:

- *MIL-PRF-31013* rated (high-velocity impact)
- Full-seal or goggle-style for chemical agent environments
- Anti-fog coating (X marking indicates anti-fog compliance)
- Avoid contact lenses in chemical agent environments

CPJ guidance specifically notes that contact lenses should not be worn when tear gas deployment is possible, as the gas can become trapped under lenses and cause corneal damage.

Respiratory Protection

Tear gas (CS, CN) and pepper spray (OC) are commonly deployed during civil unrest. The CDC NIOSH Pocket Guide specifies that protection against alpha-chloroacetophenone (CN/Mace) and 2-chlorobenzalmalononitrile (CS gas) requires an **organic vapor cartridge** combined with P100 particulate filtration.

Minimum standard:

- NIOSH-approved half-face or full-face respirator
- **OV/P100** combination cartridges (e.g., 3M 60921, 60926)
- Proper fit-testing for reliable seal
- Spare cartridges (exposure to moisture reduces effectiveness)

Note: Individuals with asthma or respiratory conditions should avoid areas where tear gas may be deployed.

Head Protection

Helmet selection depends on threat assessment. For most domestic civil unrest coverage, a bump helmet provides adequate protection against thrown objects, falls, and incidental impacts while remaining lightweight and comfortable for extended wear.

Type

Use Case

Standards

Bump helmet

Domestic protests, debris, falls, blunt impacts. Lighter weight (400-800g)

EN 1385, EN 12492, or ACH blunt impact specs

Ballistic helmet

Active shooter risk, armed conflict coverage. Heavier (1.2-1.5kg)

NIJ 0106.01 Level IIIA

CPJ recommends that journalists covering conflict zones or situations where live ammunition is possible use Level IIIA ballistic protection. For typical domestic protest coverage without active shooter indicators, bump helmets offer practical protection with better comfort and visibility.

Body Protection

Body armor selection follows the NIJ protection level system. As of April 2024, NIJ Standard 0101.07 and 0123.00 define current ballistic protection levels. The new nomenclature uses HG (handgun) and RF (rifle) designations, though Level IIIA remains the common reference for soft armor protecting against handgun threats.

NIJ Level

Protection

Journalism Use Case

IIA / II

9mm, .40 S&W at standard velocities

Light, concealable; lower threat environments

IIIA

.357 SIG, .44 Magnum; most handgun threats

Recommended minimum for high-risk assignments

III / IV

Rifle rounds; Level IV stops armor-piercing

Conflict zones, active combat coverage

For civil unrest coverage where live ammunition is not anticipated, a stab-resistant vest or Level IIA/II soft armor provides meaningful protection against blunt impacts, thrown objects, and edged weapons while remaining relatively lightweight.

Equipment and Training Notes

Clothing considerations

- Avoid loose-fitting clothing that can be grabbed
- **Avoid flammable synthetic materials** (nylon) in favor of cotton or wool
- Do not wear military fatigues or all-black attire

- Clearly mark helmet and clothing with PRESS identification

- Wear sturdy, closed-toe footwear with ankle support

Training requirements

The ACOS Alliance Industry Standard for Safety Training (ISST) recommends that journalists covering civil unrest complete hostile environment awareness training (HEFAT) covering situational awareness, first aid, and de-escalation techniques. Key competencies include:

- Proper PPE donning, doffing, and inspection
- Respirator fit-testing and seal checks
- Recognizing escalation indicators and extraction timing
- Basic trauma first aid and IFAK usage
- Chemical agent decontamination procedures

Border and travel considerations

PPE regulations vary by jurisdiction. Ballistic vests and helmets may be classified as controlled items in some countries. CPJ advises researching country-specific regulations before traveling internationally with PPE. Within the U.S., body armor purchase and possession is legal in most states, though some restrict sales to convicted felons.

Legal and Ethical Considerations

Journalists should understand their legal rights before covering protests. The Reporters Committee for Freedom of the Press maintains a legal hotline (1-800-336-4243) and publishes guidance on journalists' rights during protest coverage. Key points:

- Press credentials do not provide immunity from lawful orders to disperse

- Journalists have the right to photograph or record in public spaces
- Equipment seizure without warrant may be legally challengeable
- Document any incidents of interference with press activities

Consult a qualified attorney for specific legal questions. This report provides general information and does not constitute legal advice.

Mental Wellness and Peer Support

Covering civil unrest can involve exposure to violence, trauma, and sustained stress. The Dart Center for Journalism and Trauma recommends that journalists and editors:

- Conduct pre-assignment briefings addressing psychological preparation
- Establish buddy systems and regular check-ins during assignments
- Schedule post-assignment debriefs to process experiences
- Provide access to trauma-informed counseling resources

Journalists experiencing persistent symptoms of stress, anxiety, or trauma-related distress should seek support from a mental health professional. CPJ and the Dart Center maintain referral resources for journalists.

Implementation Checklist

Use this checklist before civil unrest assignments. Print and complete with your editor or safety manager.

Pre-Assignment Preparation

- ☐ Complete risk assessment for specific location and event
- ☐ Review local laws on press access and PPE restrictions
- ☐ Confirm insurance coverage (medical, evacuation, equipment)
- ☐ Establish check-in schedule with editor or safety contact
- ☐ Identify medical facilities and evacuation routes

PPE and Equipment Checks

- ☐ Eye protection: **MIL-PRF-31013** rated, clean, undamaged
- ☐ Respirator: Fit-tested, **OV/P100 cartridges** current, spare cartridges packed
- ☐ Helmet: **ANSI 87.1 Type II** (Top and side impact rated) This helmet does not offer ballistic protection. Inspected for cracks or damage, straps functional
- ☐ Body armor (if required): **NIJ IIIA** certification current, proper fit confirmed
- ☐ PRESS markings visible on helmet and outer clothing
- ☐ IFAK (individual first aid kit) stocked and accessible

Digital Security Setup

- ☐ Phone charged with portable backup power
- ☐ Encrypted communications app configured
- ☐ Consider burner phone if metadata is a concern

Field Movement and Comms Plan

- ☐ Primary and alternate meeting points identified

- ☐ Escape routes mapped from likely positions
- ☐ Vehicle parked in secure location facing exit direction
- ☐ Buddy/backwatcher assigned if working in team

After-Action Review Prompts

- ☐ What worked well with PPE and positioning?
- ☐ What escalation indicators did we observe?
- ☐ Were there near-misses or equipment failures?
- ☐ How is the team's psychological state?
- ☐ What should we change for next assignment?

Limitations and Assumptions

This report assumes:

- Coverage occurs in the United States or jurisdictions with similar PPE availability
- Journalists have budget access for quality PPE (see resource section for loan programs)
- Users will verify current standards and regulations before purchase
- PPE is one component of safety; situational awareness and sound judgment remain essential

Limitations:

- Standards and regulations change; verify current versions before relying on specific certifications
- Individual medical conditions may affect PPE suitability (consult healthcare provider)

- No PPE provides absolute protection, risk reduction is the goal, not elimination

References and Further Reading

Standards and Specifications

1. ANSI/ISEA Z87.1-2020, American National Standard for Occupational and Educational Personal Eye and Face Protection Devices. Available: webstore.ansi.org
2. NIJ Standard 0101.07, Ballistic Resistance of Body Armor (November 2023). Available: nij.ojp.gov
3. NIJ Standard 0123.00, Specification for NIJ Ballistic Protection Levels and Associated Test Threats (November 2023). Available: nij.ojp.gov
4. CDC NIOSH Pocket Guide to Chemical Hazards: alpha-Chloroacetophenone. Available: cdc.gov/niosh/npg

Journalist Safety Resources

5. Committee to Protect Journalists, Physical Safety: Civil Disorder (updated March 2024). Available: cpj.org
6. CPJ, A Guide to Personal Protective Equipment (PPE). Available: cpj.org/emergency-response
7. ACOS Alliance, Freelance Journalist Safety Principles. Available: acosalliance.org/the-principles
8. ACOS Alliance, Civil Unrest Safety Resources. Available: acosalliance.org/civil-unrest
9. Reporters Committee for Freedom of the Press, Covering Protests. Available: rcfp.org

Data Sources

10. U.S. Press Freedom Tracker, Assault Database. Available:
pressfreedomtracker.us

11. CPJ, "On Edge: What the US Election Could Mean for Journalists and Global Press Freedom" (October 2024). Available: cpj.org

About Crisis Ready Media

Crisis Ready Media produces evidence-based safety resources for journalists and newsrooms. For questions, corrections, or training inquiries, contact us at info@crisisreadymedia.org

Let's talk

We would love to hear from you!

GET IN TOUCH



If you have the means, please consider a [donation to Crisis Ready Media](#). Thank you

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Reach out

info@crisisreadymedia.org



Location

54 Danbury Rd Suite 214
Ridgefield, CT 06877 US

Web design by **B12**

EXHIBIT B

A Guide to PPE (Personal Protective Equipment)

Case 2:26-cv-01623-JAM-CKD Document 12-2 Filed 05/15/26 Page 23 of 51



Photo: AP/Laura Leon

Introduction

Whether it is worn for reporting from a war zone or protest location, covering a natural disaster, or working on an undercover investigation, relevant and correct-grade PPE can help save lives and reduce the chances of personal injury.

In order to select the appropriate PPE, media workers should research and identify which threats they may potentially face in advance of an assignment.

For instance, when reporting from an active conflict zone, journalists should consider ballistic-grade PPE, which offers some protection from ammunition and shrapnel from blasts. For reporting from a civil disorder location, a covert soft body vest that is more discreet may be more suitable.



Photos, L to R: AP/Nasser Nasser; AP/Wilfredo Lee; AP/Hisham Zaqout; AP/Ted S. Warren
Credit for all PPE photos in this glossary: Jonathan Goldberg

Work with employers/colleagues to be safe. Your safety is not CPJ's legal responsibility. Do not rely on this guide as complete/error-free.

General Safety Considerations

- Always seek advice or training if you are unfamiliar with or have not used a particular PPE item before.
- Always thoroughly inspect the condition of your PPE, paying attention to any defects such as cracks, tears, chips, fraying, or general signs of degrading. **If the integrity of an item of PPE is in any doubt, do not wear the affected item and source a suitable replacement.**
- When selecting PPE, it is generally sensible to avoid items that are overly militaristic in appearance.
- Consider the color. For instance, blue might be preferable to black or combat colors/camouflage. There are times, however, when blending in with the force(s) you are with may be appropriate to avoid targeting by the other side.
- To work effectively, PPE must be the correct size, properly adjusted and securely fastened.
- Consider the pros and cons of wearing PRESS badges on your PPE and other items of clothing.
- Note that certain items of PPE are subject to [export restrictions and controls](#) and may require an export license.
- Always research import restrictions if travelling internationally with PPE, noting that even connecting flights or layovers at certain airports may cause issues if you need to collect your checked luggage.
- It is advisable to avoid sharing items of PPE unless they are well maintained by a designated and trained person.
- Do not store PPE in direct sunlight, as the heat can weaken certain materials—so don't leave it in the rear window of your vehicle!
- Never make any modifications to an item of PPE, and always follow the manufacturer's cleaning guidelines.
- Be aware that wearing certain heavy items of PPE (e.g. heavy ballistic-grade helmets and vests) over prolonged periods of time can cause or exacerbate back and spinal injuries. Consult a medical practitioner if you experience any pain or serious discomfort.

Protective Body Armor / Vests

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Designed to protect the vital organs in the torso, protective body armor is graded according to a range of threats and the level of protection it affords the wearer.

Ballistic (e.g. bullets or shrapnel)

Graded on a level from I to IV by [The NIJ](#) (National Institute of Justice standard 0101.06)

Stab (e.g. edged blade like a knife)

Graded on a level from KR1 to KR2 by [CAST](#) (Centre for Applied Science & Technology)

Spike (e.g. a needle or screwdriver)

Graded on a level from SP1-SP2 by [CAST](#) but only in conjunction with stab protection



NB: Multi-threat body vests are available—always check with the manufacturer regarding the level of protection the vest offers for each specific threat.

Work with employers/colleagues to be safe. Your safety is not CPJ's legal responsibility. Do not rely on this guide as complete/error-free.

Protective Body Armor / Vests

General Information

- The actual vest itself is often referred to as the “carrier,” the exterior of which is typically made from nylon, polyester or another synthetic material.
- Carriers have “pouches” at the front and back into which various grades of protective plates/panels can be inserted or removed. (**NB:** on certain body vests, the protective material is built in and can’t be removed).
- Body vests are classified as either “**hard**” or “**soft**,” depending on which type and grade of protective material is used.
- Some body vests can be worn overtly (i.e. over the clothes) while others can be worn covertly (i.e. under the clothes).

Safety Advice

- Body vests must fit correctly, and must be adjusted and securely fastened, to ensure the stated level of protection.
- Protective plates/panels must be inserted into the carrier the correct way around.
- Plates/panels must be cleaned only according to the manufacturer’s guidelines.
- Protective materials will become less effective over time, [according to Body Armor News](#), even if maintained and undamaged.
- Some vests will degrade faster if they get wet, due to water acting as a lubricant and making the material more susceptible to penetration.
- While vests will help protect the wearer against a range of ammunition, larger-caliber bullets will still usually hit with enough impact to cause blunt force trauma, which may result in heavy bruising at the point of impact.

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Hard Body Vests

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- Usually worn overtly (i.e. over the clothes), hard vests are considered essential if you may be exposed to live ammunition and shrapnel (e.g. in a warzone).
- Sometimes referred to as a “ballistic vest,” “bulletproof vest,” “flak jacket” or “bullet-resistant armor.”
- It is sensible to have a vest that fits snugly under your armpits and around your neck. **The more neck/torso exposure, the greater the vulnerability to injury.**
- Different grades of “hard” plates can be inserted and removed from the front and back of the carrier. The higher the NIJ grade, the greater the protection against various types and velocity of ammunition and shrapnel.
- Ceramic hard plates are made from alumina oxide, silicon carbide or boron carbide. **These must not be dropped or they will crack/fracture.**
- Polyethylene hard plates are more expensive, but they are lighter, more comfortable to wear and can protect against multiple strikes. **Traditionally these plates are graded up to NIJ level III / IIIA**, so are not effective against armor piercing rounds



Velcro straps over the shoulder and around the sides help secure the carrier to the body.



Optional detachable neck protection (also available for the shoulders and groin).

Advantages	Disadvantages
Protects the neck, groin and shoulders (optional additions).	Considerably heavier than soft vests, and may feel cumbersome and restrictive.
Protects the torso from potentially life-threatening injuries.	Import/export restrictions in certain countries may apply, and permits may be required.
Overt vests may help prevent a hostile situation (i.e. a visible deterrent).	Ceramic plates can easily be damaged if dropped and must be replaced.
It can help protect the wearer in vehicular accidents as well.	Good-quality vests are expensive and must be replaced if your body weight changes.



Velcro PRESS badges can be added or removed as necessary.



A ballistic hard plate insert made from ceramic.



Safety information on a ballistic hard plate made from ceramic.

Soft Body Vests

- Protective soft panel inserts are typically made from a high-strength synthetic material such as Kevlar, Dyneema, Twaron or Spectra.
- Such fabrics are lightweight, have a high-tensile strength and offer high-impact resistance.
- These properties help reduce the chances of penetration or slashing by spiked and edged weapons, such as a needle or a knife.
- Depending on the grading, certain soft vests offer a degree of protection against projectiles as well as lower-velocity and small-caliber ammunition. **Always check with the manufacturer for clarity.**



Secured with velcro straps at the side and shoulders, with flaps that tuck into your pants.



This particular carrier has soft panel inserts that can be removed and replaced. This allows the carrier to be cleaned easily.

Advantages	Disadvantages
• Lighter, more flexible and less restrictive to wear than a hard body vest.	• Not capable of resisting larger-caliber ammunition.
• Can be worn covertly (i.e. less conspicuous and more useful for undercover reporting).	• Some soft vests have the protective material built in, making cleaning more difficult.
• Soft vests that have removable inserts/panels can be washed.	• Most do not offer optional protection for the neck, groin and shoulders.

NB: Multi-threat body vests are available — always check with the manufacturer regarding the level of protection the vest offers for each specific threat.

Protective Headwear

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Designed to protect the cranium from impact and trauma, a wide variety of protective headwear is available, ranging from ballistic-grade combat-style helmets, to sports safety helmets, to a more basic bump cap.

Head protection should always:

- be worn the correct way around
- fit properly and be adjusted accordingly (think snug but comfortable)
- be securely fastened on or under the chin (if with a strap)
- worn level on the head, so that the helmet is seated properly and does not obstruct your line of vision

When selecting protective headwear, always consider:

- What is the level of protection against the threats you might face?
- How far does the headwear extend down the back and sides of the cranium? **The lower the helmet extends, the more protection it offers.**
- Ventilation ports can potentially expose the cranium to projectiles. How many are there, and how big are they?
- How compatible is the helmet with other items of PPE (such as face respirators and safety goggles)?
- Does it include or accommodate other equipment worn on the head, such as night vision cameras or goggles (which can be quite heavy)?

Ballistic-Grade Safety Helmets

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A ballistic-grade helmet is essential if you may be exposed to live ammunition or shrapnel. The NIJ safety standard 0106.01 previously graded ballistic helmets [on a scale of I - II](#), which later became 0106.01 **(Modified)** with the addition of a grade: IIIA.



This helmet profile helps protect more of the sides and back of the cranium. The chin strap helps keep the helmet securely in place.



A solid construction with no ventilation ports helps prevent object penetration.



Interior padding and suspension add comfort for what can be a heavy item to wear.

- Ballistic helmets are considered bullet resistant [but not bulletproof](#), and the curvature of the helmet helps deflect ammunition.
- Typically made from aramid fibers such as Kevlar, twaron, or UHMWPE (ultra-high-molecular-weight polyethylene).
- An internal suspension system and padding aid comfort and help prevent sweat from dripping down the face.
- Helmets with a padded chin guard help secure the helmet in place, and should incorporate a quick-release buckle.
- Some ballistic helmets come with a ballistic visor to help shield the face.
- Some helmets also offer non-ballistic protective qualities against threats such as concussive shock waves from explosions.
- Avoid dropping ballistic helmets as it may cause fractures to the casing, and never dry them in direct sunlight.

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Sports Safety Helmets

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There are a wide range of sports safety helmets available, each offering various levels of protection to the cranium, including skateboard (crash), mountain bike, canoe and rock climbing helmets. Exterior shells are typically made of ABS (Acrylonitrile Butadiene Styrene) and are molded around an interior casing of high-density EPS (expanded polystyrene foam), usually with an adjustable headband and under-the-chin strap.



The profile of this crash helmet extends farther down the cranium and has a more robust construction.

This bike helmet has multiple large ventilation ports, and the casing profile offers less cranium protection.

- **Never choose style over safety!** Look at the shape and profile of the helmet along with the number and size of ventilation ports, and assess if the helmet will provide sufficient protection based upon the threats you may face.
- Always check if a helmet offers multi-strike protection before purchasing or wearing it. Some helmets may protect you against only one impact and then need replacing. **Never use a helmet if its integrity is in any doubt.**
- Check that the helmet meets the required safety standard certification for where it was manufactured (e.g. [EN in the European Union](#)).

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Bump Caps

Designed to resemble a baseball cap, a bump cap has a molded plastic casing, usually made from ABS (Acrylonitrile Butadiene Styrene) or HDPE (High Density Polyethylene), that sits in the interior of the cap.



Advantages	Disadvantages
• Lightweight, inexpensive and less conspicuous.	• Much less secure than a helmet — most do not have straps.
• Most caps have breathable gauze fabric sewn in.	• Offers little protection against heavy objects or projectiles.
• Some caps' plastic casing can be removed for cleaning.	• Some caps cannot be adjusted, so it may be difficult to get a snug fit.
• Some caps may have exterior hi-vis strips and interior sweatbands.	• Caps with a longer visor can potentially obstruct your line of vision.

- Helps protect the head against low impacts from fixed or stationary objects, scalping or entanglement.
- Does not offer protection against heavy, flying or falling objects or projectiles.
- Always check the plastic casing for any signs of cracking, and push against it to see if it is brittle. When in doubt, do not wear the cap and source a replacement.

Protective Eyewear

A huge variety of protective eyewear is available, ranging from ballistic-grade goggles and glasses, to eye shields, to general purpose safety goggles and glasses. Wearing high-quality eye protection that conforms to one of the [following safety standards](#) will help protect your eyes from various objects, and can also help protect you from liquids, gases, smoke, sand, dust and other particulates:

- U.S. military standard (MIL-PRF-31013)
- U.S. civilian standard (ANSI Z87.1 – 2010)
- European standard (EN166, 169, 170 & 172)

Protective eyewear should always:

- Fit properly, be adjusted accordingly, and be securely fastened (behind the ears or with a strap)
- Offer “wraparound” protection by extending around the side of the eye line
- Be compatible with any other items of PPE you might need to wear (e.g. a face respirator)
- Be appropriate to the dangers you may face (e.g. rubber bullets require ballistic-grade eyewear)

Always consider the following:

- Are the lenses anti-scratch and anti-fog, and do they offer UV protection?
- Do they provide an airtight seal? (This is essential if you may be exposed to liquids, gases, chemicals or smoke.)
- Do they have a hard protective bridge above the eye line and to the side of the lenses?
- Do they have a non-slip nose bridge? (This applies to glasses only.)
- Though some eye protection can accommodate prescription lenses, it is usually more cost effective to purchase larger safety goggles that can be worn over your normal prescription glasses.

Ballistic-Grade Eye Protection

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Ballistic-grade goggles and glasses are designed and rigorously tested to help protect the wearer against debris and projectiles typically associated with a combat zone environment. The recognized standard for ballistic eyewear is [MIL-PRF-31013](#) for glasses and [MIL-DTL-43511D](#) for goggles (the ballistic resistance for both is defined by MIL-STD-662).



These ballistic-grade goggles have extra-thick 2.8mm polycarbonate lenses and offer a tight seal to the face around the eye line.

These ballistic-grade glasses have interchangeable and different-colored lenses.

