

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDY 10 BLACK LIVES MATTER,)	
<i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:20-cv-1660-JMS-DLP
)	
THE CITY OF INDIANAPOLIS,)	
)	
Defendant.)	

Declaration of Kyra Harvey

Kyra Harvey, being duly sworn, says that:

1. I am an adult resident of Marion County.
2. I am a member of Indy 10 Black Lives Matter (“Indy 10 BLM”) and I speak for the organization in this declaration.
3. Indy 10 BLM was organized by me and 9 other Indianapolis residents in the aftermath of Michael Brown’s shooting in Ferguson, Missouri in 2014.
4. Indy 10 BLM is a membership organization that is dedicated to serve, support, and love Black people. The organization exists, among other reasons, to lift unheard voices of people of color and to build and grow local community.
5. The membership of the organization is fluid with longer-term members determining if persons who have more recently sought membership should be approved.

6. Although Indy 10 BLM is not formally incorporated, we do have a Facebook, Twitter, and Instagram account and have funds that are maintained as Indy BLM funds.

7. From its very creation, Indy 10 BLM has been particularly concerned about systemic racism in policing and the criminal justice system and the violence that is frequently directed by police against persons of color.

8. To advance these goals Indy 10 BLM has organized community events and demonstrations, participated in task forces, held press conferences, and met with and discussed issues with political leaders. For some of these activities we have spent money for advertising, supplies, refreshments, and reimbursement for performers.

9. Although Indy 10 BLM is small, it partners with others to help achieve its goals.

10. Indy 10 BLM, through its various media platforms, also serves as a clearinghouse to let interested persons in the community know of upcoming events and matters of interest.

11. Following the murder of George Floyd in Minneapolis on May 25, 2020, Indy 10 BLM learned that a protest was going to be held on Monument Circle on May 29, 2020 and proceeded to publicize that event on social media.

12. Indy 10 BLM publicized the event and subsequent protests as they were designed to bring attention to the systemic racism in the criminal justice system and to police practices that negatively impact the Black community and to bring positive changes to police practices.

13. I was present downtown for the protest on May 29, 2020, as were other members of Indy 10 BLM.

14. We had partnered with street medics to attend to any persons who might need assistance – although we did not expect the police to attack the crowd.

15. Indy 10 BLM spent money to buy medical supplies that might be necessary and helped to supply the street medics.

16. Originally the group of protesters was small enough that we fit inside the bollards that separate the Soldiers and Sailors Monument from the surrounding street. However, as the crowd grew larger members of the Indianapolis Metropolitan Police Department (“IMPD”) blocked traffic so that there were no motor vehicles on the Circle.

17. After the demonstrators peacefully protested at or near the Soldiers and Sailors Monument, we peacefully marched towards the Indiana State House on Market Street, but we were met by Indianapolis Metropolitan Police Department (“IMPD”) officers in riot gear who blocked our path.

18. The crowd of protesters filled the street and sidewalks.

19. At some point traffic was blocked off, so there were no moving cars or other vehicles on the street where we were. I assume IMPD officers are the ones who blocked traffic.

20. I was in the crowd of protesters.

21. I heard no warnings from police officers who proceeded to throw and fire tear gas canisters into the crowd.

22. There was pandemonium as persons, many of who were clearly suffering the effects of tear gas and who appeared to be having vision problems, tried to escape from the chemical weapons.

23. I am also aware that at the same time IMPD officers shot pepper balls into the crowd.

24. At one point I was on the sidewalk when tear gas was deployed very close to me and I felt the effects of tear gas. My eyes were burning. I found it difficult to breathe. I could not see. My lungs were negatively affected for a couple of days.

25. I remained on the scene until around midnight trying to assist persons who had been affected by the tear gas. There were many such persons.

26. Indy 10 BLM assisted in spreading the word that there would be another protest and rally on May 30, 2020, again starting at Monument Circle.

27. I arrived at the Circle in the early afternoon.

28. Because of the events of the night before, Indy 10 BLM had expended more money to purchase medical and other related supplies for use to assist protesters if there was further IMPD violence.