- Ballistic eyewear offers a degree of protection from higher-velocity shrapnel, rubber bullets and ammunition of a certain caliber.
- It is considered to be bullet resistant **but not bulletproof**.
- Goggles that form a tight seal to the face are ideal as they also offer some protection against gases and liquids.
- Goggles secured with a strap around the back of the head are usually more secure than glasses.
- Ballistic lenses are typically made from polycarbonate, NXT/Trivex or plutonite.
- Some models may come with covers or lenses that can be changed or replaced.
- Frames are usually made from a shatter-resistant material, such as triloid nylon.

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Other Protective Eyewear

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Safety goggles and glasses graded as [ANSI Z87.1](#) (U.S. civilian standard) or [EN166, 169, 170 & 172](#) (European standards) will offer a degree of protection against lighter and lower-velocity projectiles. Goggles with a seal around the eye line will help limit damage if liquids, dust and gases are a threat. Protective eyewear graded below these levels will offer only limited protection against specific dangers.



These Z87.1 safety glasses are a popular choice but do not form a tight seal around the eye line.



Z87.1 safety goggles like these offer high-impact resistance and a tight seal around the eye line.



General-purpose safety goggles have a soft, flexible frame and offer only limited protection to the wearer.

- **Z87** is the rating for regular impact, while [Z87+](#) is awarded to those that offer higher-impact resistance.
- European standard EN166 has ratings of [A, B F & S](#) for lenses and frames (related to the level of impact resistance they offer).
- Lenses are also graded according to the protection they offer against radiation and light transmission, as well as optical quality, temperature resistance, anti-fog properties, and resistance to damage from fine particles.
- Frames are graded according to their overall strength and how effective they are at preventing dust and liquids getting into the eyes.

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THREATS

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PROTECTION

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Ballistic

e.g. bullets or shrapnel



Stab

e.g. edged blade like a knife



Spike

e.g. a needle or screwdriver



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Ear Protection

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Attenuation describes the extent to which ear protection reduces sound (measured in decibels dB), and is rated [according to](#) NRR (noise reduction rating) in the U.S. or SNR (single number rating) in the European Union. The majority of industry-standard ear protection carries an SNR of between 25 and 33dB.

Ear Defenders

- Quick and easy to put on and take off.
- Ear shells are typically made from a hard thermoplastic, affording the ear itself some protection.
- Some have adjustable headbands.
- Check if they are compatible with other PPE such as your respirator and helmet.
- Quite bulky, but can be worn around the neck.



Ear Plugs

- Made from soft polyurethane foam.
- Some have a tapered design for a better fit.
- Shouldn't interfere with other PPE.
- To be effective, ear plugs must totally block the ear canal with an airtight seal.
- Inexpensive and discreet.
- Shouldn't be shared with others.



Percussive Ear Filters

- Block higher levels of dB while allowing voices and ambient noise to come through.
- Made from a hard moldable plastic.
- Custom-molded to your ear profile and can be remolded numerous times.
- Help suppress high-pressure sounds such as firearms, artillery fire and explosions.
- More expensive.



Important: Avoid ear protection that reduces noise levels to below 70 decibels. Such limited hearing may reduce your ability to hear warning signals, reduce your situational awareness and lead to you become isolated from the surrounding environment.

Respiratory Protection

Protecting your lungs and throat is essential when working in a location where harmful gases, dust, smoke, viruses, bacteria and liquid vapor present a hazard. Examples of hazards include (but are not limited to):

- Tear gas
- Pepper spray
- Thick dust (e.g. post-earthquake or explosion)
- Virus droplets (e.g. COVID-19)
- Wildfire smoke
- Debris smoke (e.g. burning tires or wood)

Full-face or half-face respirators offer the most protection. They are designed to seal tightly to the face so that no air can leak in or out, and a range of air filter canisters are available according to the threat. Canisters filter differently sized particles out of the air as you breathe in (the size of the particles depends upon the rating of the canister). Note that full-face and half-face respirators are quite bulky and can feel oppressive to wear, especially in hot and humid conditions. **Individuals who suffer from claustrophobia will likely struggle with wearing one.**

Filtering facepiece respirators (FFRs) are usually single-use, disposable, and come in a [variety of grades](#). Note that FFRs will offer only limited protection against the identified threats above, but will help reduce exposure to airborne particulate hazards such as general dusts, mists and fumes.

Be aware that those with [impaired lung function](#) (e.g. due to asthma or emphysema) may not be able to wear a respirator.

Important: In extreme environments where you may be exposed to toxic gases from an explosion or asbestos from a collapsed building, always seek expert advice regarding the most appropriate breathing apparatus.

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Full-Face Filter Respirators

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A full-face or half-face respirator will help individuals to operate in locations where tear gas or pepper spray may be deployed, or where the air is thick with smoke, dust or other particulates.



Screw-on or bayonet disposable canisters filter the air against a variety of dangers such as particles, gases, viruses and bacteria, etc.



The visor/cover affords the wearer good panoramic vision — but always check the impact resistance against projectiles.



A head-strap harness secures the respirator — which you may need to put on quickly.

- They are typically made from a soft and pliable silicone or halogenated butyl rubber, which is easy to decontaminate and wipe down.
- Screw-on canisters/filters will need changing every few hours under heavy conditions, so always take a spare canister with you.
- The respirator must fit and be adjusted to ensure a tight seal to the face. **Any facial hair will prevent a tight seal.**
- Models with filter canisters at the side help reduce neck strain and afford good downward vision.
- A diaphragm allows your voice to be heard through the mask, but can feel restrictive and oppressive to wear for extended periods of time.
- Consider compatibility with other PPE you might need to wear (e.g. how quickly can you put the respirator on if you're wearing a safety helmet?).
- Individuals who wear prescription glasses will need to use a respirator that can accommodate a [corrective lens insert](#).
- **Half-face respirators may be more suitable in situations where ballistic-grade eye protection is required.**
- Note that certain respirators are controlled items and subject to tight regulations—so you may require a license to carry one.

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Filtering facepiece respirators (FFRs) are designed to reduce exposure to airborne particulates such as dust, pollen and smoke fumes, [and are graded](#) according to how effective they are at filtering out such hazards.

FFRs are typically made from synthetic plastic fibers with straps made from polyisoprene. Those with a strap that secures behind the head (rather than behind the ears) are considered more effective in ensuring a close seal to the face. Some FFRs incorporate valve filters, which are typically made from polypropylene.

General Information

- [FFR design varies](#). Some are cup-shaped and quite rigid, while others are flat-fold and more easily stored.
- The filter material helps form a seal with the face, forcing inhaled air to pass through the mask material instead of around the edges.
- Breathing valves are a feature of many FFR designs. **Note that breathing valves do not necessarily increase the level of protection**, but instead help regulate how quickly air can escape from the mask. This is an advantage for those who wear glasses, as it helps prevent the lenses from fogging up.
- FFRs without valves can feel more stifling to wear.
- Some masks have a metallic strip over the nose bridge to help form a better seal.
- Most manufacturers stipulate that FFRs are for single use only.
- Be aware that significant quantities of [counterfeit FFRs](#) have been produced since the onset of the COVID-19 pandemic.

Always:

Ensure your mask fits snugly and forms a tight seal, put it on and take it off properly, and wash your hands before and after doing so.

Never:

Wear a damaged or faulty FFR, touch the front of the mask, or wear it for longer than the manufacturer's guidelines.

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Filtering Facepiece Respirators

FFP3 / N99 / P3 / N100

- **FFP3** filters approx. 99% of particles.
- **N99** filters approx. 99% of particles.
- **P3** filters approx. 99.95% of particles.
- **N100** filters approx. 99.97% of particles.

N95

- Graded according to U.S. standard [NIOSH-42CFR84](#).
- Filters approx. 95% of airborne particles.
- Most designs have a breathable valve.

FFP2 or P2

- Both filter approx. 94% of airborne particles.
- FFP2 is a European grading based on [EN 149-2001](#).
- P2 is an Australia/NZ grading based on [AS/NZS 1716:2012](#).



KN95

- A Chinese grade that relates to the standard [GB2626-2006](#).
- Filters approx. 94-95% of particles.



FFP1 / P1

- Filters approx. 80% of particles.
- Offers only limited protection and is more appropriate for general DIY jobs.



Cloth Face Masks / Coverings

- Helps prevent wearer from spreading germs but offers little protection to the wearer themselves.
- The same applies to [homemade face coverings](#).



NB: Additional categories of FFR safety standards and grading can be seen via the [CDC website](#).

General Items & Equipment

Elbow / Knee Pad Protection

- Used in sports such as skateboarding.
- Designed to reduce the impact to your elbows and knees if you trip or are pushed over.
- This particular model has a plastic cap made from polypropylene, which is attached to soft EVA padded material.



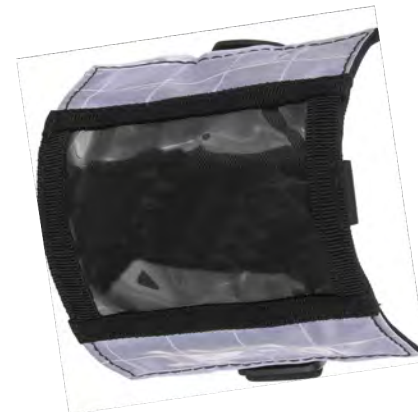
Hi-Visibility Vest

- An inexpensive safety item that helps make you more visible in the dark.
- Typically available in yellow, orange and red.
- They should be **EN ISO 20471** certified.
- They should be washed in cold water to prevent fading.



Media Credentials Pouch

- Clear-view face allows quick identification.
- Fasten around the arm with velcro straps.
- Potentially safer to wear in a hostile location, as lanyards can potentially be grabbed to pull or choke you.



- In situations where PPE is required, shoes or boots with laces, ankle support and a thick sole are usually preferable.
- Avoid flammable clothing like nylon, which can stick to the skin and cause burns. Cotton or flame-retardant fabrics are better.
- Avoid military-style fatigues, lots of black-colored clothing, specific logos, and anything that fits too loosely or too tightly.

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First Aid Kits

It is recommended that a well-stocked first aid kit is taken on and made available during assignments.

A wide variety of first aid kits are available, such as an emergency first responder kit, bleeding control kit, trauma kit, travel kit and burn kit (among numerous others). All kits should contain medical essentials such as bandages, surgical tape, disposable gloves and saline fluid, along with items specific to the threat (i.e. a burn kit will likely include burn blott sachets).

Always research which type of kit is most appropriate for the location and your assignment. A general guide to first aid kits and what to take can be seen via the [CPJ website](#).



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**This PPE glossary has been produced for
the Committee to Protect Journalists (CPJ)
by HP Risk Management.**



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EXHIBIT C

July 21, 2025

VIA EMAIL

The Honorable Sue Zwalen, Modesto Mayor
Councilmember Rosa Escutia-Braaton
Councilmember Eric E. Alvarez
Councilmember Chris Ricci
Councilmember Nick Bavaro, Modesto Vice Mayor
Councilmember Jeremiah Williams
Councilmember David Wright
1010 10th Street
Modesto, CA 95354

Re: Concerns About Modesto Ordinance 4-23.02's Impact on Journalists

Dear Councilmembers:

We write on behalf of the First Amendment Coalition, the Society of Professional Journalists of Northern California and the Pacific Media Workers NewsGuild-CWA Local 39521 to express concern over Modesto City Ordinance 4-23.02 and its impact on lawful newsgathering. The ordinance's broad provisions prohibit anyone, including journalists, from possessing pieces of safety gear while covering public demonstrations. This puts journalists at risk while doing the job of keeping communities informed about important events in the city.

We urge the council to repeal or amend the ordinance at the earliest possible date and commit to not enforcing it against any journalist or other person engaged in lawful activity at any protest, march or public demonstration. While we appreciate the city's intentions of the ordinance are to ensure public safety for police and the public, we believe the ordinance has the opposite effect for members of the press who take common sense steps to protect their own safety while on assignment.

Specifically, the [ordinance](#) makes it a misdemeanor for anyone attending a protest to possess or wear a wide range of personal protective gear that is commonly used by journalists to cover public demonstrations. It prohibits wearing "a mask, scarf, bandana or any other accessory or item that covers or partially covers the face, except when worn for "religious beliefs or "medical necessity"; any gas masks or similar breathing devices; helmets; protective vests and jackets; and certain water bottles and much more.

These prohibited items on their face include pieces of gear that journalists often rely on to reduce risk of injury while covering protests. See the Committee to Protect Journalists' "[Guide to PPE \(Personal Protective Equipment\)](#)," the Reporters Committee for Freedom of the Press' "[Tips for covering protests](#)," the Radio Television Digital News

Association's [training guides for safe coverage of civil unrest](#), and the Los Angeles Press Club's "[Tips for Safety Covering Protests](#)." Given this — and the fact that a number of people were [recently arrested](#) under ordinance — you can understand why we are concerned the ordinance effectively criminalizes safe newsgathering practices.

Threats to the safety of journalists cannot be understated. Since 2017, there are more than 1,000 documented instances of journalists in the United States facing injury from assaults by both law enforcement and others, according to the [U.S. Press Freedom Tracker](#). That data includes 310 instances when journalists were struck or sprayed with chemical irritants and another 371 instances when journalists were shot or shot at with various crowd-control munitions. Hundreds of these incidents occurred in California, underscoring the real need for journalists to be able to carry and use the kind of equipment the city currently outlaws. For example, a recent [court order](#) noted that journalists covering protests in Los Angeles were exposed to tear gas and hit with so-called "less-lethal munitions."

Helmets, vests, masks and breathing devices have helped mitigate injury for an untold number of journalists who bravely report from public assemblies even when they become dangerous. Given the known risks to journalists and the inherent newsworthiness of public assemblies, Central Valley journalists, including those focused on informing Modesto residents, recently invested in personal protective equipment that the city prohibits. When the next protest, rally or other public assembly occurs, local reporters, photographers and other media workers should not be forced to choose between protecting themselves from harm and risking arrest.

California lawmakers made it the public policy of the state to ensure journalists can do their jobs at protests while law enforcement officers do theirs. [Penal Code section 409.7](#), adopted via SB 98 of 2021, requires journalists be permitted to access areas that are closed or blocked off by police responding to protests, and it prohibits any efforts to obstruct journalists from doing their jobs. This is a recognition of the important role journalists play in serving as the eyes and ears of communities. Modesto should ensure that its policies do not put journalists at risk by prohibiting items a given reporter or photographer may find essential to do this work.

We appreciate the city may be concerned that people wearing face coverings who attend public assemblies could feel a sense of impunity and therefore commit criminal acts. We appreciate those concerns, as California journalists have been [attacked](#) by attendees at protests and other assemblies. However, we believe the harms of the ordinance outweigh any speculative benefit.

We also want to amplify the concerns raised by the ACLU of Northern California in its [July 18 letter to you](#), detailing the ordinance's constitutional failings and harm to people's ability to peacefully assemble and report on protests. We share the concern of the clear legal defects and real risk to otherwise lawful activity, including newsgathering. Given this, we urge you to move swiftly to repeal or amend the ordinance to ensure it

complies with federal and state law and avoids unnecessary risk to journalists' ability to safely keep communities informed.

Thank you for your consideration of this important issue.

FIRST AMENDMENT COALITION

Ginny LaRoe
Advocacy Director
glaroe@firstamendmentcoalition.org

SOCIETY OF PROFESSIONAL JOURNALISTS OF
NORTHERN CALIFORNIA

Joe Fitzgerald Rodriguez
President
spjnorcal@gmail.com

PACIFIC MEDIA WORKERS GUILD
NEWSGUILD-CWA
LOCAL 39521

Annie Sciacca
President
aesciacca@gmail.com

cc: Diane Nayares-Perez, City Clerk
Jose M. Sanchez, Modesto City Attorney
Jeff Laugero, Stanislaus County District Attorney
Brandon Gillespie, Modesto Chief of Police

CHESSIE THACHER (SBN 296767)
cthacher@aclunc.org
ANGELICA SALCEDA (SBN 296152)
asalceda@aclunc.org
SHAILA NATHU (SBN 314203)
snathu@aclunc.org
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN CALIFORNIA,
INC.
39 Drumm Street
San Francisco, CA 94111
Telephone: (415) 621-2493

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

PACIFIC MEDIA WORKERS GUILD; ANGEL
JOSE FLORES; JULISSA RUIZ RAMIREZ;
ALYSSA LEIVA;

Plaintiffs,

vs.

CITY OF MODESTO, BRANDON
GILLESPIE, in his official capacity as Modesto
Chief of Police,

Defendants.

CASE NO. 2:26-CV-01623-JAM-CKD

**DECLARATION OF MICHAEL
APPLEGATE IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION
WITH EXHIBIT A**

Judge: Hon. John A. Mendez
Courtroom: 6, 14th Floor
Date: June 30th, 2026
Time: 1:00 p.m.

1 I, Michael Applegate, declare:

2 1. I have personal knowledge of the facts set forth in this declaration, and if called to
3 testify as a witness thereto, could do so competently under oath.

4 2. I am the Executive Officer of the Pacific Media Workers Guild, Local 39521 of
5 the NewsGuild-Communication Workers of America ("the NewsGuild"), which is a plaintiff in
6 this action. The NewsGuild is a labor union that represents approximately 460 journalists across
7 over twenty newsrooms in California and Hawaii, including multiple newspapers that serve the
8 Central Valley, such as the Modesto Bee, the Modesto Focus, and the Merced Focus. We also
9 represent freelance journalists who work across California.

10 3. The NewsGuild's purpose as a collective organization is to represent journalists
11 across the news industry to push for better working conditions, standards, and wages for member
12 journalists. In my role as the NewsGuild Executive Officer, I direct NewsGuild staff in carrying
13 out the NewsGuild's day-to-day operations, help to organize new local unions, support staff
14 working with NewsGuild members, support members' collective bargaining efforts, and support
15 NewsGuild members who are advocating with newsroom management about working
16 conditions.

17 4. As the NewGuild's Executive Officer, I also occasionally attend protests to ensure
18 that NewsGuild members are safe on the job. During my observations of protests, I have seen
19 NewsGuild members injured while covering protests. For example, on October 27, 2025, I went
20 to a scheduled protest outside Coast Guard Island in Alameda County to support journalists
21 covering the protest. I watched as a photojournalist who is part of our freelancers' unit worked
22 near the front lines, documenting how the public and federal agents were interacting. This
23 NewsGuild journalist photographed a federal agent firing a pepper ball from point-blank range at
24 a clergyman who was standing peacefully at the protest. In the aftermath of the incident, I
25 noticed that the NewsGuild photojournalist's hands were bleeding. I asked him what had
26 happened, and he told me that shrapnel from the officer's pepper spray round had hit him. A true
27 and correct copy of the photograph of the federal agent firing the pepper ball at the clergyman is
28

reproduced here, and the full article in which it appeared is included as **Exhibit A**, attached hereto, and is also available at: <https://oaklandside.org/2025/10/29/federal-agent-shooting-jorge-bautista-protest-oakland-alameda-county/>.



5. The injury to this NewsGuild photojournalist is representative of the types of bodily injuries that journalists face when covering protests. Photojournalists, in particular, face these risks during their day-to-day work covering protests because they are often as close to the action as possible so that they can capture distinctive moments from protests, such as the use of force incident shown above.

6. To protect NewsGuild members from the risks of collateral damage when crowd control weapons are used during protests, the NewsGuild advises its members to wear helmets, goggles, gas masks, and padded vests while covering protests. This equipment can help protect against tear gas, pepper spray, rubber bullets, and what police officers call “less-lethal” weapons. Without goggles and gas masks, members covering protests can be painfully incapacitated by

1 tear gas use. Without goggles, padded vests, and helmets, members can be bruised, stunned,
2 blinded, maimed, or otherwise injured if pushed down, shot by less-lethal weapons, or hit by
3 police batons. Facing such risks without proper protection hurts the ability of NewsGuild
4 members to do their jobs and report on Newsworthy events.

5 7. We developed our distinct recommendations for NewsGuild members who cover
6 protests based on the experiences of veteran journalists such as NewsGuild President Annie
7 Sciacca and in conjunction with guides promulgated by press safety organizations such as Crisis
8 Ready Media. *See Sciacca Decl., Exs. A-B.*

9 8. In 2020, in the midst of numerous large-scale Black Lives Matter protests that
10 often involved significant police use of force against protesters and journalists, the NewsGuild
11 held a direct training for members on what safety gear to wear, how to obtain that safety gear,
12 and how to properly wear such gear. At that training, which I co-facilitated and organized,
13 veteran journalists explained what safety gear NewsGuild members should bring with them in
14 their backpacks, talked about what sort of eye protective gear is most effective against tear gas
15 and shrapnel, what to do if pepper-sprayed, and more.

16 9. Ahead of large protests, I often work with NewsGuild staff and members to help
17 members plan how they can safely cover the upcoming events. This preparation can include
18 sending members template Requests for Information that they can use with their management to
19 request the safety gear described above, coaching members on how to advocate with their
20 management to obtain such equipment, and connecting less-experienced and more-experienced
21 members so that newer journalists can learn how to effectively use safety gear. Occasionally, I
22 will meet with newsroom managers to directly advocate that they provide safety gear to
23 NewsGuild members.

24 10. On at least one occasion, the NewsGuild helped organize a GoFundMe campaign
25 for member journalists in Hawaii so that they could afford safety gear for their ongoing
26 coverage. NewsGuild members throughout the country pitched in to help our members in Hawaii
27 purchase helmets, gas masks, padded vests, and goggles for their work.

11. The NewsGuild also does additional work to make sure members are safe at protests. We have monthly leadership calls where we often discuss upcoming protests and how to protect members. We circulate updated safety gear trainings for members when press freedom organizations release new guides. *See Sciacca Decl.*, Exs. A and B. We also advocate for members who are detained or injured during protest coverage.

12. I am concerned that Modesto's Protest Restrictions Ordinance ("Ordinance") will make NewsGuild members unsafe when they cover protests in Modesto, which will negatively impact newsgathering in the City. I read the Ordinance and did not see any reference to press, journalists, or Penal Code Section 409.7 when discussing safety gear restrictions. I am concerned, therefore, that the Ordinance makes it illegal for all journalists, including NewsGuild members, to carry or wear the basic safety gear that, from NewsGuild members' experiences, can provide essential protection at protests. As a result, NewsGuild members will face either arrest for wearing safety gear or poor coverage and/or serious physical danger without safety gear at protests in Modesto.

13. The NewsGuild's concerns about the safety of our members have only increased following nationwide protests and the police response to those protests in the last year. After journalists in Los Angeles, Portland, Chicago, the Twin Cities area, and other cities across the country were regularly exposed to physical danger on the job covering protests against federal agent activity in those cities, the NewsGuild decided to convene a nationwide discussion on how we can adequately protect our members when they cover protests. In the current national environment, our members are increasingly concerned that they will be deliberately targeted by law enforcement while covering protests. The City of Modesto, where there have been and will continue to be regular protests of varying sizes, is no exception to these concerns.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed at Oakland, California this 4th day of May, 2026.

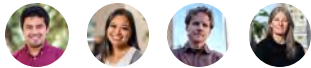

Michael Applegate

EXHIBIT A

PUBLIC SAFETY

A federal agent shot a pastor in the face with a chemical weapon. What can California do about it?

A violent response to an Oakland protest raises the same legal questions other states are grappling with as Trump's immigration crackdown intensifies.



by **Jose Feroso**, **Roselyn Romero**, **Darwin BondGraham** and **Esther Kaplan**

Oct. 29, 2025, 3:16 p.m. Updated Nov. 3, 2025, 4:45 p.m.



An unidentified federal agent fires a chemical weapon into Rev. Jorge Bautista's face during a protest outside of Coast Guard Island in Oakland on Thursday Oct. 23, 2025. Credit: David Bacon

Rev. Jorge Bautista showed up to Dennison Road in East Oakland early in [the morning of Oct. 23](#) with other clergy to protest the Trump administration's planned [law enforcement "surge"](#) in the Bay Area. He stood in the road with dozens of others as part of a Sanctuary Faith Vigil as approximately 10 trucks carrying Customs and Border

Protection agents sped to the entrance of the lone bridge that ties Oakland to Coast Guard Island. The agents would be supported by the Coast Guard base for the operation, a spokesperson confirmed, and Oaklanders braced for the kind of [controversial crackdowns](#) that have upset [Chicago](#) and [Los Angeles](#).

According to three eyewitnesses who spoke to The Oaklandside and photographs from three photographers who were on the scene, a few CBP agents got out of their vehicles when they got stalled by the crowd. Other vehicles made it onto the bridge, where some CBP agents got out and returned to the cluster of protesters, who were all gathered on the city side of the blue line marking the edge of federal property.

One of the agents, wearing a camo helmet with a chin guard hiding much of his face and a ballistic vest with a CBP badge and “POLICE” emblazoned on the front, locked eyes with Bautista and stepped toward him, crossing the blue line and exiting federal land. The agent raised a large weapon, one that shoots “less lethal” projectiles, leveling it at the reverend’s head.

Bautista didn’t think anything would happen. The agents had just lobbed some stun grenades toward the protesters, many of whom quickly retreated, but Bautista and others stayed in place. He was hoping to mediate, not believing they would fire anything directly at people’s bodies, he said. “We’re here in peace,” he recalls saying to the agent.

Then “boom!” The agent, standing roughly five feet away, shot a cloud of noxious chemicals right into Bautista’s face. The toxic vapors soon enveloped him. The caustic powder entered his mouth and coated his face and coat. He couldn’t breathe. One witness, Jerome Parmer, said Bautista’s face was covered with white dust and was bleeding from his chin.

The shooting, which was [recorded on video](#) and in photos and witnessed by dozens of bystanders, raises many of the same questions that communities in other cities subjected to unpopular federal law enforcement operations have been grappling with. Similar attacks on clergy became the subject of a temporary restraining order in Chicago earlier this month, when a federal judge barred [agents from using violence or riot control weapons](#) against journalists, protesters, or religious practitioners unless they posed an immediate threat to the agent.

Was the federal agent’s use of force during the Oakland protest justified? Or was it a crime — an unprovoked assault?

If it were a crime committed on city or state property, within Oakland city limits, who had jurisdiction to hold the agent accountable?

Trump administration officials have repeatedly dismissed such concerns, claiming agents’ use of force during operations in Democrat-led cities has been “[exemplary](#)” and necessary to protect federal officers and the public.

In response to questions from The Oaklandside about the shooting, a Department of Homeland Security spokesperson sent a statement claiming that the protesters “swarmed, attacked, and refused to move out of the way” of CBP vehicles and attempted to obstruct law enforcement. The spokesperson said the agents “provided ample notice to these individuals to clear the street and used appropriate force to clear the area for the safety of law enforcement.”

The agency did not respond to queries about whether the agent who shot Bautista was following CBP protocol or whether the agency was investigating the incident. A CBP [use of force policy](#) issued in 2021 states that agents “shall not intentionally target the head, neck, groin, spine, or female breast” with less-lethal chemical munitions, which is what appears to have been used against Bautista.

Democratic Party elected officials opposed to the militarized operations have repeatedly expressed concerns about federal agents’ use of force. Some have gone so far as to say federal agents who brutalize people should face consequences, including criminal prosecution.

The day before protesters in Oakland, including Bautista, confronted CBP agents at the entrance to Coast Guard Island, Rep. Nancy Pelosi, of San Francisco, [issued a statement](#) warning that California law enforcement agencies could step in to protect the public against federal officers.

“Our state and local authorities may arrest federal agents if they break California law — and if they are convicted, the President cannot pardon them,” Pelosi said.

The same day, San Francisco District Attorney Brooke Jenkins told the media she would prosecute federal agents who break the law. “If the agents cross the bounds of the law, if they do things that we believe are criminal themselves, then I have an obligation as the district attorney to ensure that they’re held accountable, too,” she [told](#) the San Francisco Chronicle.

The next day, U.S. Deputy Attorney General Todd Blanche [fired off a letter](#) to Pelosi, Gov. Gavin Newsom, and others, warning that the arrest of federal agents would be “illegal and futile.”

Legal experts say it’s true that states face barriers to prosecuting federal agents for crimes perpetrated in the line of duty. However, federal agents do not have absolute immunity. Although rare, they can and have been arrested and charged for violations of state law, said Michael Mannheimer, a professor at Northern Kentucky University and [constitutional law scholar](#).

Whether California’s police and prosecutors have the political stomach to do so — and pick a fight with the Trump administration — is a whole other question.

“We’re going to hurt you, and we don’t care”



An unidentified federal agent fires a chemical weapon into Rev. Jorge Bautista's face during a protest outside of Coast Guard Island in Oakland on Thursday, Oct. 23, 2025. Behind the agent, a blue line painted in the road shows the boundary between the federal military base and the public intersection. Credit: David Bacon

Last week wasn't the first time Bautista found himself subjected to forceful treatment by a CBP agent.

In 2019, Bautista, who lives in Oakland, was at the U.S.-Mexico border in Southern California, protesting its increased militarization. As he and other protesters locked arms and walked to the beach, the pastor told us he was the first person agents targeted in an intense attack. He said agents took him out of the line, restrained him on the ground, and put their knees on his neck. He was taken into a van on U.S. soil, where agents took photos of him without explanation. He was returned to the border an hour later with severe bruises.

The U.S. government charged him with a petty offense, violating rules of conduct on federal property. The case ultimately went to trial, and he was acquitted.

The pastor didn't participate in protests for years after that. But he said what he saw occurring in Palestine over the last two years, and then with the mass deportation decrees under the Trump administration this year, pulled him out of the church and back onto the streets for protests.

When the CBP agents showed up in their vehicles last Thursday, Bautista said they came in “hot,” revving their engines and braking abruptly in front of the protesters. The agents all poured out around the same time, “screaming and making threats.”

Bautista stood his ground but stayed safely in front of the blue line, respecting the federal property boundary. Because the agents were moving around fast, he wanted to make sure they knew the protesters were not trying to elicit a violent reaction.

“The idea was to do a vigil, not civil disobedience, not blocking the road,” Bautista said.

But the situation got tense, and the CBP agents shouted at the protesters to move out of the way or they would run them over with their vehicles. Some reacted angrily, especially because they said they were not in the way and because there were children in the crowd.

“‘We’re going to hurt you, and we don’t care,’ was the feeling coming” from the agents, Bautista said.

Bautista raised his voice to be heard. He said he wanted them to know he was not afraid.

That’s when the agent shot him with the chemical irritant, and he went into shock. At first, the pain was so harsh that he thought his jaw was broken from a hit by the stun grenade.

“Looking back, I think to myself — I’ve been in a variety of protests — and ask myself, ‘Why did I trust him?’” Bautista said. “Was I foolish enough to give him the benefit of the doubt?”

Friends gave him water and Mylanta to clear the powder from his throat. He tried to listen to his body and not panic, as his heart raced. His first instinct was to get back up and stay at the vigil, but other protesters urged him to go to the hospital. The chemical irritant was coating his body so densely that it was making other people sick.

Bautista said he could see no reason why he was shot. He doesn’t believe the officer followed policy or the law. The officer who shot him did not speak to him before he opened fire, did not identify himself, did not provide a verbal warning that he might use force, and did not provide medical attention after the incident. No CBP or Coast Guard officers tried to help him.

“No matter who you are, you should not be assaulted that way for any reason,” he said.

Since Bautista was shot, the images and [video of the incident](#) have [spread on the web](#). He’s gotten calls from press around the world. And locally, some community members have questioned whether Bautista was the victim of an assault — one without any legal justification.

Can state and local police and prosecutors charge a federal agent with a crime?



A federal officer at the entrance of Coast Guard Island blasts a riot control agent, likely a pepper-spray round, into the crowd of protesters, hitting Jorge Bautista, a pastor with the United Church of Christ in San Mateo, wearing all black at right, in the face, Thursday, Oct. 23, 2025. Again, the blue line is visible, marking the edge of federal property. Credit: Jerome Parmer

If local authorities were going to investigate the CBP agent's shooting of Bautista, the case would probably fall to the Oakland Police Department.

The shooting, according to videos and photos of the incident, occurred in a public Oakland intersection, several steps away from the blue line on the road that demarcates where federal government property begins at the entrance to Coast Guard Island Bridge.

Asked whether OPD is investigating the shooting, the department said it "has no authority to oppose or prevent federal investigations" and referred further questions to DHS.

After the shooting, Bautista was rushed to Kaiser Permanente's Oakland Medical Center, where he was greeted by emergency room staff who treated him "amazingly," he said. They made him shower to get rid of the pepper spray, checked his vitals, and asked about his mental health. A doctor told him he was lucky he hadn't ingested more of the pepper agent, which could have seriously choked him; if more had gone into his eyes, the doctor said, it could have affected his eyesight.

Bautista said he appreciated the solidarity he felt from the medical staff, who were outraged to learn what had happened. A nurse informed him that he had a right to report the incident to police. She took down his version of events, told him that she called law enforcement, and said to expect a visit from the police at his home later that evening.

OPD declined to confirm with us whether or not the department had taken a report.



A Customs and Border Protection vehicle pushes through protesters as a convoy arrives at Coast Guard Island Bridge on Oct. 23. Credit: Florence Middleton for The Oaklandside

Should OPD or another law enforcement agency investigate the incident and recommend criminal charges, the decision of whether to prosecute would most likely rest with the Alameda County District Attorney's Office.

Last Thursday, DA Ursula Jones-Dickson stood with Oakland Mayor Barbara Lee, Rep. Latasha Simon, and other leaders at a press conference where they voiced opposition to a federal operation in Oakland. The DA issued a statement the following day reaffirming that her office will not work with federal agents to enforce immigration laws, and cautioning that her office “cannot thwart lawful activities by the federal government.”

The DA’s office declined to provide an on-the-record statement on the hypothetical question of whether it would prosecute the federal agent who shot Bautista if presented with a case from OPD or another investigating agency.

Asked about the law, the DA’s office pointed to a legal precedent known as the supremacy clause, which constrains when state prosecutors can charge federal agents. However, the office declined to weigh in on the record with its interpretation of the supremacy clause.

Former Alameda County DA Pamela Price, who was recalled last November, told The Oaklandside she believes there is room for local law enforcement and state prosecutors to go after federal agents for clear and obvious violations.

“An assault by a federal agent is illegal,” Price said when asked about Bautista’s shooting. “It’s unconstitutional, and it should be addressed by local law enforcement authorities, including the district attorney.”

Price said she believes OPD should investigate the shooting as a criminal assault — and the DA should consider charging the agent.

“There’s a duty on behalf of local law enforcement and the district attorney to protect the residents of Alameda County,” Price said. “That’s the job.”

State Attorney General Rob Bonta’s office could also consider charges in the shooting incident.

Bonta has strongly criticized Trump’s deployment of the National Guard to cities. Calling these deployments illegal, Bonta pledged last week to sue the administration if troops were deployed to San Francisco. Bonta has also opposed ICE agents’ use of masks to hide their identities, and he’s joined lawsuits opposing some of ICE and CBP’s tactics during immigration raids in Southern California earlier this year, including stopping people without reasonable suspicion of a crime. But this pushback has taken the form of civil lawsuits — not criminal prosecutions.

The Oaklandside emailed and called Bonta’s office multiple times, asking if the office was investigating the use of force by CBP in Oakland last week, including the shooting of Bautista. A spokesperson responded in an email: “To protect their integrity, we are unable to comment on, even to confirm or deny, potential or ongoing investigations. We’re also unable to provide legal advice or analysis.”

Avoiding a “pissing match” between the feds and the state



A protester sits in the road at the entrance to Coast Guard Island. The wide blue line painted in the road demarcates the boundary of federal property and the city of Oakland. Credit: Florence Middleton for The Oaklandside

While law enforcement officers enjoy substantial legal protections for their conduct while on duty, Erwin Chemerinsky, the dean of the UC Berkeley School of Law and a constitutional law expert, told The Oaklandside that federal officers can be criminally prosecuted for unreasonable conduct that violates the law.

Chemerinsky pointed to [Idaho v. Horiuchi](#), a 2001 case in which Idaho attempted to prosecute federal officers after a standoff at Ruby Ridge turned violent and three people were killed. The U.S. Court of Appeals for the 9th Circuit refused to dismiss Idaho’s prosecution of the federal officers, saying that federal agents’ immunity from state prosecution has limits.

“When an agent acts in an objectively unreasonable manner, those limits are exceeded, and a state may bring a criminal prosecution,” the 9th Circuit wrote in its opinion.

“I believe that courts should conclude that there is no reasonable need for ICE agents to be wearing masks and never a need for excessive force,” Chemerinsky said. “Being a federal officer is not a ‘get out of jail free’ card that excuses all

Michael Mannheimer, the regents professor of law at Northern Kentucky University, also said state police have the lawful ability to investigate federal agents who may have broken the law, and state prosecutors can charge federal agents.

When these sorts of cases have come before courts in the past, Mannheimer said, judges have drilled down on two questions. First, was the federal agent acting under the scope of their federal job? And second, did the federal agent believe their actions were appropriate and reasonable?

If the answer to both questions is yes, then judges will dismiss the case. But if an agent’s actions were not appropriate and reasonable, even if they were in uniform and on the job, they can still be charged with a crime, he explained.

It’s rare, however, for state prosecutors to do this. “When it does happen, it’s typically where you have something like the present moment, where you have an unpopular federal policy at the state and local level,” he said. “Prohibition, for example, or the [standoff at Ruby Ridge](#).”

Mannheimer said state law enforcement and prosecutors may hesitate to weigh in on particular cases for political reasons.

“Let’s give the Alameda County DA the benefit of the doubt that they understand the law better than they’ve addressed it,” he said. “They probably don’t want to get involved in this pissing match between the feds and state.”

A likely lawsuit

Bautista spent three days at home recuperating from the attack. By Sunday, he felt well enough to return to his San Mateo congregation and preach.

“You know, I’m still in the ring, with a lot of hope,” he said. “I’ve been dreaming that this is a time for us to do whatever it takes to stop criminalizing migrants, to see the bigger picture — that the criminalization of migrants is one of the worst violations of human rights anywhere.”

Pastor Bautista took a long path to the church. More than 25 years ago, he said, he was a teenager who ran with the wrong crowd.

Growing up in a gang-laden area of San Jose, a child of a Mexican immigrant, Bautista got into trouble, went to jail, and, on the most critical day of his life, had a gun pointed at his head. He remembers being in his room afterward, crying, asking for God’s help for the first time — asking God to let him live so he could find a different path. Soon after, a friend took him to a [community center](#) that helped him develop a more positive outlook on life and then to an evangelical church where, in October 1998, he was called to serve.

“I was sick and tired of being sick and tired,” he said. “I wanted my life turned around. I got tired of being harassed by cops and being arrested, and seeing my mom be miserable. I remember her visiting me once in jail and saying, ‘You know, I didn’t migrate for you to be incarcerated.’”

It took him years, including ministry stints in Chicago and South Korea and then a seminary degree in Berkeley, but he eventually became the type of mentor he never had growing up. He became a pastor at an Evangelical church, often ministering to people in local prisons, where he sought to offer them spiritual guidance to help them endure and, eventually, be set free. But he disagreed with what he thought was the denomination’s detached stance toward social justice advocacy.

“My mom worked in asparagus fields in Stockton as a farmworker, she was a janitor, and eventually worked in a variety of companies’ assembly lines,” he said. “I started learning about the works of the German Lutheran Dietrich Bonhoeffer, who fought against the Nazis. I learned that as a Christian, we are to be involved in social justice work.”

Bautista noted that in the Bible tale of the birth of Jesus Christ, the Christian family migrated from Bethlehem to Egypt as refugees, for safety, when an angel warned Joseph, Jesus’ father, that King Herod would seek to find and kill his son.

So Bautista became a religious leader at the United Church of Christ, an egalitarian Protestant denomination aligned with his beliefs about the divinity and human rights of all people. When rhetoric in the United States around undocumented immigrants ratcheted up about a decade ago, Bautista could be found preaching from the pulpit about the injustices they faced.

Bautista said he is proud of the role many religious leaders are playing in the fight against the Trump administration’s abuses. Several have already served as frontline peace messengers during protests — and some have ended up [assaulted](#) like him.

“I follow what Pope Leo is doing because most migrants coming from Latin America are Catholics,” he said. “As someone who identifies themselves as ecumenical, we’re about standing on the side of love of Christians first and foremost. But regardless of their school of thought — like Jesuits tending to be more active in the spirit of activism than Franciscans — we all need each other. We are all in agreement about migrant justice.”

Since arriving home from the hospital, as he waits to tell his side of the story to the police, Bautista said he has begun to consider filing a civil rights lawsuit. As of today, Bautista still hasn’t heard from OPD or any other law enforcement agency about what happened to him.

CHESSIE THACHER (SBN 296767)
cthacher@aclunc.org
ANGELICA SALCEDA (SBN 296152)
asalceda@aclunc.org
SHAILA NATHU (SBN 314203)
snathu@aclunc.org
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN CALIFORNIA,
INC.
39 Drumm Street
San Francisco, CA 94111
Telephone: (415) 621-2493

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

PACIFIC MEDIA WORKERS GUILD; ANGEL
JOSE FLORES; JULISSA RUIZ RAMIREZ;
ALYSSA LEIVA;

Plaintiffs,

vs.

CITY OF MODESTO, BRANDON
GILLESPIE, in his official capacity as Modesto
Chief of Police,

Defendants.

CASE NO. 2:26-CV-01623-JAM-CKD

**DECLARATION OF
JAKE LEE GREEN IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION
WITH EXHIBITS A-K**

Judge: Hon. John A. Mendez Courtroom:
6, 14th Floor

Date: June 30th, 2026

Time: 1:00 p.m.

1 I, Jake Lee Green, declare:

2 1. I have personal knowledge of the facts set forth in this declaration, and if called to
3 testify as a witness thereto, could do so competently under oath.

4 2. I am an independent photojournalist. I have worked as a journalist for
5 approximately eight years, with a focus on photojournalism for the last five years. My work has
6 been used by outlets such as CNN, MSNOW, CBS, Newsweek, the Guardian, Europa Press,
7 Associated Press, the New York Post, the Intercept, Tag24 News, and Der Spiegel, amongst
8 others.

9 3. As a photojournalist, I regularly cover protests throughout California. Over the
10 past five years, I have photographed “ICE Out” protests in Los Angeles, pro-Palestine protests
11 in San Diego, truckers’ convoy rallies in Southern California, and “Straight Pride” protests in
12 Modesto, amongst many other protests and public assemblies.

13 **Protester Attire and Facial Coverings**

14 4. I have covered numerous protests where protesters who identified as antifascist
15 (often called “antifa”) and protesters who identified with the “Proud Boys” were present, in
16 cities such as Modesto, Seattle, Olympia, Portland, Los Angeles, San Diego, and Coeur
17 d’Alene, amongst other cities.

18 5. From my photojournalism work, I am familiar with the fact that many
19 protesters who want to align themselves with antifascist and “leftist” messages often wear all
20 black clothing, covering their faces and bodies to maintain their anonymity, express their
21 solidarity with one another, and to protect themselves against surveillance. Attached hereto
22 as **Exhibit A** are true and correct copies of photos that I took showing antifascist protesters
23 wearing all black at protests that I covered.

24 6. Through my work, I am also familiar with the fact that protesters who want to
25 align themselves with messages expressed by far-right groups, including the Proud Boys, often
26 wear black and yellow clothing, gaiter-style masks and pro-militia attire that has skulls or
27 American flags. Attached hereto as **Exhibit B** are true and correct copies of photos that I took

1 showing people aligned with the Proud Boys wearing black and yellow and wearing gaiter-style
2 masks at protests.

3 7. At protests across California, I have also observed and photographed
4 protesters wearing other types of masks. I have seen, for instance, many protesters wearing
5 keffiyehs as face coverings at Pro-Palestine protests to express their solidarity with Palestinian
6 liberation. Like other facial coverings, keffiyehs also have a functional use, to protect protesters
7 from the sun and from surveillance. Attached hereto as **Exhibit C** are true and correct copies of
8 photos of such protesters.

9 8. While many of these different “looks” communicate a certain sense of
10 solidarity within a group, I have observed that people dressing alike do not universally act the
11 same while at a protest. Regardless of attire, I have seen many people come to a protest just to
12 march and chant.