29. The crowd was already large, and I believe that IMPD had already taken steps so that there were no motor vehicles allowed on the Circle and the street was open to the protesters.

30. No curfew had been established on May 30, 2020.

31. The demonstration started in the early afternoon with a rally at the Circle.

32. Prior to the demonstration, Indy 10 BLM met with Mayor Hogsett, at his request in his office in the City County Building. I was present for this meeting. The Mayor spoke of his concerns about the destruction of property that had occurred during earlier protests. He asked us to get control of the people protesting and we indicated that we exercised no such control. He made no comments about IMPD's actions against peaceful protesters, and he did not commit to not using force against peaceful protesters in the future.

33. I was present at the demonstration on May 30 at the Circle.

34. Later in the day, while it was still light outside, 200-300 persons, including Indy 10 BLM members, peacefully marched toward the City County Building in downtown Indianapolis.

35. I was in the crowd marching.

36. We were met at the intersection of Alabama and Market Streets, immediately east of the City County Building, by IMPD officers in riot gear.

37. There were also IMPD officers at the front of the City County Building. By this time it was getting dark.

38. I noticed that some of the IMPD officers had leashed police canines with them.

39. The assembled crowd of protesters was peaceful.

40. I heard one of the police officers announce that the peaceful assembly in a public space was "illegal."

41. There was no explanation as to why the assembly was illegal.

42. Shortly thereafter, IMPD officers began to throw or fire tear gas canisters into the crowd and to shoot pepper balls into the crowd. There was no warning given that force was going to be used against the peaceful protesters assembled.

43. IMPD officers also exploded stun grenades, which cause an extremely loud sound and bright light.

44. I witnessed all of this.

45. I was teargassed and experienced pain and discomfort.

46. Again, as occurred the night before, the crowd dispersed in a dangerous panic.

47. I, along with another Indy 10 BLM member ran north on Alabama Street. Even though we were dispersing, members of IMPD followed us and threw or shot tear gas at us.

48. I believe that Indy 10 BLM put notices on social media for protests on May 31, 2020.

49. For the first time on May 31, 2020, the Mayor of Indianapolis had imposed a curfew. The curfew was at 8 p.m.

50. I was only present at the protests for a short period of time on May 31 and while I was there, things were peaceful. However, it my understanding that later in the day protesters were attacked on a number of occasions by IMPD officers.

51. Since May 31, 2020, Indy 10 BLM has been involved in helping organize and publicize protests and marches that its members and other persons have attended to challenge systemic racism in policing and police practices.

52. Indy 10 BLM will continue to assist in publicizing and organizing protests and marches. I, and Indy 10 BLM members, will continue to attend.

53. Indy 10 BLM will continue to expend our scarce resources to prepare for police violence at protests by buying medical supplies and by expending time in obtaining and processing donated supplies. We have had to divert necessary financial and other resources away from our overall mission. As a result we have less funds to spend on the sort of activities described above in paragraph 8.

54. I believe that the violent responses of IMPD officers towards protesters has led to fewer persons attending these events because of their fears for their safety. Among other things, at the beginning people were there with their children, but now there are very few adults bringing children to the protests.


55. Indy 10 BLM believes that in order to get its message across to decision makers and other persons, it is imperative that it has the maximum number of persons attending these events as the maximum number of voices are essential.

56. I, and other members of Indy 10 BLM would like to be able to return to the protests and rallies without being afraid of being attacked by IMPD officers while we engage in peaceful protest. I am aware that the types of force I note above have been deployed against peaceful protesters in streets, on sidewalks, at the Soldiers and Sailors Monument and in a park, and I am concerned that I will be exposed to this force when I return to peaceful protests no matter where I am physically located. I am aware that other members of Indy 10 BLM share these concerns.

Verification

I hereby verify, under penalties for perjury, that the foregoing statements are true and correct to the best of my information and belief.