13 9. While covering protests in Modesto, I have observed Modesto police officers
14 interact with masked protesters who appear to identify with the Proud Boys. At the Straight
15 Pride protests in August 2021, for instance, I observed numerous protesters dressed in black and
16 yellow clothing wearing gaiter-style masks. During that protest, I watched as Modesto Police
17 Chief Brandon Gillespie talked and argued with several of the Proud Boy-identifying protesters,
18 many of whom were wearing gaiter-style masks. This occurred after the Modesto Police had
19 broken up the protest and declared the event an unlawful assembly. Attached hereto as **Exhibit**
20 **D** are true and correct copies of still images from a video that I shot showing Chief Gillespie
21 talking with these masked members of the Proud Boys at this point of the protest. I did not
22 observe the Modesto Police cite or arrest any of these masked individuals that day.

23 **Photojournalist Safety While Covering Protests**

24 10. My work as a photojournalist often requires me to be near or at the front of a
25 protest line so that I can photograph or film interactions between protesters and police officers,
26 such as the interaction discussed in the previous paragraph. I believe these interactions are very
27 important for the public to know about. To safely document such interactions, I often try to
28

1 position myself at one end of the front line of a protest. I also wear clothing that
2 clearly identifies me as a member of the news media.

3 11. In June 2022, while covering a protest in support of the *Roe v. Wade* abortion
4 decision in Los Angeles, I observed police officers repeatedly use force against protesters. As I
5 was filming some of the police officers using force against these protesters, two officers came
6 off their police line and charged me. One of them jabbed me hard under the ribs with his baton.
7 I was holding a large camera, had a large press lanyard, and was clearly identifiable as a
8 member of the media. A true and correct copy of a photo of this unprovoked use of force is
9 attached hereto as **Exhibit E** and is available at: [https://www.latimes.com/california/story/2022-](https://www.latimes.com/california/story/2022-06-25/lapd-treatment-of-journalists-denounced-again-after-abortion-rights-protest-downtown)
10 [06-25/lapd-treatment-of-journalists-denounced-again-after-abortion-rights-protest-downtown.](https://www.latimes.com/california/story/2022-06-25/lapd-treatment-of-journalists-denounced-again-after-abortion-rights-protest-downtown)

11 12. At the time, I was not wearing a padded vest or other safety gear, as I had not
12 expected a pro-choice protest to escalate into police use of force. Before this incident,
13 I generally wore safety gear only at protests where I expected significant police escalation or
14 agitator violence. This incident showed me that there was the potential of police use of force at
15 any protest, so I began bringing safety gear to every protest that I could.

16 13. Following this incident, I upgraded my safety gear to account for different risks at
17 protests. I currently own a gas mask (to protect against pepper spray and tear gas); a padded vest
18 (to protect against punches, kicks, bean-bag rounds, batons, and rubber bullets); plated body
19 armor (to protect against live round ammunition, knives, and to give greater protection against
20 less-lethal weapons); and a helmet (to protect against the same). This safety gear helps to
21 protect me against police use of tear gas, batons, rubber bullets, and other crowd control
22 weapons, which I have often seen police officers deploy against protesters. Attached hereto
23 as **Exhibits F** is a true and correct copy of a photo showing my safety gear. Attached hereto as
24 **Exhibit G** are true and correct copies of me and fellow journalists wearing safety gear at
25 protests.

26 14. In late August 2022, I went back to the City of Modesto to cover that
27 year's Straight Pride Protest, as I had done the previous year. Given my experience at the June
28

1 2022 protest in Los Angeles where police jabbed me with a baton, I planned to wear my safety
2 gear at the Straight Pride Protest in Modesto so that I could safely do my work.

3 15. Ahead of the protest in Modesto, however, other journalists attending the protest
4 told me that the City of Modesto has a local ordinance that prevents members of the public
5 (including news media) from wearing safety gear at protests. I decided to forego wearing my
6 safety gear, as did other journalists present that day, although we were all concerned about our
7 safety without such gear.

8 16. During the August 2022 Straight Pride protest, I photographed and filmed
9 altercations between people that, to me, looked like Proud Boys and antifascist
10 counterprotesters. MPD officers eventually separated the two groups of protesters. I followed
11 the side of the protest with the antifascist counterprotesters because MPD officers appeared to
12 be focusing their crowd control weapons against them.

13 17. While covering this evolving and escalating protest, I observed MPD officers and
14 counterprotesters form two opposing lines outside the Planned Parenthood on McHenry Avenue
15 in Modesto. I took up a position on one end of the line. I was clearly distinguishable as a
16 member of the media. I was wearing a large press lanyard with my press badge, holding
17 multiple camera bags, and was operating a large professional camera.

18 18. From my position, I photographed and filmed as MPD officers began firing
19 pepper ball rounds into the crowd of protesters. The MPD officers began by aiming towards
20 protesters' lower legs but steadily raised their weapons until they were aiming at protesters'
21 chests. The MPD officers appeared to be firing indiscriminately into the crowd.

22 19. As I panned my camera down the line, I felt a sharp sting on my thigh. An MPD
23 officer had fired a pepper ball at me. The pepper ball exploded against my leg, releasing
24 powdered chemical irritants onto my body.

25 20. After getting shot by the pepper ball, I joined up with the other news media
26 present, huddling in one group because MPD officers were not differentiating between the press
27

1 and protesters in their use of force. This made it far more difficult for me to get photos showing
2 altercations between protesters and police.

3 21. Later that day, the powdered chemical irritants from the pepper ball got on my
4 body and onto my equipment. I repeatedly coughed in distress. Over the following days, a large
5 bruise developed on my thigh, which took approximately two weeks to heal. Attached hereto
6 as **Exhibit H** is a true and correct copy of a photo taken by me the following day, showing my
7 injury from the pepper ball.

8 22. I later reported my injury to the US Press Freedom Tracker to document that I had
9 been injured while working as a photojournalist at a protest in Modesto. Attached hereto as
10 **Exhibit I** is a true and correct copy of the US Press Freedom Tracker's report on my injury,
11 which is also available at [https://pressfreedomtracker.us/all-incidents/independent-journalist-](https://pressfreedomtracker.us/all-incidents/independent-journalist-shot-with-pepper-ball-at-modesto-protest/)
12 [shot-with-pepper-ball-at-modesto-protest/](https://pressfreedomtracker.us/all-incidents/independent-journalist-shot-with-pepper-ball-at-modesto-protest/).

13 23. Since 2022, the necessity of safety gear at protests has only increased. In the
14 summer of 2025, I covered protests in Los Angeles against immigration enforcement during
15 which law enforcement officers used tear gas, rubber bullets, batons, and horses against
16 protesters. From my observations, this use of force was often indiscriminate and against
17 peaceful protesters. I was repeatedly tear-gassed while covering these protests, but protected
18 myself with my gas mask, which allowed me to continue reporting when I otherwise likely
19 could not have kept going. That summer, I upgraded my safety gear to include plated body
20 armor after the Federal Government deployed marines and national guardsmen armed with live
21 ammunition to Los Angeles. Attached hereto as **Exhibit J** are true and correct copies of photos
22 showing me covering such protests in Summer 2025.

23 24. The threat of violence against news media at protests comes not only from law
24 enforcement officers but also from attendees, who sometimes do not like it when journalists
25 cover their rallies. In 2021, at a protest in Los Angeles, for instance, I was pepper-sprayed,
26 punched, and kicked by protest attendees, who attempted to steal my camera and called me
27

1 names. Attached hereto as **Exhibit K** is a true and correct copy of a photo showing one of these
2 assaults. Fortunately, as the photo shows, I was protected by safety gear at that protest.

3 25. If I returned to Modesto to cover protests there, I would want to wear safety gear
4 so that I could both get the needed photographs and not put myself in harm's way. After an
5 MPD officer hit me with a pepper ball while I was doing my job in Modesto, I would absolutely
6 want to wear safety gear while covering any Modesto protest.

7 26. From my experience, tear gas and pepper spray are the most incapacitating crowd
8 control weapons that interrupt my ability to take photos of protests, and I would be extremely
9 worried about going to a protest if I could not wear a gas mask, helmet, or other protective gear
10 without risking citation or arrest. I want to wear safety gear so that I will be able to get
11 important, newsworthy photographs and not put myself in harm's way.

12 27. Modesto's Ordinance makes it very difficult for me, and other reporters, to
13 do our job. It is unnecessary and harms any rapport between reporters and police officers. It
14 forces reporters like me to choose between their safety and covering a protest fully. And I
15 believe this hurts the public because it limits the news that they can see about what officials are
16 doing and what is happening in their city.

17 28. I declare under penalty of perjury that the foregoing is true and correct, and that
18 this declaration was executed at San Diego, California this 30 day of April 2026.

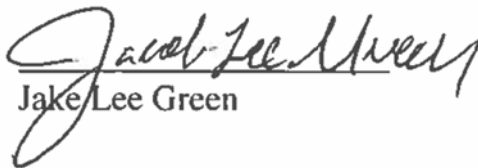
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EXHIBIT A









EXHIBIT B











EXHIBIT C



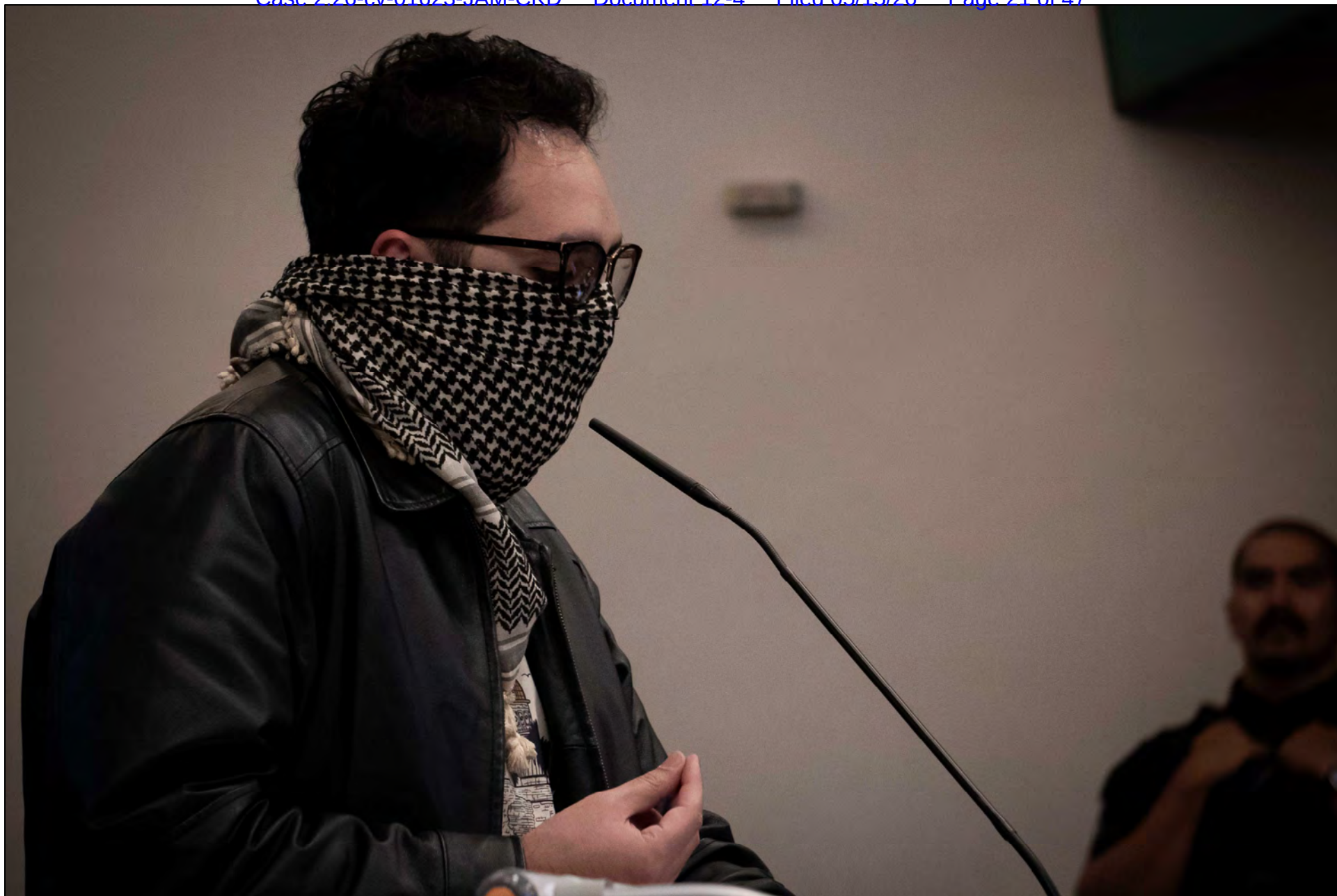




EXHIBIT D

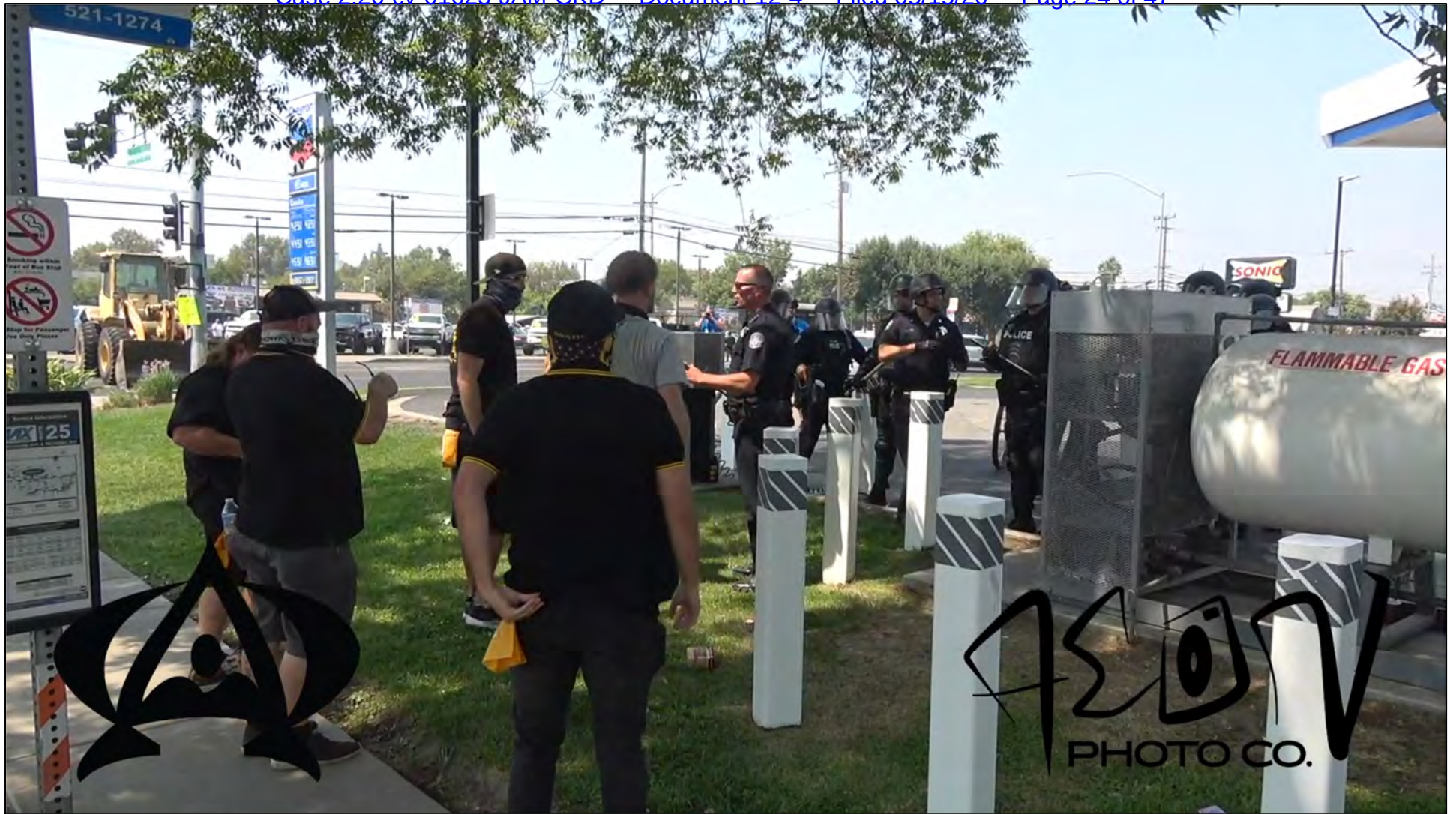








EXHIBIT E



EXHIBIT F



EXHIBIT G









EXHIBIT H



EXHIBIT I

U.S. Press Freedom Tracker

Independent journalist shot with pepper ball at Modesto protest

#chemical irritant #LGBTQ+ rights #protest #shot / shot at

Incident details

[Show More](#) +

Independent journalist Jake Lee Green was shot in the leg with a pepper ball, a type of crowd control munition, while documenting a 'straight pride' event and counterprotest in Modesto, California, on Aug. 27, 2022.

— COURTESY OF JAKE LEE GREEN

August 27, 2022

Independent journalist Jake Lee Green was shot with a crowd-control munition while documenting the clash of protesters and counterprotesters at a National Straight Pride Coalition event in Modesto, California, on Aug. 27, 2022.

Green told the U.S. Press Freedom Tracker he was on assignment for News2Share, a collective that sells footage to news outlets, to document the fourth annual "straight pride" parade outside of a Planned Parenthood. Though the event didn't take place — because LGBTQ+ rights activists arrived before them to stop it — the demonstrators and counterprotesters began to clash, with some brawling in the street.

The Modesto Police Department told The Modesto Bee it declared the event an "unlawful gathering" after a bush caught fire. MPD officers and Stanislaus County Sheriff's deputies formed a line pushing the counterprotesters back, according to the Bee.

Green said he and other colleagues asked police officers where to be, and they were told they had to "go with the crowd."

"We kept constantly trying to let them know that we were press and even when we tried to cross the street to get out of the crowd so we could differentiate ourselves from them, the police ended up taking over the entire street and pushing the entire street out and away," Green said.

Green told the Tracker he had been photographing a group of young activists at the police line who were being struck with batons and shot with pepper balls during the forced dispersal at around 11:15 a.m. According to Green, that's when an MPD officer shot him with a pepper ball munition.

"I was focused on that group of people because I saw that [the officer] was shooting at them, I wasn't actually necessarily paying attention to him although he was in the frame," Green said. "And while I was focused on them he must have turned to me and shot toward my left pretty indiscriminately."

Green told the Tracker he was carrying a professional camera and had attached his press credentials to his hat so that they could be easily seen. He said that the officer wasn't being careful enough to notice that he was a member of the press or did notice and decided to fire at him anyway.

When things calmed down shortly after, Green checked his wound. 'I thought, 'OK, I'm bleeding a little bit but not too bad,' and I continued to do my work throughout the day.'

MPD did not respond to a call requesting comment.

The [U.S. Press Freedom Tracker](#) catalogs press freedom violations in the United States. Email tips to tips@pressfreedomtracker.us.

Related Incidents



Photojournalist hit with munitions at LA protest

[Assault](#)

Date of incident



Journalist caught in police kettle, threatened with arrest at LA protest

[Arrest/Criminal Charge](#)

[Assault](#)

EXHIBIT J





EXHIBIT K



CHESSIE THACHER (SBN 296767)
cthacher@aclunc.org
ANGELICA SALCEDA (SBN 296152)
asalceda@aclunc.org
SHAILA NATHU (SBN 314203)
snathu@aclunc.org
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN
CALIFORNIA, INC.
39 Drumm Street
San Francisco, CA 94111
Telephone: (415) 621-2493

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

PACIFIC MEDIA WORKERS GUILD; ANGEL
JOSE FLORES; JULISSA RUIZ RAMIREZ;
ALYSSA LEIVA;

Plaintiffs,

vs.

CITY OF MODESTO, BRANDON
GILLESPIE, in his official capacity as Modesto
Chief of Police,

Defendants.

CASE NO. 2:26-CV-01623-JAM-CKD

**DECLARATION OF JOSEPH
ARTHUR WILLIAM
FITZGERALD IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION
WITH EXHIBITS A-D**

Judge: Hon. John A. Mendez
Courtroom: 6, 14th Floor
Date: June 30th, 2026
Time: 1:00 p.m.

1 I, Joseph Arthur William Fitzgerald, declare:

2 1. I have personal knowledge of the facts set forth in this declaration, and if called to
3 testify as a witness thereto, could do so competently under oath.

4 2. I am a veteran journalist who has covered numerous protests, public assemblies,
5 and civil unrest in California for more than 12 years. I am also the president of the Society of
6 Professional Journalists of Northern California ("SPJ NorCal"), a position I have held since
7 August 2023.

8 3. SPJ NorCal's mission is to promote the free flow of information; to maintain
9 constant vigilance in protection of the First Amendment guarantees of freedom of speech and of
10 the press; to stimulate high standards and ethical behavior in the practice of journalism; to foster
11 excellence among journalists; to inspire successive generations of talented individuals to become
12 dedicated journalists; to encourage diversity in journalism; to be the pre-eminent, broad-based
13 membership organization for journalists; to encourage a climate in which journalism can be
14 practiced freely.

15 4. SPJ NorCal's membership includes many Central Valley journalists, including
16 reporters who cover news in Modesto and who have specifically covered protests in Modesto and
17 are likely to again as part of their jobs. In 2024, SPJ NorCal started the Central California
18 Chapter to provide dedicated support and training for journalists in the Central Valley, including
19 those working in Modesto.

20 5. It is essential for our members and all journalists to be able to faithfully and safely
21 cover the news. News about how government officials conduct themselves and how people may
22 come together to rally around a cause or push back on government actions is of significant
23 interest to the public. At such assemblies and protests, it is critically important for journalists to
24 be able to observe protest scenes, especially after police issue dispersal orders. Journalists need
25 to be able to witness, record and otherwise document police activities, such as when officers use
26 force or make arrests and when members of the public engage in newsworthy conduct, such as
27 by committing crimes.

1 6. Protests can become volatile, dynamic environments for reporters, especially
2 when police use crowd control tactics and so-called “less lethal weapons.” These tactics can
3 interfere with newsgathering and subject reporters to injury. Personally, while reporting, I have
4 inhaled tear gas at many protests in San Francisco and Oakland, had my eyes swell and vomited
5 from tear gas, and been mere inches away from exploding flash bangs. In 2020, at a Black Lives
6 Matter protest related to George Floyd’s murder, I was also hit with a baton by an Oakland
7 Police Department officer. Attached hereto as **Exhibit A** is a true and correct copy of a
8 screenshot from a video showing an Oakland Police Department officer hitting me with a baton.

9 7. Not only have I attended protests as a working journalist myself, but I also have
10 been present as an observer for SPJ NorCal to ensure our members’ rights are respected by
11 police. I have seen incidents at protests where police officers boxed journalists, alongside
12 protesters, into a tight crowd in a practice called “kettling” and then deployed tear gas and other
13 less lethal munitions. I am also aware that other journalists, including SPJ NorCal members,
14 covering protests across California have been struck by less lethal munitions and subjected to
15 tear gas and other chemicals. I have seen how journalists have suffered injuries while covering
16 protests, including while covering Modesto protests, such as a 2022 incident where an
17 independent journalist was shot with a crowd control munition by an officer.

18 8. SPJ NorCal surveys its members during and after local protests to hear of any
19 incidents where police may have used force against journalists. Attached hereto as **Exhibit B** is
20 a true and correct copy of a June 9, 2025 SPJ NorCal social media post asking journalists to tell
21 us whether they had been injured or interfered with while covering protests. In response to posts
22 such as this one, journalists, including our members, often tell us they are impacted by police
23 crowd control tactics, such being struck by rubber bullets or being exposed to chemical agents,
24 such as tear gas or pepper spray.

25 9. Based on my personal experience and professional knowledge of the nature of
26 news coverage at protests, it is important for SPJ NorCal members, and journalists in general, to
27 have the ability to bring personal protective gear to protests and have the option to wear it if
28

1 they feel it is needed to continue safely reporting the news. A typical journalist safety gear kit
2 includes a protective mask or bandana to tie around one's mouth and nose, a gas mask, helmet,
3 knee or elbow pads, padded vests, eyewear like goggles, and bright tape declaring "PRESS" to
4 place over such gear. This safety gear allows journalists who may be impacted by crowd control
5 tactics to continue safely reporting the news from areas that remain open, such as public streets,
6 sidewalks and parks, and also when reporters exercise their rights to access public spaces closed
7 to the public pursuant to Penal Code 409.7.

8 10. At times, being a victim of one type of force can lead to further use of force.
9 When, as I mentioned above, an Oakland Police Department officer hit me with a baton, I was
10 already having trouble seeing due to the effects of heavy tear gas used by the police officers.
11 Wearing safety gear such as goggles and gas masks can help reporters remain aware of their
12 surroundings and prevent further injuries from officers' use of force. This gear also helps ensure
13 that journalists are able to continue reporting on the uses of force taking place around them.

14 11. Given the risks to journalists, SPJ NorCal provides safety training for members
15 who report in dangerous situations, including wildfires, earthquakes, and protests. In 2025 at our
16 Society for Professional Journalists Region 11 conference, attended by roughly 250 journalists,
17 we offered the course "Reporting on Crisis: Covering Fires and Disasters," which in part
18 discussed protests and the use of safety gear.

19 12. As a staff member at KQED News, a position I held from 2020 to 2024, I would
20 annually train interns and new recruit journalists in a course called "Field Reporting: From
21 Chaos to Celebration," in which I would describe how to avoid police violence and what safety
22 gear to wear at protests. When teaching this course, I commonly put on protective goggles over
23 my glasses, tie a bandana around my mouth and nose, wear a thick cap (while mentioning they
24 could wear a helmet), a thick jacket to cushion from rubber bullets, and bring a solution mixed
25 into water as an example of how to wash one's eyes out from pepper spray. To provide a real-
26 world example in the training, I showed a social media post depicting a KQED reporter
27 colleague and me at a 2020 George Floyd protest. We were both wearing protective masks and
28

1 the caption explained that we had both been tear gassed, “but we’re OK,” which was in part due
2 to the masks. A true and correct copy of this social media post is attached hereto as **Exhibit C**.

3 13. Newsrooms commonly give their own training on how to stay safe while covering
4 protests, which often involves recommendations for the use of protective gear. Photojournalists,
5 in particular, whose job necessitates getting physically close to incidents to obtain photographs,
6 are the most physically at risk, and often wear PPE to protests. Attached hereto as **Exhibit D**, for
7 example, is a true and correct copy of a photograph showing a photojournalist working at close
8 range while wearing safety gear. I have used this photo on multiple occasions while conducting
9 trainings on the use of protective gear.

10 14. Members of SPJ NorCal are among the journalists who may cover planned major
11 protests in Modesto, which continue in particular as immigration enforcement from the federal
12 government has risen. In July 2025, SPJ NorCal joined an advocacy letter the First Amendment
13 Coalition and the Pacific Media Workers Guild sent to the City Council after our members
14 became aware that any journalist who took this standard PPE to a protest in Modesto risked
15 being arrested and charged with a misdemeanor. A true and correct copy of this letter is attached
16 to the Declaration of Annie Sciacca in Support of Plaintiffs’ Motion for Preliminary Injunction,
17 which I understand is being filed in this case as well, and the letter is also available here:
18 [https://firstamendmentcoalition.org/wp-content/uploads/2025/07/07-21-2025-Letter-to-Modesto-](https://firstamendmentcoalition.org/wp-content/uploads/2025/07/07-21-2025-Letter-to-Modesto-City-Council-re_-MCO-4-23.02.pdf)
19 [City-Council-re_-MCO-4-23.02.pdf](https://firstamendmentcoalition.org/wp-content/uploads/2025/07/07-21-2025-Letter-to-Modesto-City-Council-re_-MCO-4-23.02.pdf).

20 15. It is my understanding that the Ordinance we objected to and the newly amended
21 version adopted by the City Council in December 2025 bans most, if not all, of the gear that our
22 Modesto members’ employer newsrooms have purchased and distributed to help protect them
23 while covering public assemblies.

24 16. As SPJ NorCal President and a reporter myself, I am concerned that, because of
25 the Ordinance’s ban on basic personal protective equipment, our members who cover protests in
26 Modesto will be chilled from performing their jobs as journalists at protests because they cannot
27 protect themselves without risking injury or arrest. Because our members will be forced to make
28

1 an untenable choice on whether to carry protective gear their employers have provided them or
2 they have otherwise obtained and risk arrest or to cover protests without bringing this gear, the
3 Ordinance's ban has a detrimental impact on news reporting in Modesto.

4 17. Not being able to wear protective gear might also make it physically impossible
5 for journalists to remain in an area to carry out their reporting duties as protected by Penal Code
6 409.7 once tear gas and other less lethal munitions are deployed. From my experience, I believe
7 this would negatively impact newsgathering and the public's ability to receive the full story
8 about public assemblies.

9 I declare under penalty of perjury that the foregoing is true and correct, and that this
10 declaration was executed at Oakland, California this 5th day of May 2026.

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Joseph Arthur William Fitzgerald

EXHIBIT A

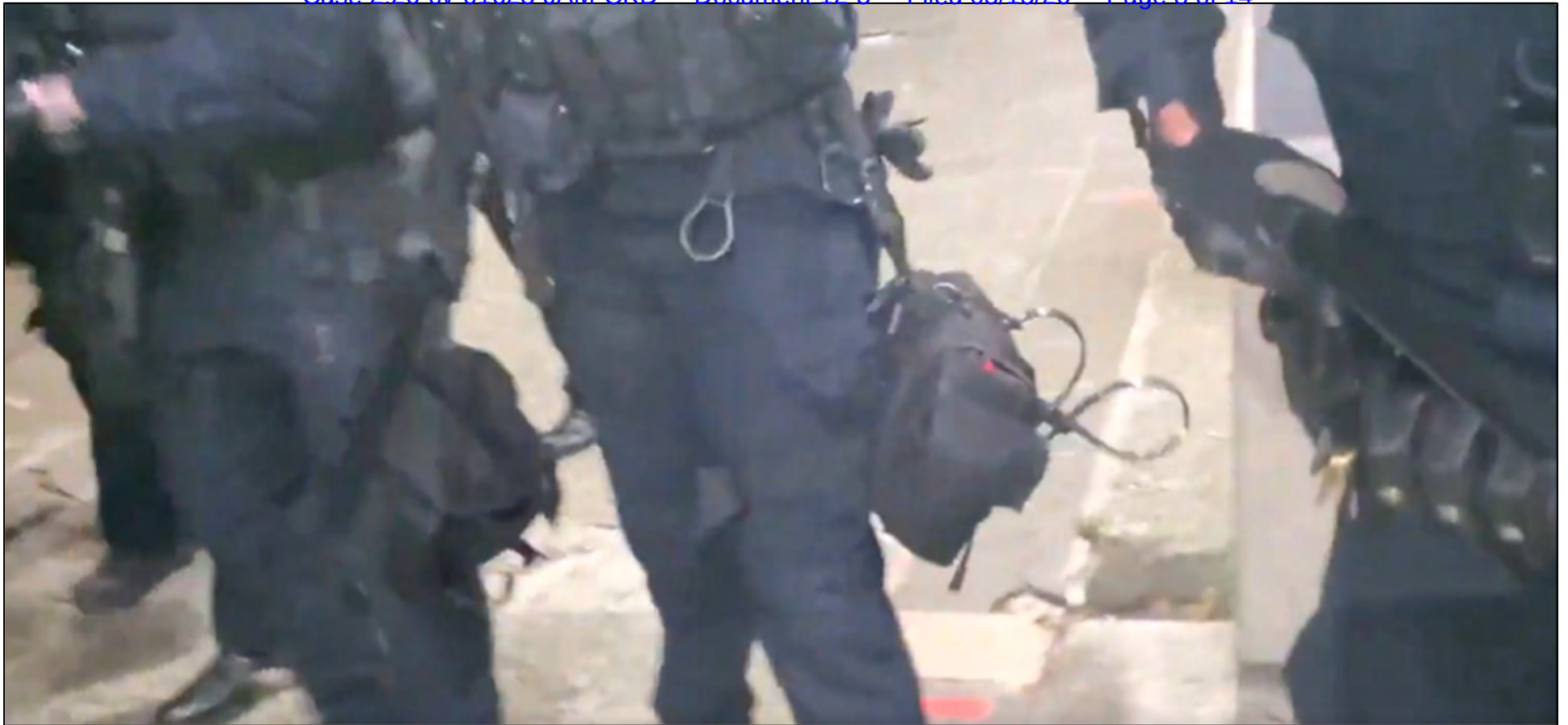


EXHIBIT B



SPJ NorCal Chapter @spj-norcal.bsky.social

@SPJ_NorCal



We are monitoring the protests for any interactions with law enforcement that interfere with reporting and safety in doing so. Please reach out if this is the case. DM for survey link or email us, can also DM for Signal



**SOCIETY OF
PROFESSIONAL
JOURNALISTS**

Journalist Rights Check-in: ICE Protests

The Society of Professional Journalists NorCal chapter plays an active role in defending press freedoms throughout Northern California. We are reaching out to newsrooms across the Bay Area and NorCal to check in on the coverage of ICE protests this week (including June 7 and 8). Please feel free to reach out to spjnorcal@gmail.com if your journalists' ability to report has been compromised in any way by government. We are here to unite our voices and advocate, if necessary.

Your answers may be used in aggregate with other responses in communications with government, but your outlet name will not be used without permission.

9:41 PM · Jun 9, 2025 · **184** Views

EXHIBIT C



Erin Baldassari

@e_baldi



. [@FitzTheReporter](#) & I both got gassed but we're OK



9:58 PM · May 29, 2020 · Twitter for iPhone

16 Retweets 6 Quote Tweets 129 Likes

EXHIBIT D



CHESSIE THACHER (SBN 296767)
cthacher@aclunc.org
ANGELICA SALCEDA (SBN 296152)
asalceda@aclunc.org
SHAILA NATHU (SBN 314203)
snathu@aclunc.org
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN
CALIFORNIA, INC.
39 Drumm Street
San Francisco, CA 94111
Telephone: (415) 621-2493

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

PACIFIC MEDIA WORKERS GUILD; ANGEL
JOSE FLORES; JULISSA RUIZ RAMIREZ;
ALYSSA LEIVA;

Plaintiffs,

vs.

CITY OF MODESTO, BRANDON
GILLESPIE, in his official capacity as Modesto
Chief of Police,

Defendants.

CASE NO. 2:26-CV-01623-JAM-CKD

**DECLARATION OF JOE KIETA
IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

Judge: Hon. John A. Mendez
Courtroom: 6, 14th Floor
Date: June 30th, 2026
Time: 1:00 p.m.

1 I, Joe Kieta, declare:

2 1. I have personal knowledge of the facts set forth in this declaration, and if called to
3 testify as a witness thereto, could do so competently under oath.

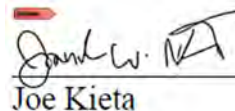
4 2. I am the Executive Editor of the Central Valley Journalism Collaborative
5 ("CVJC"), a nonprofit organization that employs journalists who work across the Central Valley.
6 CVJC publishes two local news websites, The Merced Focus and the Modesto Focus. It also
7 partners with other Central Valley news organizations to provide local news coverage about a
8 range of issues of public interest.

9 3. I am a veteran journalist and newsroom leader with more than two decades of
10 experience in local newsrooms, including serving as editor of the Modesto Bee, the Fresno Bee,
11 and the Merced Sun-Star.

12 4. Based on my personal experience as a reporter and a news editor, it is clear to me
13 that safety gear, especially helmets, vests, shatter-proof goggles, and gas masks, should be
14 available to journalists when reporting at protests and public assemblies given the risk of serious
15 injury that journalists face when covering such protests and public assemblies.

16 5. In 2025, I purchased safety gear for CVJC journalists, including reporters who
17 work in Modesto. CVJC leadership distributed the safety gear to reporters in Modesto and
18 trained reporters on how to use that gear.

19 I declare under penalty of perjury that the foregoing is true and correct, and that this
20 declaration was executed at Fresno, California this 5th day of May, 2026.

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24 Joe Kieta
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26
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28

CHESSIE THACHER (SBN 296767)
cthacher@aclunc.org
ANGELICA SALCEDA (SBN 296152)
asalceda@aclunc.org
SHAILA NATHU (SBN 314203)
snathu@aclunc.org
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN
CALIFORNIA, INC.
39 Drumm Street
San Francisco, CA 94111
Telephone: (415) 621-2493

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

PACIFIC MEDIA WORKERS GUILD; ANGEL
JOSE FLORES; JULISSA RUIZ RAMIREZ;
ALYSSA LEIVA;

Plaintiffs,

vs.

CITY OF MODESTO, BRANDON
GILLESPIE, in his official capacity as Modesto
Chief of Police,

Defendants.

CASE NO. 2:26-CV-01623-JAM-CKD

**DECLARATION OF ANGEL
FLORES IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION
WITH EXHIBITS A-B**

Judge: Hon. John A. Mendez
Courtroom: 6, 14th Floor
Date: June 30th, 2026
Time: 1:00 p.m.

1 I, Angel Flores, declare:

2 1. I have personal knowledge of the facts set forth in this declaration, and if called to
3 testify as a witness thereto, could do so competently under oath.

4 2. I am a plaintiff in this action and a resident of Modesto, California. I work as a
5 school bus driver for my local school district in Modesto.

6 3. In my day-to-day life, I regularly wear a gaiter-style mask. I wear this mask
7 approximately 80% of the time for my own comfort, such as when I am at the gym, at work, or
8 when driving. I first began wearing a facial covering during my day-to-day in or around 2013,
9 when I regularly drove a motorcycle and worked in a fairly cold warehouse. My gaiter mask
10 helped me to stay warm and protected me from the elements. More recently, my gaiter mask
11 helps me to regulate my breathing, concentrate, and control my anxiety. It is part of who I am.

12 4. On June 14, 2025, I attended the ICE Out Protest in Modesto with a coworker and
13 friend. We parked near the 10th Street Plaza and walked over. Along with my gaiter mask, I
14 wore a hoodie and my prescription sunglasses. I brought with me an upside-down American flag
15 to signify distress.

16 5. I wanted to attend this protest because, as a Mexican-American, I wanted to raise
17 awareness on how Immigrations and Custom Enforcement ("ICE") are snatching Latinos off the
18 street based on skin color and disappearing them from this country. Before I left, I explained to
19 my young son why I was protesting and that it was important to peacefully protest to protect our
20 rights as Americans.

21 6. While walking over to the protest at approximately 10 AM with my friend, a
22 Modesto Police Department ("MPD") officer drove by us, pulled a U-Turn, and then drove by us
23 again slowly. He said something to us. I could not make it out. I asked my friend what he had
24 said. She told me not to worry about it and to keep walking.

25 7. My coworker and I arrived at the 10th Street Plaza ("Plaza") shortly after 10 AM.
26 Next to the Plaza, I saw approximately 15 MPD officers. They were suited up like they were
27 going to war, in thick armor, helmets, and padded vests. They were carrying long guns. It looked
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1 deliberately intimidating. Some of them were shouting from their vehicles at the protesters, but I
2 could not make out exactly what they were saying.

3 8. I then stood near the edge of the Plaza as an organizer with the Central Valley
4 Black Indigenous People of Color Coalition spoke to the crowd. The crowd was chanting in
5 response. The organizer started by telling the crowd that we were there to exercise our First
6 Amendment rights by peacefully protesting. She said that the police had already confiscated her
7 loudspeaker and were trying to clamp down on their protest. She said that the police had claimed
8 that we were not allowed to wear masks. She explained, though, that we could wear masks for
9 medical or religious reasons and added that Covid was still around. I stood in the Plaza on some
10 raised stones with my upside-down flag, listening.

11 9. While the organizer addressed the crowd, the MPD officers announced something
12 via a police car intercom. I could hear the intercom but could not make out any of the message. I
13 had no idea what the police were saying.

14 10. Approximately 10 minutes after I had arrived at the protest, two MPD officers
15 walked up to me. They were wearing thick armored vests and helmets. One told me to step down
16 from the raised stones and come with them. They grabbed me from the left and the right.
17 Attached hereto as **Exhibit A** are true and correct copies of four screenshots from videos
18 showing the moment of my arrest. The first screenshot shows me standing on the raised stones as
19 the officers walk up. The second shows the officers grabbing me.

20 11. I did not resist the MPD officers and peacefully walked with them. The officers
21 did not say anything beyond telling me to come with them. They did not say why they were
22 detaining me, they did not ask my name, and they did not tell me to take my mask off. I felt like I
23 was getting snatched. I was terrified. I did not know why I was being arrested. I had only been at
24 the protest for approximately ten minutes. The officers took my flag and my backpack and
25 placed me into their patrol car.

26 12. The MPD officers then drove me to a nearby alley. There were around eight
27 officers in the alley. I still had not been told why I had been arrested. I stayed quiet because I was
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1 scared and wanted to stay safe because I have watched videos of ICE arrests on the news and I
2 did not want to get hurt.

3 13. In the alley, the MPD officers took photos of my face and my mask. They patted
4 me down and asked for my ID, name, and address, which I provided. I then asked for a lawyer.
5 One officer told me that was unnecessary, adding that he was only getting my information.

6 14. I was then brought to a third vehicle, this one driven by another MPD officer, and
7 patted down again. After the officers put me inside, another officer came up. I spoke to him
8 through the open window. I asked this officer what I had done. The officer told me that I should
9 have taken off my mask and, because I had not, I was going to jail. He did not say anything else.

10 15. The MPD officers then took me to jail. I spent approximately the next twelve
11 hours in custody, in the jail lobby and then in a holding cell crowded with other people. In the
12 holding cell, some people were sleeping on the floor. I had to use the bathroom, but the only
13 toilet was in the middle of the cell with no privacy.

14 16. At approximately 11 PM, I was released from custody. Although the police cited
15 me for violating Modesto's Protest Restrictions Ordinance ("Ordinance") and for resisting arrest,
16 no criminal charges were ultimately filed. The City issued a press release about its decision not
17 to press charges against me and the others arrested for wearing a mask. Attached hereto as
18 **Exhibit B** is a true and correct copy of this press release, which is also available here:
19 <https://www.modestogov.com/m/newsflash/home/detail/1629>.

20 17. The arrest traumatized me. I went to the protest to exercise my First Amendment
21 right and to be a voice for the voiceless, but my voice was taken away from me. In the week after
22 the arrest, I could not sleep. I would wake up with night terrors, sweating. After a week of that,
23 the coworker and friend who I had attended the protest with told me that I needed to go talk to
24 someone about how I was feeling. She told me that I was not the same person and seemed off.

25 18. I still suffer from occasional night terrors and bad anxiety about the arrest. I now
26 share my location with my ex-wife and our son in case something happens to me again. I am
27 often paranoid around police officers. My son, who recently turned 13, started telling me that he
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1 did not like police officers. I had to explain to him that the police are for our protection but they
2 make mistakes, because I do not want him growing up hating the police. This was difficult for
3 me after my arrest.

4 19. At the Plaza before my arrest, I saw other people wearing masks, including white
5 people. But MPD targeted me, a Latino man, for what I believe was the first arrest of the day.
6 Later on, in the jail, I saw that the other people arrested for wearing a mask at the protest were
7 also men. Most were Latino.

8 20. I wear my mask for a variety of reasons, including to regulate my breathing and
9 control my anxiety. I do not know if that counts as a medical reason that is exempt from the
10 Ordinance or not. The Ordinance's exception for costumes also does not make any sense to me.
11 A protester can cover their whole face with a costume, but if I covered part of my face with a
12 gaiter mask, that might not be okay. It is hard to know what is a costume and what is not. My
13 mask last June had a skull on it – was I wearing a skeleton costume? I do not know what counts
14 as a costume and what does not. The vagueness of the Ordinance on costumes and medical
15 necessity makes me worried that Modesto police will continue to enforce the Ordinance in a
16 random and biased way, just as they did last June.