7/8/2020
Date


Kyra Harvey, for herself and Indy 10 Black
Lives Matter

Prepared by:

Kenneth J. Falk
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDY 10 BLACK LIVES MATTER,)	
<i>et al.</i> ,)	
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Plaintiffs,)	
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v.)	No. 1:20-cv-1660-JMS-DLP
)	
THE CITY OF INDIANAPOLIS,)	
)	
Defendant.)	

Declaration of Bre Robinson

Bre Robinson, being duly sworn upon her oath, says that:

1. I am an adult resident of Marion County, Indiana.
2. After the murder of George Floyd, I felt that it was extremely important to gather for public protests to challenge systemic racism in policing and how it affects police practices towards people and communities of color.
3. I believe that this is a problem in Indianapolis as well as in the United States.
4. I believe that peaceful protest can bring needed changes in policing practices.
5. Therefore, I thought it was extremely important to add my presence and voice to the peaceful protest that took place in downtown Indianapolis on May 29, 2020.
6. I joined up with a group protesters who marched around downtown, including to the Circle and then in the direction of the Indiana Statehouse.

7. I was among the peaceful group of protesters who assembled near Illinois and Market Streets in downtown Indianapolis.

8. At that time I believe the street had been closed to vehicular traffic.

9. The demonstrators filled the street and sidewalks.

10. Around 9:30 p.m protesters linked arms and faced a number of Indianapolis Metropolitan Police Department (“IMPD”) officers in front of them. I was behind these protesters.

11. I noticed that a number of IMPD officers in vehicles pulled up on the other side of the group so that we were between two groups of IMPD officers.

12. At that point, an IMPD officer, using a bullhorn, announced that this was no longer a lawful protest.

13. No curfew had been established on that date and the officer did not specify what power he, or other officers, had to prevent us from engaging in our peaceful protest.

14. The officer did not tell us how we were to disperse as there were officers in front of us and behind us.

15. Within 60 seconds, IMPD officers proceeded to indiscriminately throw or shoot tear gas canisters at us in the crowd and to also wildly fire pepper-balls at the crowd of protesters.

16. A tear gas canister landed next to me at my feet and I immediately was engulfed by the gas, causing intense stinging and burning in my eyes and causing me to suffer respiratory difficulties.

17. In my efforts to get away I initially ran into a parking garage because I did not know where to go as police were both in front of me and behind me and were shooting or throwing tear gas from both sides.

18. I made my way to my home where I attempted to remedy the pain and discomfort that I was still feeling.

19. Despite the pain and distress I suffered on May 29, I thought it was important on May 30 to return to add my presence and voice to the protests.

20. I participated in a march that ended up near the City County Building in downtown Indianapolis.

21. It was before dark and the crowd was peaceful.

22. At one point we marched north on Alabama Street, past the City County Building and then turned around.

23. Again, I believe the streets where we congregated had been closed to vehicular traffic. There were protesters in the street and there were also people on the sidewalks and in the public places, not the street, adjacent to the City Market.

24. I heard no warnings and I saw nothing that would have given IMPD officers any cause to react at all.

25. Nevertheless, all of a sudden, the crowd was blanketed by tear gas being thrown and shot by IMPD officers. I saw the tear gas and felt its effects.

26. Additionally, pepper balls were shot into the crowd. I saw this.

27. The police detonated stun grenades, which were extremely bright and extremely loud and were terrifying.

28. I and some others ran into the pedestrian walkway that runs between Alabama and Delaware Streets, directly north of the City Market.

29. I stopped for a moment to help protesters who had fallen while trying to get away from the chemical weapons and the stun grenades and who were at risk of being crushed by the crowd that was trying to escape the actions of the police.

30. Even though we were all trying to get away and were now physically removed from the front of the City County Building, IMPD officers followed us into this area and either fired or threw more tear gas canisters at us.

31. I saw a young baby who was obviously suffering the effects of the chemical weapons and was foaming at the mouth.

32. I also saw a person who was in a wheelchair who appeared to have been overcome by the effects of the chemical weapons and who was being attended to by persons who were attempting to function as street medics.

33. Once again, I suffered from the effects of chemical weapons and I went home.


34. Since that time I have attended a few protests, but I have restricted the number of protests I have attended and how long I stayed at the protests because of my fear of once again being exposed to tear gas, pepper spray, and stun grenades. I have also passed up going to protests because of what happened to me and because of what I saw.