17 21. Modesto's enforcement of the Ordinance last June makes me scared to go to
18 another protest in Modesto. The arrest intimidated me. Although I think protesting is very
19 important right now, going to a protest while the Ordinance is in effect feels too risky for me. It
20 scares me to think that MPD officers could grab me off the street and bring me to jail for wearing
21 what I wear in my everyday life at a protest.

22 I declare under penalty of perjury that the foregoing is true and correct, and that this
23 declaration was executed at Modesto, California this 1st day of May, 2026.

24
25 

26 Angel Flores
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28

EXHIBIT A









EXHIBIT B



City Manager's Office

1010 10th Street, Suite 6100
Modesto, California 95354
209.577.5200
Modestogov.com

Press Release

Contact: Sonya Severo
Public Relations and Legislative Affairs Manager
ssevero@modestogov.com
209-497-0075

For Immediate Release

August 11, 2025

**City Elects to Move Forward: Continues to Encourage
Awareness and Adherence to Local Laws**

Modesto, CA, August 11, 2025- On June 14, 2025, the City of Modesto and the Modesto Police Department (MPD) took a proactive approach to ensure public safety during two separate demonstrations: the "Ice Out Mass Mobilization Protests" and the "No Kings- National Day of Defiance." The City provided police presence to ensure the protection of the constitutional rights of all individuals in our community. MPD maintained a professional and visible presence while enforcing the laws designed to protect the safety of all participants, residents, and businesses of Modesto.

This included taking a zero-tolerance approach to violence, destruction of property, and violations of the law. Five individuals were arrested for violating the Modesto Municipal Code section 4-23.02 - Restrictions on use of specified items during public assembly, specifically section (a)(13), which prohibits wearing face coverings at public assemblies with the intent to conceal identity.

The City of Modesto has the clear legal authority to enact and enforce local ordinances that prioritize public safety. Proactive enforcement of reasonable, constitutional laws is essential to maintaining community safety.

Although MPD acted lawfully and appropriately, the City Attorney's Office has decided not to file criminal charges in connection with the June 14 face-covering violations. This decision reflects the City's desire to use this moment as an opportunity for education and to encourage greater community cooperation with local ordinances moving forward. It also allows the Community Police Review Board (CPRB) the space to conduct a thoughtful review of the ordinance.

The CPRB was created to foster strong relationships and greater trust between our local law enforcement and the community. The City values its role in this process and appreciates its engagement in this important policy discussion. In the future, we encourage all protest organizers and community members to familiarize themselves with applicable laws and work collaboratively with the City to ensure safe, lawful, and productive public demonstrations.

Through mutual respect, transparency, and cooperation, we can continue building a community where all voices can be expressed—peacefully, lawfully, and safely.

End



CHESSIE THACHER (SBN 296767)
cthacher@aclunc.org
ANGELICA SALCEDA (SBN 296152)
asalceda@aclunc.org
SHAILA NATHU (SBN 314203)
snathu@aclunc.org
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN
CALIFORNIA, INC.
39 Drumm Street
San Francisco, CA 94111
Telephone: (415) 621-2493

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

PACIFIC MEDIA WORKERS GUILD; ANGEL
JOSE FLORES; JULISSA RUIZ RAMIREZ;
ALYSSA LEIVA;

Plaintiffs,

vs.

CITY OF MODESTO, BRANDON
GILLESPIE, in his official capacity as Modesto
Chief of Police,

Defendants.

CASE NO. 2:26-CV-01623-JAM-CKD

**DECLARATION OF JULISSA RUIZ
RAMIREZ IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION
WITH EXHIBIT A**

Judge: Hon. John A. Mendez
Courtroom: 6, 14th Floor
Date: June 30th, 2026
Time: 1:00 p.m.

1 I, Julissa Ruiz Ramirez, declare:

2 1. I have personal knowledge of the facts set forth in this declaration, and if called to
3 testify as a witness thereto, could do so competently under oath.

4 2. I am a plaintiff in this action. I am a co-founder and member of the Central Valley
5 Black, Indigenous, and People of Color Coalition (“Coalition”), an advocacy group primarily
6 based in Stanislaus County that is dedicated to liberation through love, solidarity, healing, and
7 collective action. Along with other Coalition members, I regularly organize protests, town halls,
8 community solidarity vigils, and other public assemblies to demonstrate against police violence,
9 mass deportations, the U.S. support for Israeli apartheid, and other issues.

10 3. When I attend public assemblies in Modesto, I often wear a keffiyeh or another
11 facial covering to protect my identity and to express my solidarity with Palestinian liberation.
12 For me, wearing a keffiyeh as a facial covering at a protest is a public statement about my
13 outrage at the genocide in Palestine. I feel very connected to the struggle in Palestine because I
14 can see the similarities between what indigenous Palestinians are going through and what my
15 indigenous ancestors went through when Europeans came to the Americas. I am a descendant of
16 indigenous people in the Americas. People who look like me have been killed and harassed in
17 this country for centuries. For me, wearing a keffiyeh is a visible symbol and expression of my
18 solidarity with Palestine.

19 4. When I wear a keffiyeh folded around my head, I am making a political message,
20 tying my protest to the Palestinian identity and Palestinians’ struggle towards liberation and
21 against settler colonialism. I am also stating clearly my solidarity amongst oppressed peoples.
22 Because Pro-Palestine protests and Pro-Palestine activists across the U.S. have been criminalized
23 for expressing their viewpoint in recent years, wearing a keffiyeh around my head is, to me, a
24 symbol of resistance against such oppression.

25 5. Wearing a keffiyeh also helps connect me to my family. My grandmother always
26 wore a traditional scarf called a rebozo around her head. Wearing a keffiyeh reminds and
27 connects me with my grandmother, who recently passed away. It helps me feel grounded, more
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1 empowered, and more at peace. I know that I am doing the right thing at a protest and that I am
2 protected by my ancestors when I am wearing a keffiyeh as a facial covering.

3 6. Protests in Modesto can involve right-wing agitators who yell at and film people
4 that they don't agree with. Agitators sometimes also threaten to post videos and pictures of
5 protesters on social media as a way of identifying, doxing, and harassing them. Both things have
6 happened to me and the experiences were really upsetting.

7 7. In 2021, for example, some local right-wing groups organized what they called a
8 "Straight Pride" protest in downtown Modesto. With other members of the Coalition, I went to a
9 counterprotest as a way of showing support for my local community as it faced the threat of
10 violence against LGBTQ people. I believe all people are allowed to love other people, and that
11 no one should face violence for who they love.

12 8. That day, a group of people who seemed to be "Proud Boys" showed up at the
13 Straight Pride protest. After we heard that some LGBTQ teens were protesting near these Proud
14 Boys, my friends and I drove over to the area where they were to make sure the teenagers were
15 safe. As we drove over, some Proud Boys surrounded our car, trying to smash the car windows
16 and filming us with their phones. It was terrifying. I wore a mask at the time to protect myself
17 from being doxed by the Proud Boys. I will never forget that moment. It is a core memory that
18 often involuntarily runs through my mind.

19 9. In May 2022, at a Coalition-organized vigil at the 10th Street Plaza to remember
20 the victims of the racist mass shooting in Buffalo and for a Palestinian journalist who had been
21 shot by the IDF, a counterprotester came and screamed at me and other protesters about our
22 demonstration. It was very intimidating. Given this experience, I now especially want to wear
23 facial covering when I attend protests that I think will draw far right protesters or express speech
24 that I don't think other members of the public or the police like to hear, such as protests about
25 police brutality.

26 10. When I was a student at California State University – Stanislaus ("Stan State"),
27 other members of a student group and I learned first-hand about the dangers of right-wing doxing
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1 and harassment. At that time, my friends at Stan State and I were part of groups like the
2 Movimiento Estudiantil Chicano de Aztlan, Indigenous Students in Activism, and the Ethnic
3 Studies Club. As part of these groups, we pushed to empower indigenous students on campus,
4 uphold immigrant students' rights, and protect students with status under "DACA," which stands
5 for the Deferred Action for Childhood Arrivals. We also pushed the Stan State administration to
6 provide resources for indigenous students and students of color, for greater representation by
7 indigenous people and people of color in campus faculty, and for campus artwork to reflect the
8 diverse student body at Stan State.

9 11. In response to our activism, a white supremacist group, called Identity Evropa
10 took our photos, posted our identities on online forums, and wrote something to the effect of
11 "We should take care of them." We found out about this post only after a news website reported
12 about the white supremacists' chats. My friends and I were terrified. Over the following months,
13 we set up a buddy system so that none of us were alone on campus. To this day, after learning
14 what groups like Identity Evropa are capable of, I try to protect my anonymity when protesting
15 on certain issues that typically draw the scrutiny of far-right actors.

16 12. Modesto Police Department ("MPD") officers also often surveil local protesters
17 using video-cameras, drones, and other technology. I am aware, for example, that MPD has
18 placed a camera at the 10th Street Plaza in downtown Modesto, where I and other members of
19 the Coalition often hold protests.

20 13. I wear a mask at protests to protect myself from these threats. For example, I wore
21 a keffiyeh when the Coalition held a press conference about the arrests of the ICE Out protesters
22 who were wearing masks on June 14, 2025. I especially wanted to wear a mask that day because
23 I knew the event had the possibility of becoming contentious and because I also was aware that
24 the MPD typically use surveillance cameras in the area. Attached hereto as **Exhibit A** is a true
25 and correct copy of a photo of me wearing a keffiyeh and a mask at this public assembly in
26 Modesto in June 2025.

27 14. My parents are often worried about me when I go to protests. They tell me about
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1 how in Mexico protesters have been murdered by the police. I have seen how police around this
2 country beat up and surveil peaceful protesters. When I go to a protest in Modesto, I do not
3 intend to break the law or get in trouble. I am scared of the police. I stay away from them, I
4 follow their orders, I make sure to organize peaceful protests, and do my best to stay out of their
5 way so that I do not get hurt. I know that I cannot guarantee my safety at protests, but wearing a
6 mask helps me minimize the threats.

7 15. I have never engaged in violence or property destruction at a protest. When I and
8 other members of the Coalition gather to protest, we do so peacefully to raise attention to our
9 causes. However, MPD officers often respond to our protests with militarized shows of force.
10 They sometimes wear SWAT-like gear like helmets and padded vests, such as at the June 2025
11 ICE Out Protest. At some protests, such as at a Black Lives Matter protest in Summer 2020,
12 MPD officers deployed tear gas, rubber bullets, and flash bang grenades at protesters. I heard the
13 bangs from a distance and I left, scared about getting hurt.

14 16. I have seen in the media how peaceful protesters have been treated by police
15 across the country. I remember watching videos of police using tear gas and rubber bullets
16 against indigenous protesters at the Dakota Access pipeline protests near the Standing Rock
17 reservation in 2016, against Black Lives Matter protesters across California in 2020, and, more
18 recently, against ICE Out protesters in Los Angeles, Chicago, and Minnesota. I have seen videos
19 of protesters getting shot in the face and blinded by rubber bullets at protests. And, through my
20 advocacy work with the Coalition, I have also talked to many local Modestans who have shared
21 about how they or their family members have been beaten up or shot by MPD officers who faced
22 no consequences for doing so.

23 17. Because of what I have seen first-hand, heard from Modestans, and read in the
24 news, I carry Sudecon chemical decontamination wipes and water in my car when I go to
25 protests to help protesters or myself if police deploy tear gas. I would like to bring goggles, a
26 protective vest, and a helmet with me to protests, to protect against tear gas, rubber bullets, and
27 getting thrown to the ground by police, but I am afraid to do so because it would violate the
28

Ordinance.

18. I have an ankle injury that makes it so I cannot run. Sometimes I use a cane if I have a flare-up where my pain is more intense. I worry that if I am at a protest and the police suddenly use tear gas or fire rubber bullets, I would not be able to get away and stay safe. Safety gear would allow me to stay safe with my disability while at a protest.

19. The existence of the Ordinance changes how and when I can protest. Since Modesto's arrest of other Latino protesters for wearing masks in June 2025, I have been afraid to wear my usual keffiyeh at a local protest. Although Modesto amended its Ordinance to allow protesters to wear surgical masks, I still cannot wear a keffiyeh at a protest to express my support for Palestine or to protect myself from retaliation. I am afraid that I will be targeted by MPD officers if I do so.

20. I find the Ordinance discriminatory. It explicitly bans protesters from wearing bandannas, which are a sign of Latino and Mexican-American culture. Protesters in Mexico often wear bandannas, such as Mexican women, who wear green bandannas at feminist rallies. When I was growing up, my parents and other farmworkers often wore bandannas to protect themselves against dust, sweat, the sun, and valley fever. Wearing a bandanna is a symbol of working-class people. I know members of the Coalition who wear bandannas as facial coverings at protests to express their pride in their heritage. By targeting bandannas, I feel that the Ordinance is targeting Latinos.

21. MPD's aggressive enforcement of the Ordinance last June has caused me to pull back from protesting in Modesto. I used to be involved in planning and organizing many protests. I used to attend many protests. Since the arrests, however, I have only attended a few town halls and protests in Modesto. I go to smaller public assemblies, like mutual aid distributions for unhoused people, instead of the bigger, more controversial protests. I no longer give speeches at protests. I am scared to do more without getting targeted.

22. I have taken a step back from organizing and protesting due to the Ordinance. If I cannot wear my keffiyeh as a facial covering or bring safety gear with me to a protest, I am

1 scared about what will happen if I go to a protest. As a politically-engaged group, the Coalition
2 will continue advocating at the local level in the coming months, including by organizing town
3 halls, mutual aid, protests, and other public assemblies, as we have over the past few years. I
4 would like to go to these events, but with the Ordinance in place, I am scared to do so.

5 I declare under penalty of perjury that the foregoing is true and correct, and that this
6 declaration was executed at Hughson, California this 2nd day of May 2026.

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EXHIBIT A



CHESSIE THACHER (SBN 296767)
cthacher@aclunc.org
ANGELICA SALCEDA (SBN 296152)
asalceda@aclunc.org
SHAILA NATHU (SBN 314203)
snathu@aclunc.org
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN
CALIFORNIA, INC.
39 Drumm Street
San Francisco, CA 94111
Telephone: (415) 621-2493

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

PACIFIC MEDIA WORKERS GUILD; ANGEL
JOSE FLORES; JULISSA RUIZ RAMIREZ;
ALYSSA LEIVA;

Plaintiffs,

vs.

CITY OF MODESTO, BRANDON
GILLESPIE, in his official capacity as Modesto
Chief of Police,

Defendants.

CASE NO. 2:26-CV-01623-JAM-CKD

**DECLARATION OF ALYSSA LEIVA
IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION WITH EXHIBIT A**

Judge: Hon. John A. Mendez
Courtroom: 6, 14th Floor
Date: June 30th, 2026
Time: 1:00 p.m.

1 I, Alyssa Leiva, declare:

2 1. I have personal knowledge of the facts set forth in this declaration, and if called to
3 testify as a witness thereto, could do so competently under oath.

4 2. I am a plaintiff in this action. I was born and raised in Stockton, California, and
5 care deeply about issues affecting the upper Central Valley, including Modesto, where many of
6 my family members live.

7 3. I am a member of the Central Valley Black Indigenous People of Color Coalition
8 (“Coalition”), an advocacy group centered in Stanislaus County that focuses on liberation, on
9 police accountability, and on collective action. As part of the Coalition, I have attended
10 Community Police Review Board meetings, supported impacted family members, attended
11 protests, and partnered with outside community members to advance police accountability.

12 4. I regularly attend protests in Modesto. In 2025, for instance, I attended the Day
13 Without Immigrants protest on February 8, 2025 and two other anti-ICE protests organized by
14 the Coalition. I have also attended several Free Palestine protests in Modesto.

15 5. I care deeply about Palestinian liberation and regularly attend protests in support
16 of Palestine. I protest for Palestine because I recognize what I consider to be the crimes against
17 mankind at this time in history, that there are linkages between what indigenous people
18 experience in the Central Valley and what is happening in Palestine. I do not want my tax dollars
19 to go to supporting Israel’s genocide against Palestinians. I protest to try to change the US’s
20 support for Israel.

21 6. I often wear a keffiyeh as a facial covering at protests. I will often combine my
22 keffiyeh with a medical mask, wrapping the keffiyeh around my head and face. When I wear my
23 keffiyeh like this I feel connected spiritually. It helps me remain grounded. Covering my head
24 makes me feel that I am protecting my crown. When I pair my keffiyeh with chanting words like
25 “Free Palestine,” I feel a prayer and affirmation of my commitment to humanity.

26 7. When I wear my keffiyeh at protests, I wear it to promote liberation in the Central
27 Valley in all its forms. I often wear my keffiyeh at anti-ICE protests as well, because, in my
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1 view, struggles are interdependent throughout the world. Wearing a keffiyeh, for me, is a
2 statement of my freedom of expression and about the oppression that humanity faces across the
3 world at this moment in time. It is also a statement about my First Amendment right to mobilize
4 and speak on Palestinian liberation.

5 8. Wearing a keffiyeh as a facial covering at a protest is especially important for me
6 when the protest topic is controversial, such as in support of Palestine. Such protests often have
7 right-wing agitators who attempt to dox protest attendees. Wearing a keffiyeh can help to protect
8 my identity, keep me spiritually connected, and help me remain grounded in the face of yelling
9 agitators.

10 9. I have been doxed and harassed online for some of my activism. For example,
11 after I gave repeated public comment at Stockton Unified School District (“SUSD”) meetings
12 pushing for an end to police in local schools, an online, right-leaning blog called 209 Times
13 posted an article about me entitled “Mystery Girl Disrupting SUSD Meetings Identified.” The
14 blogger compared me to the female troll character Princess Fiona in the Shrek movies, called me
15 a “political operative,” and published that I had once defaulted on a car loan. It was embarrassing
16 and frightening. Attached hereto as **Exhibit A** is a true and correct copy of this blog post, which
17 is available at: <https://209times.com/stockton/mystery-girl-disrupting-susd-meetings-identified/>.
18 The same blogger often posts about Modesto events and encourages readers to dox activists with
19 whom he disagrees. I do not want my body to get posted about just because I publicly attend
20 protests in Modesto.

21 10. I have also been intimidated by repeated police contacts for organizing protests.
22 After I organized an ICE Out protest in Stockton in June 2025, Stockton Police Department
23 (“SPD”) officers repeatedly called me, demanding to talk to me about the scheduled protest and
24 leaving voicemails in which they spoke warningly about whether my protest would have any
25 issues or violence, as they put it. These repeated calls intimidated me. I did not understand why I
26 had to talk to the police simply because I had organized a peaceful protest.

27 11. My experiences with online bloggers and police for my public advocacy have led
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1 me to increasingly protest anonymously. I want to be able to attend protests in Modesto with a
2 facial covering to prevent this harassment. Modesto's Protest Restrictions Ordinance
3 ("Ordinance") makes me more reluctant to go to Modesto to protest, although I still go anyway.

4 12. I was in Modesto for my grandmother's birthday when Modesto Police officers
5 arrested protesters at the Coalition's ICE Out rally for wearing masks on June 14, 2025. I was
6 stunned when I heard the news. The arrests made me frightened that I could be arrested for
7 wearing a mask at a future Modesto protest. I cannot afford to go to jail and pay my own way out
8 on bail simply for going to a protest in a keffiyeh. To me, the Ordinance is policing the First
9 Amendment.

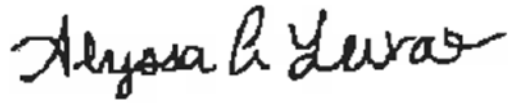
10 13. The Ordinance has pushed me to draw back from protesting. When I have been to
11 protests in Modesto at the 10th Street Plaza, right next to City Hall, there have almost always
12 been many Modesto police officers present. The aggressive presence of these officers always
13 gives me the impression that protests are not welcome outside City Hall. After the arrests last
14 June, I would be reluctant to go to the 10th Street Plaza wearing my keffiyeh and, if I saw
15 Modesto police at a protest, I would pull back, staying farther away from the officers. I would be
16 more nervous and feel less safe, especially because I have seen videos of police officers using
17 force against peaceful protesters across California in recent years, especially when those
18 protesters are speaking out in support of Palestine or against ICE.

19 14. It is hard to know what the Ordinance means. I do not know what it means for a
20 scarf to "partially cover" my face. If I wear my keffiyeh around my head, covering my crown
21 and my forehead, does that count as partially covering my face? The same goes for other
22 accessories, like large hats and bandannas, or indigenous headpieces. The Ordinance's terms are
23 vague to me, and I think they will lead to increased policing of communities of color,
24 disproportionately impacting them.

25 15. I plan to go to protests in Modesto in the next few months to speak out against
26 Trump's war on Iran and against ICE's profiling of our Latino and immigrant community. I hope
27 that the Coalition can hold the anniversary of our ICE Out protest last year, in mid-June 2026. I
28

1 hope we can hold some public assemblies to celebrate organizing to keep ICE out of California,
2 to stand in solidarity and march against ICE. Other organizers with the Coalition and I have
3 talked about organizing these protests in the coming months, but we are afraid that if we do so –
4 especially if we have another ICE Out protest – we will be targeted again for violating the
5 Ordinance.

6 I declare under penalty of perjury that the foregoing is true and correct, and that this
7 declaration was executed at Stockton, California this 2nd day of May, 2026.

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9 

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11 _____
Alyssa Leiva
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EXHIBIT A



209 TIMES



\$0.00

Stockton

Mystery Girl Disrupting SUSD Meetings Identified

July 29, 2022 • 2 min read

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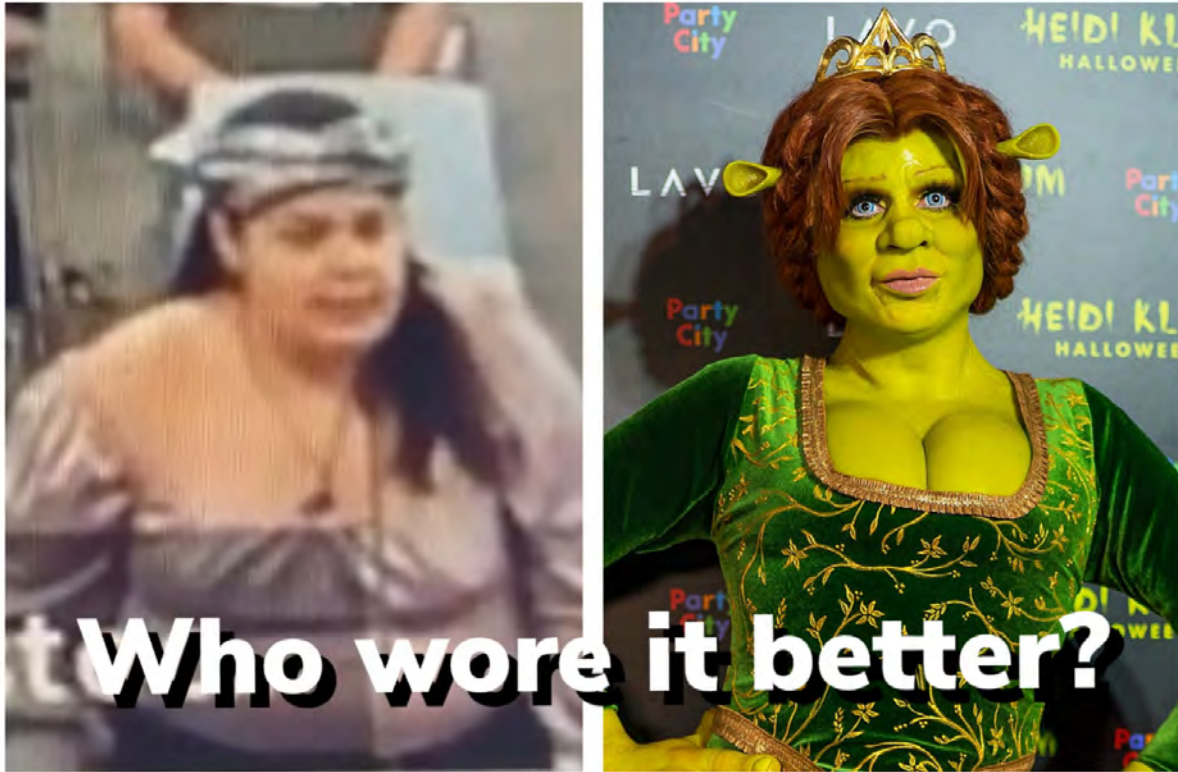
LinkedIn



Email

STOCKTON- One of the “Defund SUSD Police” operatives who is behind exploiting minors for political purposes and part of the campaign to “fix” SUSD, has been identified as Alyssa Leiva.

Critics were only referring to her as "Princess Fiona."



In conducting an investigation into Alyssa Leiva's background it has been discovered the reason why she was fake crying at the school district meeting about Jewelian Johnson's loss for Stockton city council in the June primary, is because she was reportedly his campaign manager.

She is also tied to several other political operatives including SUSD trustee Angelann Flores. "It's clear their entire purpose in disrupting school board meetings and being part of slanderous attack pages on social media is to provide cover for Angelann Flores' re-election and the pro Charter school scheme of Don Shalvey and Fritz Grupe", said SUSD voter Brenda Vasquez.



AngelAnn Flores

May 17, 2016 · 🌐

Good evening everyone! I just wanted to help out my girl Alyssa Leiva! She is running for student body President at San Joaquin Delta College! She has a vision for the school and is ready to advocate for all of the students needs 😊 If you go to Delta or know someone who does please spread the word! Voting ends tonight at 11:59 and will be in students' emails! Thank you 😊



It has also been discovered that Alyssa was sued by Ford Motor Company after not paying the costs of a Ford Fusion from Big Valley Ford. She wants to "fix" SUSL's budget, but can't pay her own bills? How does that work", said Vasquez.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Robert Scott Kennard, S.B.N. 117017 NELSON & KENNARD 5011 Dudley Blvd, Bldg 250, Bay G, McClellan, CA 95652 P.O. Box 13807 Sacramento, CA 95853 TELEPHONE NO: (916) 920-2295 FAX NO. (Optional): (916) 920-0682 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): FORD MOTOR CREDIT COMPANY LLC		FILED FOR COUNTY USE ONLY SUPERIOR COURT 2021 MAR 12 PM 4:53 BRANDINE RILEY, CLERK BY <i>[Signature]</i> DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN STREET ADDRESS: 180 E. Weber Ave. MAILING ADDRESS: CITY AND ZIP CODE: Stockton, CA 95202-9022 BRANCH NAME:		
PLAINTIFF: FORD MOTOR CREDIT COMPANY LLC DEFENDANT: ALYSSA C LEIVA , ANTHONY P LEIVA [X] DOES 1 TO 10		
[X] COMPLAINT [] AMENDED COMPLAINT (Number): [] CROSS-COMPLAINT [] AMENDED CROSS-COMPLAINT (Number):		629839 / 9225.00
Jurisdiction (check all that apply): [X] ACTION IS A LIMITED CIVIL CASE Amount demanded [X] does not exceed \$10,000 [] exceeds \$10,000 but does not exceed \$25,000 [] ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) [] ACTION IS RECLASSIFIED by this amended complaint or cross-complaint [] from limited to unlimited [] from unlimited to limited		CASE NUMBER: STK-CV-LCCR-2021- 2300

- Plaintiff (name or names): FORD MOTOR CREDIT COMPANY LLC
 alleges causes of action against defendant (name or names): ALYSSA C LEIVA , ANTHONY P LEIVA , DOES 1 to 10
- This pleading, including attachments and exhibits, consists of the following number of pages: 5, plus exhibits
 Each plaintiff named above is a competent adult
- a. Each plaintiff named above is a competent adult
 [X] except plaintiff (name): FORD MOTOR CREDIT COMPANY LLC
 [] a corporation qualified to do business in California
 [] an unincorporated entity (describe):
 [X] other (specify): a limited liability company
 b. [] Plaintiff (name):
 a. [] has complied with the fictitious business name laws and is doing business under the fictitious name (specify):
 b. [] has complied with all licensing requirements as a licensed (specify):
 c. [] Information about additional plaintiffs who are not competent adults is shown in Attachment 3c.
- a. Each defendant named above is a natural person
 [] except defendant (name):
 (1) [] a business organization, form unknown
 (2) [] a corporation
 (3) [] an unincorporated entity (describe):
 (4) [] a public entity (describe):
 (5) [] other (specify):
 [] except defendant (name):
 (1) [] a business organization, form unknown
 (2) [] a corporation
 (3) [] an unincorporated entity (describe):
 (4) [] a public entity (describe):
 (5) [] other (specify):

*If this form is used as a cross-complaint, plaintiff means cross-complainant and defendant means cross-defendant.

Page 1 of 2

Their agenda appears to be clear that they want safety resource police officers out Stockton Unified putting children at more risk for their political agenda.

Alyssa Leiva YOUTH ACTIVIST ✓

Jasmine Leek ENVIRONMENTAL JUSTICE ADVOCATE

Mana Shooshtari GRASSROOTS ORGANIZER / STUDENT

Dr. Nancy Huante-Tzintzun ACTIVIST / EDUCATOR

Robin Cole TRACY GO-TEAM / VOTER OUTREACH ORGANIZER ✓

Savonnda Blaylock SEIU UHW & GRASSROOTS ORGANIZER

Takeia Watts SEIU UHW & GRASSROOTS ORGANIZER

Dan Arriola TRACY CITY COUNCILMEMBER / CDP LGBT CAUCUS

Dustin J. Brakebill SJC YOUNG DEMS VICE PRESIDENT

Esau Hernandez BROTHERHOOD OF TEAMSTERS LOCAL 439

Gurtej Atwal TRACY PLANNING COMMISSIONER / SIKHS OF TRACY

Ruben Silva SEIU-UHW UNION ORGANIZER

William Muetzenberg AFFORDABLE HOUSING ADVOCATE ✓

Zach Denney CDP AND CYD PROGRESSIVE CAUCUSES

ASSEMBLY DISTRICT 13

FRONTLINE SOLIDARITY

STOCKTON - FRENCH CAMP
TRACY - MOUNTAIN HOUSE

REQUEST A BALLOT BY
JANUARY 11, 2021 AT
SANJOAQUINUNITY.CO



Tags

#Alyssa Leiva

#angelann flores

#David Sengthay

#don Shalvey

#fritz grupe

#Harpreet Chima

#Jewelien Johnson

#SUSD

CHESSIE THACHER (SBN 296767)
cthacher@aclunc.org
ANGELICA SALCEDA (SBN 296152)
asalceda@aclunc.org
SHAILA NATHU (SBN 314203)
snathu@aclunc.org
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN
CALIFORNIA, INC.
39 Drumm Street
San Francisco, CA 94111
Telephone: (415) 621-2493

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

PACIFIC MEDIA WORKERS GUILD; ANGEL
JOSE FLORES; JULISSA RUIZ RAMIREZ;
ALYSSA LEIVA;

Plaintiffs,

vs.

CITY OF MODESTO, BRANDON
GILLESPIE, in his official capacity as Modesto
Chief of Police,

Defendants.

CASE NO. 2:26-CV-01623-JAM-CKD

**DECLARATION OF DARLEEN
PATRICK IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Judge: Hon. John A. Mendez
Courtroom: 6, 14th Floor
Date: June 30th, 2026
Time: 1:00 p.m.

1 I, Darleen Patrick, declare:

2 1. I have personal knowledge of the facts set forth in this declaration, and if called to
3 testify as a witness thereto, I could do so competently under oath.

4 2. I am the lead coordinator for Indivisible Stanislaus, the local chapter of a national
5 organization that focuses on grassroots progressive action. Indivisible Stanislaus was formed in
6 response to the first Trump administration and is dedicated to promoting democracy and holding
7 elected representatives accountable. As Indivisible Stanislaus's lead coordinator, I work with ten
8 other coordinators, run our monthly public meetings, organize regular protests in Modesto, and
9 assist with grassroots political organizing across Stanislaus County.

10 3. Since early 2025, I have worked with Indivisible Stanislaus organizers and other
11 coalition partners to organize several large actions in Modesto. In April 2025, we organized a
12 "Hands-Off" protest, which had approximately 750 attendees. In June 2025, we organized a "No
13 Kings" protest to coincide with the national No Kings protests nationwide. That protest had
14 approximately 4,500 attendees. In October 2025, we organized a second No Kings protest, this
15 time with approximately 2,500 attendees. In November 2025, we held a "Death of Democracy"
16 mock funeral, which had approximately 130 attendees. In March 2026, we held a third No Kings
17 protest, which had approximately 2,000 attendees.

18 4. To organize and run these protests, Indivisible Stanislaus does its best to jump
19 through the many hoops put up by Modesto officials, including Modesto Police Department
20 ("MPD") officers, Parks Recreation & Neighborhood staff, and Modesto administrators
21 (collectively, "Modesto officials"). Our coordination with Modesto officials is both time-
22 consuming and costly. We often have to submit planned permits months before our events and
23 then have to fully vet our plans with Modesto officials so that requested permits are not denied. It
24 costs Indivisible Stanislaus hundreds of dollars to obtain certain permits and to secure the
25 insurance coverage that the City sometimes requires. Ahead of our No Kings protest in October
26 2025, for instance, we had to submit approximately five different permits. The process is so
27 cumbersome that a few of our Indivisible Stanislaus coordinators must be tasked with focusing

1 solely on the permitting process in Modesto. We do all this so that MPD will not make things
2 difficult on the day of the protest itself.

3 5. From my observations and experiences, unless protest organizers closely work
4 with Modesto officials on all aspects of their events and allow Modesto officials to revise
5 suggested plans, Modesto officials will deny requested permits and make protesting more
6 difficult. Before Indivisible Stanislaus began this coordination, our permits were regularly
7 denied.

8 6. Organizers at other progressive organizations, such as the Central Valley Black
9 Indigenous People of Color Coalition (“Coalition”), the Progressive Democrats, and the Central
10 Committee, have all shared with me the headwinds they have faced in organizing their own
11 protests, from denied permits to the arrests of protesters. It does not seem fair to me that,
12 regardless of how peaceful a protest is, Modesto officials treat protesters differently based on the
13 closeness of the relationship that organizers have cultivated with officials.

14 7. The clearest example of MPD’s disparate treatment of protests occurred in June
15 2025 at the No Kings and ICE Out protests taking place that day. I did not observe MPD officers
16 enforce their Protest Restrictions Ordinance (“Ordinance”) at our No Kings protest, but I later
17 learned that MPD officers had made several arrests at a nearby ICE Out protest organized by the
18 Coalition.

19 8. MPD’s enforcement of the Ordinance was unequal. Many of the attendees at the
20 June 14, 2025 No Kings protest were wearing masks. In the crowd, I saw people wearing
21 medical masks, gaiter-style masks, cloth masks, and keffiyehs around their faces. There were
22 very few MPD officers monitoring our protest, however, and I did not observe any arrests of
23 attendees.

24 9. At some point during the protest, the Coalition’s ICE Out protesters marched to
25 Graceada Park, and I saw MPD officers arrive in unmarked cars wearing helmets and padded
26 armor. At first, I thought the officers following the protesters were ICE agents. It was scary. I
27 later heard a commotion in one corner of the Park and learned that MPD had arrested an ICE Out
28

1 protester for wearing a mask.

2 10. The ICE Out protesters were generally younger and more racially diverse than the
3 No Kings attendees. The typical Indivisible Stanislaus member is an older, white person,
4 whereas many of the ICE Out protesters were younger Latinos. I heard many ICE Out protesters
5 chanting in Spanish as they marched to the Park.

6 11. After our June 2025 No Kings protest, I met with MPD to do our standard post-
7 protest briefing. I raised my concerns about the arrests and said that the MPD officers looked like
8 ICE agents. The MPD officials I met with at that briefing told me that they had acted proactively
9 to prevent the protest from escalating. But from what I had seen, there was no risk of escalation
10 at the ICE Out protest before the arrests.

11 12. From my observations, it was clear that MPD officers treated the ICE Out
12 protesters differently than the No Kings protesters in June 2025, despite the fact that both sets of
13 protesters were wearing prohibited items.

14 13. At the October 18, 2025 No Kings protest, MPD officers acted very differently
15 than the June 14, 2025 protest. Rather than unmarked cars and officers in helmets and padded
16 armor, MPD sent uniformed officers on bicycles to patrol around our protest, and they generally
17 seemed more relaxed and permissive in their approach to enforcing the Ordinance.

18 14. MPD's Ordinance enforcement in October 2025 still affected the protest,
19 however. MPD officers directed people wearing inflatable costumes to uncover their faces and
20 sent other people back to their cars to return flagpoles, masks, and water bottles. I heard
21 attendees tell officers that the restrictions were ridiculous and unreasonable. Some people
22 appeared upset by the officers' enforcement. Even though this enforcement was vastly preferable
23 to the arrests in June 2025, I still found MPD's enforcement that day unnecessary—especially
24 because our protest was peaceful and calm throughout.

25 15. I did not observe any Ordinance enforcement at the March 2026 No Kings protest,
26 which took place after the Plaintiffs had filed their lawsuit challenging the Ordinance. MPD
27 officers circled around the protest on bikes, but I did not see any officers enter the crowd or talk
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1 with attendees.

2 16. I believe that parts of the City's Ordinance are unnecessary. From my
3 understanding, most cities do not ban masks or similar items at protests. The City passed the
4 Ordinance ahead of the 2019 Straight Pride protest, but I attended that counterprotest. I saw lots
5 of people wearing masks and carrying other banned items, but I did not see any police officers
6 enforce the Ordinance that day.

7 17. From 2020 to mid-2025, I attended and/or organized many protests, but I also
8 never saw MPD enforce the Ordinance—even though, like with the 2019 protest, some people
9 were wearing masks and carrying other items banned by the Ordinance at these protests. These
10 protests were generally attended by older, white people. At safety briefings ahead of planned
11 protests before June 2025, MPD officers never mentioned the Ordinance to me. It is difficult for
12 me to see how an Ordinance could be so necessary, if it went unenforced and unmentioned for
13 years without any issues.

14 I declare under penalty of perjury that the foregoing is true and correct, and that this
15 declaration was executed at Modesto, California this 30th day of April, 2026.

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19 _____
20 Darleen Patrick
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CHESSIE THACHER (SBN 296767)
cthacher@aclunc.org
SHAILA NATHU (SBN 314203)
snathu@aclunc.org
ANGELICA SALCEDA (SBN 296152)
asalceda@aclunc.org
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN
CALIFORNIA, INC.
39 Drumm Street
San Francisco, CA 94111
Telephone: (415) 621-2493

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

PACIFIC MEDIA WORKERS GUILD; ANGEL
JOSE FLORES; JULISSA RUIZ RAMIREZ;
ALYSSA LEIVA;

Plaintiffs,

vs.

CITY OF MODESTO, BRANDON
GILLESPIE, in his official capacity as Modesto
Chief of Police,

Defendants.

CASE NO. 2:26-CV-01623-JAM-CKD

**DECLARATION OF ALEXIS
GERARDO IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Judge: Hon. John A. Mendez
Courtroom: 6, 14th Floor
Date: June 30th, 2026
Time: 1:00 p.m.

1 I, Alexis Gerardo, declare:

2 1. I have personal knowledge of the facts set forth in this declaration, and if called to
3 testify as a witness thereto, could do so competently under oath.

4 2. I am a member of the Central Valley Black Indigenous People of Color Coalition
5 (“Coalition”). I was born and raised in Modesto. I currently live in Turlock and work as a
6 schoolteacher. I am 26 years old.

7 3. I frequently go to protests in Modesto. I feel that I have to protest to establish a
8 community in my hometown, to get my community’s demands met, and to show that we are
9 against ICE kidnapping our community members. I have been to at least seven protests or public
10 assemblies in Modesto in the last few years, including small mutual aid gatherings, events to
11 help unhoused people in Modesto, the “ICE Out” protest organized by the Coalition in June
12 2025, and the large “No Kings” protests that occur every few months.

13 4. When I go to protests in Modesto, I often wear a brown bandanna covering the
14 bottom half of my face. I wear my brown bandanna for its cultural significance, to show that I
15 am proud of being Brown and being Chicana. When I have my brown bandanna on, I feel
16 connected to my heritage and to my past. I feel proud when I wear it. Wearing a brown bandanna
17 is a statement of resistance for me. It is my own way of not allowing myself to be unlawfully
18 profiled and to reclaim the bandanna as a symbol of my community.

19 5. The brown color of my bandanna is an important part of my statement. A black
20 bandanna or a brown cloth mask would not say the same thing. For me, there is a clear meaning
21 behind wearing a brown bandanna as a face covering in particular. Historically, when someone
22 who looks like me wears a bandanna of a particular color, the police and the government take
23 that as a sign of gang affiliation, that the person is a criminal. And so I wear my bandanna to
24 reclaim it, to represent my culture and those who have been targeted for wearing it.

25 6. I wear my bandanna on my face because this is how Chicanas who have been
26 targeted for wearing a bandanna have worn it. The brown bandanna, when worn this way, is a
27 statement of style and resistance. It shows my ethnic pride. It shows my connection with Brown
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1 people who have worked as laborers and agricultural workers. It means so much more than what
2 people who have tried to diminish it claim it means.

3 7. I also wear my brown bandanna at protests in Modesto to protect myself from
4 surveillance. When I am wearing it, I feel protected against backlash for protesting, from police
5 surveillance, and from right-wing counterprotesters. I am also making a statement about my
6 desire to protect myself from surveillance.

7 8. I have brought safety gear with me to protests in Modesto. In 2020, my friend and
8 I went to a protest over the murder of George Floyd. I did not know how Modesto Police would
9 respond to a protest about police brutality, so I brought a helmet, goggles, elbow pads, knee
10 pads, and a protective mask. I was worried about being hurt because I had seen images and
11 videos on social media as well as the news of police officers across California beating up, tear-
12 gassing, and shooting rubber bullets at peaceful protesters who were doing nothing wrong. I had
13 also seen videos of police officers pepper-spraying, macing, and beating peaceful protesters with
14 batons. Again, these protesters were doing nothing wrong. I did not want this to happen to me,
15 even though I had no intention of breaking any laws. I just wanted to peacefully protest. I wanted
16 to be prepared if Modesto Police used crowd control weapons at the protest, as I had seen other
17 police departments do against peaceful protesters across California. Although I did not end up
18 needing the safety gear that day, I was glad I brought it to be safe.

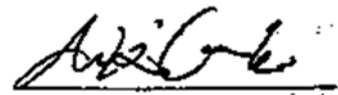
19 9. I want to be able to bring safety gear to future protests in Modesto, especially
20 because I have seen Modesto Police officers holding crowd control weapons at recent protests.
21 This is especially true if I attend protests organized by the Coalition – who are younger and
22 browner and, from my experience, more likely to get targeted by Modesto Police. The Coalition
23 also tends to organize protests about police brutality, which seems like a viewpoint police take
24 issue with. I would want to bring safety gear with me again, so that if Modesto Police used
25 crowd control weapons I would not get hurt, even though I have no intention of disobeying
26 police orders – I just want to peacefully protest. For me, bringing safety gear to a protest helps to
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1 protect me against the worst-case scenario from attending a protest: getting shot in the face by a
2 rubber bullet or disoriented from tear gas.

3 10. I did not wear my brown bandanna at the No Kings protest in late October 2025 in
4 Modesto because I was afraid that I would get hassled by Modesto Police if I did so. I was
5 unable to show my pride in being Chicana by wearing my bandanna that day. I was not that
6 afraid of surveillance that day, though, because the No Kings protesters are largely elderly white
7 people and the message of the protest is not that controversial – unlike police brutality protests
8 organized by the Coalition and similar protests that I have been to.

9 11. I am aware that the Coalition is organizing future protests, mutual aid events, and
10 other rallies this summer in Modesto, as they do every year. I would like to go to some of these
11 events, but I am anxious about how Modesto Police will enforce its Ordinance. We will be
12 protesting, in other words, but we are worried about future arrests under the Ordinance. I think I
13 have a right to wear my brown bandanna to express myself at protests and I want to protect
14 myself from crowd control weapons, but I am afraid that if I attempt to do either I will be
15 arrested at a protest.

16 I declare under penalty of perjury that the foregoing is true and correct, and that this
17 declaration was executed at Turlock, California this 4th day of May, 2026.

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Alexis Gerardo

CHESSIE THACHER (SBN 296767)
cthacher@aclunc.org
ANGELICA SALCEDA (SBN 296152)
asalceda@aclunc.org
SHAILA NATHU (SBN 314203)
snathu@aclunc.org
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN
CALIFORNIA, INC.
39 Drumm Street
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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

PACIFIC MEDIA WORKERS GUILD; ANGEL
JOSE FLORES; JULISSA RUIZ RAMIREZ;
ALYSSA LEIVA;

Plaintiffs,

vs.

CITY OF MODESTO, BRANDON
GILLESPIE, in his official capacity as Modesto
Chief of Police,

Defendants.

CASE NO. 2:26-CV-01623-JAM-CKD

**DECLARATION OF F.B. IN
SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

Judge: Hon. John A. Mendez
Courtroom: 6, 14th Floor
Date: June 30th, 2026
Time: 1:00 p.m.

1 I, F.B., declare:

2 1. I have personal knowledge of the facts set forth in this declaration, and if called to
3 testify as a witness thereto, could do so competently under oath.

4 2. I am originally from Saudi Arabia, but I now live in Modesto and the greater Bay
5 Area. In or around 2011, I came to the United States as a student to study at an American
6 university.

7 3. In 2015, Mohammed Bin Salman began to come to power in Saudi Arabia. He
8 quickly began consolidating control of Saudi Arabia. His government started cracking down on
9 political dissidents, detaining and incarcerating people who had spoken out for human rights.
10 When I visited Saudi Arabia in 2015, the country was very different, with large posters of
11 Mohammed Bin Salman that told people to “Obey” in Arabic.

12 4. In 2016, after Mohammed Bin Salman came to power, I applied for asylum in the
13 United States due to my fears of being persecuted by the government of Saudi Arabia for my
14 atheism, support of LGBTQ rights, and my political activism. Since then, I have lived in the
15 greater Bay Area, including Modesto and Turlock.

16 5. From my experiences in Saudi Arabia, I feel strongly about free speech and the
17 importance of protesting. I feel that speaking out is the only way to diminish the threat of
18 repression. I also feel strongly about Palestine and imperialism, believing there are active links
19 between the plight of Palestine, the U.S. government, and the U.S. support for the Saudi regime,
20 particularly the Al-Saud family. I often attend protests for Palestinian liberation, for democracy
21 in the U.S. (such as the “No Kings” protests), and against police violence.

22 6. I regularly go to protests in Modesto. At protests, I often wear a gaiter-style mask
23 or a keffiyeh to protect my identity and safety. When I wear a keffiyeh over my face, I feel and
24 look like a Palestinian activist, protesting for freedom. I especially cover my face with a gaiter or
25 keffiyeh during tense protests, such as when there are people present who I recognize as right-
26 wing agitators or who might be trying to doxx me. Wearing a keffiyeh over my face therefore
27 represents both my political beliefs and my need for anonymity.

1 7. Because I am seeking asylum, I feel the need to protect my identity when
2 protesting, even though I do so peacefully and obey police orders. I am afraid that officials in the
3 U.S. and also in Saudi Arabia might retaliate against me for exercising my free speech rights. I
4 am especially afraid of getting punished for speaking out about the Palestinian genocide given
5 what has happened to other immigrants expressing pro-Palestinian views in the U.S. I am
6 thinking, for example, of people like Mahmoud Khalil and Rumeysa Ozturk, two foreign-born
7 U.S. students that American officials detained for months simply because they publicly and
8 peacefully expressed support for Palestine.

9 8. At the June 14, 2025 ICE Out protest in Modesto, I wore a ski mask that partially
10 covered my face. At that protest, I witnessed Modesto Police Department (“MPD”) officers
11 arrest another protester for wearing a mask. I watched as the officers, who were wearing helmets
12 and who were armed with long guns, brought the protester to an unmarked vehicle. At the time, I
13 had no idea why the protester was being arrested. That day, MPD arrested several other
14 protesters who did not seem to be doing anything wrong, but who were wearing masks as well.

15 9. After the first arrest, other protesters began texting me, concerned that I could
16 also get arrested. They knew that I am seeking asylum and were worried that I would get
17 arrested. I was concerned and stunned by what was happening.

18 10. Modesto’s Protest Restrictions Ordinance (“Ordinance”), which prohibits a
19 protester from wearing a mask or scarf over a part of their face at protests, confuses and frightens
20 me. I do not understand why I should be prohibited from wearing a keffiyeh scarf over my face
21 to express a message of solidarity with Palestine. I find the threat of arrest for doing this really
22 worrying. While I am against the U.S. Government and its actions in the Middle East, I am
23 deeply appreciative of the right to protest in this country and do not want to stop protesting. I
24 think that the only thing that can preserve the right to protest is protesting.

25 11. The Ordinance puts me in a double bind. On one hand, I cannot wear a keffiyeh or
26 gaiter-style mask to protect my identity at protests or I will be arrested, but then if I am arrested,
27 I might face deportation to Saudi Arabia. And, on the other hand, if I do go to protests without
28

covering my face, I risk being identified, doxxed, and retaliated against for supporting Palestine. As I noted, other pro-Palestine protesters who are immigrants like me have been detained and threatened with deportation by the Trump administration for their pro-Palestine activism after they were doxed by pro-Israel groups. I am scared that the same thing could happen to me. I am even more vulnerable than Mahmoud Khalil, who has a green card but is still facing deportation.

12. If I was deported to Saudi Arabia, I fear that I would face persecution for my pro-democracy activism. These fears have only increased since Mohammed Bin Salman came to power, because he has cracked down on dissidents, the press, and any attempts to bring democracy to Saudi Arabia. Many pro-democracy activists that I knew and collaborated with in Saudi Arabia are now in prison there.

13. I believe that I should be able to protest peacefully and speak out publicly in the U.S., but in the current moment it is not safe for me to do so. The Trump administration's repression puts me in danger, but I still feel I must speak out. I have two young sons who were born in the United States. This is their country. They will grow up here. I feel the need to speak out for them, so that they can grow up in a country with equality and civil rights.

14. I am providing this declaration with only my initials for the same reason I want to continue wearing my keffiyeh or another mask at protests. I worry that if I am identified as someone who attends protests with certain messages, including pro-Palestinian protests, I could be retaliated against by the federal government by detained and deported. I know, for example, that the federal government is retaliating against other pro-Palestine supporters who are not citizens, and that they have threatened to continue deporting immigrants who speak out in support of Palestine.

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1 15. I worry that if I submit this declaration under my true name, I may face retaliation
2 and deportation, which is a risk I am not aware of any other plaintiff or witness being subject to.
3 Although protesters face many forms of retaliation, I am particularly afraid because, as an
4 asylum-seeker, I am vulnerable to detention and deportation if the government learns my
5 identity.

6 16. I declare under penalty of perjury that the foregoing is true and correct, and
7 that this declaration was executed at Modesto, California this 1st day of May 2026.

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F.B.

CHESSIE THACHER (SBN 296767)
cthacher@aclunc.org
ANGELICA SALCEDA (SBN 296152)
asalceda@aclunc.org
SHAILA NATHU (SBN 314203)
snathu@aclunc.org
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN
CALIFORNIA, INC.
39 Drumm Street
San Francisco, CA 94111
Telephone: (415) 621-2493

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

PACIFIC MEDIA WORKERS GUILD; ANGEL
JOSE FLORES; JULISSA RUIZ RAMIREZ;
ALYSSA LEIVA;

Plaintiffs,

vs.

CITY OF MODESTO, BRANDON
GILLESPIE, in his official capacity as Modesto
Chief of Police,

Defendants.

CASE NO. 2:26-CV-01623-JAM-CKD

**DECLARATION OF EFREN DIAZ IN
SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION WITH EXHIBIT A-C**

Judge: Hon. John A. Mendez
Courtroom: 6, 14th Floor
Date: June 30th, 2026
Time: 1:00 p.m.

1 I, Efren Diaz, declare:

2 1. I have personal knowledge of the facts set forth in this declaration, and if called to
3 testify as a witness thereto, could do so competently under oath.

4 2. I am an organizer with the Central Valley Black Indigenous People of Color
5 Coalition (“Coalition”), an advocacy group and local collective of activists, organizers, and
6 community members in Stanislaus County that organizes actions to educate the community in
7 the broader area. As an organizer with the Coalition, I help to organize protests, town halls, and
8 other public assemblies in Modesto and the surrounding area.

9 3. I have attended approximately forty protests in Modesto over the years, both
10 before Modesto’s Protest Restrictions Ordinance (“Ordinance”) was passed in 2019 and since its
11 passage.

12 4. Ahead of the June 14, 2025 No Kings protest day, other organizers with the
13 Coalition and I formed a planning committee for an “ICE Out” protest in Modesto. We wanted to
14 organize a protest against ICE to show the Stanislaus immigrant community and the broader
15 immigrant community that we stand with them, that we are against ICE raids, and that we do not
16 want ICE to devastate our community. As a member of the planning committee, I created an
17 agenda for the protest, facilitated planning meetings, and followed up on agenda items that arose
18 from planning meetings. We planned a peaceful protest that would start at the 10th Street Plaza
19 (“Plaza”) in Modesto and then march to Graceada Park to join the No Kings protest there.
20 Attached hereto as **Exhibit A** is a true and correct copy of the flyer for our protest.

21 5. On the morning of June 14, 2025, I arrived at the 10th Street Plaza at
22 approximately 9 AM and started setting up. As I was doing so, a Modesto Police Department
23 (“MPD”) officer came up and asked to talk to me about the protest. I told him that we had a
24 police liaison that would talk to him.

25 6. I then went back to my car to grab more materials. When I returned to the Plaza
26 approximately five minutes later, four MPD officers were there. They walked up to me as I
27 approached the Plaza.

7. One of the MPD officers then gave me a handout about the City of Modesto's noise ordinances. The officers did not mention the City of Modesto's restrictions on masks at protests.

8. I then continued prepping for the march, grabbing handouts and supplies and setting up. Meanwhile, other protesters showed up. The attendees were a mixed crowd of young and old people, with many Latinos, Black people, and other people of color in the crowd.

9. While in the Plaza, I noticed an MPD surveillance camera in the middle of the Plaza. I had not seen the surveillance camera in the Plaza before this day, although I go to the Plaza frequently.

10. At approximately 10 AM, the MPD officers walked back up to me. They surrounded me and told me that they were seizing my megaphone. They took the megaphone and wrote me a citation for using the megaphone without a permit.

11. Shortly after 10 AM, the Plaza was full of protesters. Approximately twenty minutes later, I saw protester Angel Flores standing nearby with a flag, wearing a mask. With no warning, three MPD officers wearing helmets and padded vests – they looked like the SWAT team – walked up to Mr. Flores, detained him, and took him to their car. The crowd began chanting following this arrest. I tried to get a closer look at the arrest of Mr. Flores, but an officer pointed a gun at me and yelled at the crowd to get back, even though we were only chanting and looking on from a safe distance away.

12. After approximately a half hour in the Plaza, we began marching towards Graceada Park ("Park"). During the march, approximately three armed MPD officers wearing helmets and padded vests that looked like SWAT gear showed up suddenly in an unmarked car. One of the officers pointed his gun at the crowd. The other two officers jumped out of the car and grabbed a protester standing next to me, who was wearing a mask. This protester looked at me questioningly. The police officers then took the man to their vehicle and sped away. I was stunned that the police had pointed a gun at the crowd and grabbed another protester just for wearing a mask.

1 13. We then continued to march to the Park. While we marched to the Park, MPD
2 officers surveilled us with a drone, flying overhead just above the buildings along the route. The
3 drone was approximately fifty feet above us. It hovered above us, pointing at us while we
4 marched.

5 14. At approximately 11 AM, we arrived at the Park. There, I saw the No Kings
6 protest. It was a large crowd of mostly older white people. Even though the No Kings protest
7 was several times bigger than our ICE Out protest, there was little police presence. I also saw
8 numerous people at the No Kings protest wearing different types of masks. The No Kings
9 organizers were using speakers and megaphones without any issue. The demographic difference
10 between the protests, as well as the relative police presence at the protests, was night and day.

11 15. From the Park, the ICE Out protesters marched on towards Five Points, the largest
12 intersection in Modesto. While at Five Points, I noticed an MPD airplane flying slowly above the
13 protest. It appeared to be flying around the protest to surveil the protesters.

14 16. After the protest ended, the other Coalition organizers of the ICE Out Protest and
15 I went back to the Park. We learned that four attendees at our protest have been arrested and
16 booked into jail for wearing masks in violation of the Ordinance. We figured out where the
17 arrestees had been taken and how to get them released from jail. At approximately midnight, the
18 arrestees were released from jail.

19 17. MPD's arrests of protesters at our ICE Out protest were very intimidating. The
20 message that came across was that we could not peacefully protest without being intimidated by
21 police officers pointing weapons at us. And also that we could be surveilled via drone and police
22 cameras, and arrested for wearing masks while doing nothing wrong. We have now come to
23 expect heavy militarized, police presence and surveillance at any protest we organize. We have to
24 tell attendees that the police may be there and may arrest them if they wear the wrong thing. This
25 hurts the Coalition's ability to organize and turnout protests.

26 18. A few months later, I attended a second No Kings protest, organized for October
27 18, 2025 by the same organizers of the first No Kings protest in June. The crowd was again
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1 largely white. Due to our fears of Ordinance enforcement, the Coalition did not organize another
2 ICE Out protest that day.

3 19. While MPD officers enforced the Ordinance at the October No Kings protest,
4 their presence at this protest again looked very different than it did at the June 2025 ICE Out
5 protest. I watched as MPD officers in shorts – without any of the helmets or padded vests of the
6 previous protest – rode on bicycles and casually walked around the protest, passing out handouts
7 to explain the Ordinance to protest attendees. Attached hereto as **Exhibit B** is a true and correct
8 copy of the card that MPD officers handed to attendees. Their enforcement appeared far more
9 relaxed and lenient than in June 2025. But it was confusing because there were many people with
10 masks, flagpoles, signs, and other items that appeared to violate the Ordinance who the officers
11 did not talk to.

12 20. MPD's Ordinance enforcement still had an effect on the crowd. I saw some
13 people take off their costumes and masks. I saw other attendees leave the protest or leave
14 temporarily to bring things to their cars. I am not sure who returned and who did not. The
15 protesters were clearly angry and upset about the enforcement. I overheard some of them asking
16 officers, in disbelief, if they were serious.

17 21. The current Ordinance is unclear, confusing, and contradictory to me. The
18 Ordinance bans covering a portion of your face. I do not know what that means – how much of
19 your face has to be covered before you are violating the Ordinance. It also seems silly that you
20 can wear a medical type mask like a KN95, but that if you wear a mask that covers the exact
21 same portion of your face – like a gaiter mask – that is prohibited. During Covid, I bought gaiter
22 masks to follow Covid mask requirements because the gaiter masks were washable, and now I
23 cannot even wear them at a protest. The costume requirement also makes no sense; I have been
24 at protests where people wear costumes, protecting their identity entirely, but those are now okay
25 – even though a half-face mask is not.

26 22. I have attended other protests where MPD have not enforced the Ordinance
27 against “right-wing” protesters. In August 2020, for example, I attended a counterprotest against
28

1 a “Straight Pride” protest organized by far-right figures in Modesto. That day, I observed
2 multiple Proud Boys wearing gaiter-style masks, padded vests, helmets, and other items banned
3 by the Ordinance. MPD officers stood on and took no actions against the Proud Boys despite
4 these apparent violations. Attached hereto as **Exhibit C** are true and correct copies of photos
5 taken by me that day, showing Proud Boys in prohibited attire. In one photo, MPD officers are
6 on motorcycles in the background. Officers’ inaction that day, when combined with their arrests
7 of Latino protesters at the ICE Out protest, indicate to me that MPD officers enforce the
8 Ordinance unevenly, picking and choose between protester they like and those they do not.

9 23. At many of the protests I have gone to (both before and after the passage of the
10 Ordinance in 2019), I have seen protesters dressed in all black, from head to foot, covering their
11 faces. I know from experience, from observing these protesters, and from talking with many
12 protesters in all black that this is called “Black Bloc.” It is a commonly understood symbol of
13 antifascism and support for anarchism, sometimes called “Antifa.” When someone wears Black
14 Bloc – as I have seen many protesters in Modesto do – it means that they are against fascism,
15 state violence, and want to protect their anonymity while at protests. I understand that many
16 protesters who wear Black Bloc do so in large groups to express their solidarity with each other.

17 24. From my experience and observations at protests, Antifa protesters in Black Bloc
18 particularly attend protests for police accountability and against police violence, such as the
19 Black Lives Matter and George Floyd protests in Modesto in 2020.

20 25. Although Black Bloc protesters have been demonized by some news media, the
21 Modesto City Council, and the Federal Government in recent years, I have seen many protesters
22 in Black Bloc at Modesto protests who are simply at a protest, marching and chanting like
23 everyone else.

24 26. At protests I have attended in Modesto, I have also seen many protesters wearing
25 bandannas to cover their faces. As a Latino man, I know that bandannas are a symbol of Latino
26 and Chicano pride. Especially in recent years, many Latino protesters in Modesto have started
27 wearing bandannas as a symbol of their pride in our collective heritage, our ancestry, and our
28

1 community. For instance, I have seen members of the Brown Berets, a Chicano organization,
2 wearing bandannas as facial coverings at Modesto protests. Coalition organizers often wear
3 bandannas to help protest attendees recognize us. This is part of our effort to reclaim the
4 bandanna as a symbol of our culture.

5 27. The Coalition is organizing future protests this year in Modesto. Despite our
6 experiences at the June 14, 2025 ICE Out protest, we plan to hold another ICE Out protest to
7 commemorate Carlos Ivan Mendoza Hernandez, an immigrant who was shot by ICE officers in
8 Modesto in April, and to protest ICE's rampant immigration enforcement across California and
9 the U.S. We want to raise attention to ICE's illegal racial profiling, excessive force, shootings of
10 U.S. citizens, and harassment. We want to raise awareness that ICE is still out there and that we
11 need to abolish ICE. We are considering organizing this protest for June 14, 2026, on the
12 anniversary of last year's protest, but we are worried about how Modesto police will respond.
13 After the arrests last year, when officers came out souped up in equipment that looked like riot
14 gear and took four people to jail for wearing masks, I am worried that Modesto police will again
15 target our ICE Out protest, especially because many of our protest attendees wear masks.

16 I declare under penalty of perjury that the foregoing is true and correct, and that this
17 declaration was executed at Modesto, California this 4th day of May, 2026.

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21 
Efrén Díaz

EXHIBIT A

MASS MOBILIZATION

FROM LA

TO

MODESTO:

ICE OUT!

JUNE 14 - 10:00 AM

10TH ST PLAZA

@CVBIPOCC

 cvbipocc • Follow

 cvbipocc 🇺🇸 MASS MOBILIZATION 🇺🇸

📍 Modesto, 10th St. Plaza
🕒 Saturday, June 14 10:00 AM

Join us in solidarity with the people of LA, Undocumented immigrants, and Palestine! Rally and March to keep ICE out of the Central Valley!! Down down with fascism and up up with liberation!

#Protest #CentralValley

39w

 nora_garcia_ruan Nice! 🔥 Protest signs welcome? 

38w 11 likes Reply

— View replies (1)

 dappydan Let's gooo!!! usususus 

39w 13 likes Reply

 5207418lc 🙌 

38w 3 likes Reply

 bigvuthofsanfrancisco Woooh!! I'll be there!! 

38w 1 like Reply

 allfitnesswithcristian 🙌🙌🙌🙌 

38w 2 likes Reply

 Liked by jruizram and 3,137 others

June 10, 2025

 Add a comment... 

EXHIBIT B



MODESTO MUNICIPAL CODES



FOR PUBLIC DEMONSTRATIONS

The Modesto Police Department respects the rights of all individuals to peacefully demonstrate and assemble. Our goal is to ensure a safe and lawful environment for everyone involved; participants, bystanders, and the community.

Per section 4-23.02 of the Modesto Municipal Code, the following items are prohibited during demonstrations, rallies, protests, and other public assemblies.

- Load bearing or tactical vests



- Weapons such as knives, pocket knives, box cutters, bats, aerosol sprays, tear gas, mace, pepper spray, smoke canisters, bear repellent, etc.
- Poles, sticks, pipes of restricted sizes (See back for size guide)
- Shield, aerosol/pepper sprays, wrist launchers, etc.

- Masks, scarves, bandanas, or any other accessory that covers the face from view, except for coverings due to religious beliefs or due to medical necessity



*This is not a complete list of regulations. Please refer to the Modesto Municipal code found at 4-23.2:
https://library.municode.com/ca/modesto/codes/code_of_ordinances
or use the QR code on the back of this card.*

FEAR

**Modesto Municipal Code
Restricted items**



To view the full
Municipal Code
scan this QR
code.

Size Guide of Restricted Items

- Any length of lumber, wood, or wood lath unless that object is one-quarter ($\frac{1}{4}$) inch or less in thickness and two (2) inches or less in width, or if not generally rectangular in shape, such object shall not exceed three-quarter ($\frac{3}{4}$) inch in its thickest dimension. Both ends of the lumber, wood or wood lath shall be blunt; Max thickness is $\frac{1}{4}$ inch. Both ends must be blunt.
- Any length of metal or plastic pipe, whether hollow or solid; provided, however, that hollow plastic piping not exceeding three quarter ($\frac{3}{4}$) inch in its thickest dimension and not exceeding one-eighth ($\frac{1}{8}$) inch in wall thickness, and not filled with any material, liquid, gas or solid may be used solely to support a sign, banner, placard, puppet or other similar expressive display. Both ends of any plastic pipe permissible under this subsection shall be blunt.

$\frac{3}{4}$ Inches
*for reference
only

Scale in inches



EXHIBIT C