35. I would like to be able to return to the protests and rallies without being afraid of being attacked by IMPD officers while I engage in peaceful protest. I am aware that the types of force I note above have been deployed against peaceful protesters in streets, on sidewalks, and in parks, and I am concerned that I will be exposed to this force when I return to peaceful protests no matter where I am physically located.

Verification

I hereby verify, under penalties for perjury, that the foregoing statements are true and correct to the best of my information and belief.

07/08/2020
Date


Bre Robinson

Prepared by:

Kenneth J. Falk
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDY 10 BLACK LIVES MATTER,)	
BRE ROBINSON, ASIAH BASSETT,)	
SHANIECE LEWIS,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:20-cv-01660-JMS-DLP
)	
THE CITY OF INDIANAPOLIS,)	
)	
Defendant.)	

AFFIDAVIT OF ASIAH BASSETT

COMES NOW Asiah Bassett, being first duly sworn upon her oath, and states as follows:

1. I am an adult resident of Marion County, Indiana.
2. On May 30, 2020, I was part of a large group of protesters near the City County Building in downtown Indianapolis protesting systemic racism that affects the actions of the Indianapolis Metropolitan Police Department (“IMPD”) and other police agencies towards persons and communities of color and demanding changes to the IMPD and policing practices in Indianapolis and the United States.
3. The demonstration was entirely peaceful.
4. There were a large number of IMPD officers between the protesters and the City County Building.
5. At one point the protest moved away from the City County Building. However, after the group moved for a short distance, it reversed itself and moved back towards the City County Building.

6. There were no vehicles in the street at that time and I believe that the streets that we had been on and were on had been closed by the police.
7. At that point, without any violence or threat of violence by the assembled protesters, a number of the IMPD officers fired or threw tear gas cannisters into the crowd, causing mass pandemonium. There was no prior warning that tear gas cannisters, other weapons, or force was going to be deployed. The protest was entirely peaceful and it was still light outside.
8. Not only were I and the people around me engaging only in peaceful protest activities, but at the time that the tear gas was deployed, I did not see anyone in the vicinity engaging in looting, property destruction, violence, or any other similar activity.
9. With a friend, I tried to run away from the tear gas and ended up, with approximately twenty or thirty other protesters, in a nearby pedestrian walkway that was relatively free of tear gas. The pedestrian walkway is located directly behind the City Market building between Alabama and Delaware Streets, and is only a short distance from the City County Building.
10. However, as the group of twenty or thirty protesters, including myself, remained in the pedestrian walkway to seek shelter, IMPD officers came up behind us and lobbed tear gas cannisters in front of us. Again, they provided absolutely no warning that they were going to deploy this force and the group of protesters was not engaging in any violent or threatening behavior—we were simply trying to seek shelter from the tear gas.
11. The gas in the pedestrian walkway spread immediately, coating my skin, burning my eyes, and getting into my throat. My friend and I ran through the gas to try to get away from the police. For a few minutes I could not see, and I had difficulty breathing. The tear gas

burned my eyes, my skin, and my throat, and it caused me a great deal of physical discomfort.

12. Since May 30th, I have returned to subsequent protests in the Indianapolis downtown area and will continue to do so as I believe it is immensely important that these protests continue. However, I am extremely concerned that these peaceful protests will again be met with violent reactions by IMPD, and that I will again be subjected to unwarranted and excessive uses of force.
13. I would like to be able to return to the protests and rallies without being afraid of being attacked by IMPD officers while I engage in peaceful protest. I am aware that the types of force I note above have been deployed against peaceful protesters in streets, on sidewalks, and in parks, and I am concerned that I will be exposed to this force when I return to peaceful protests no matter where I am physically located.

VERIFICATION

I hereby verify, under penalties for perjury, that the foregoing statements are true and correct to the best of my information and belief.

7/8/2020

Date

Asiah Bassett

Asiah Bassett, Affiant

Prepared by:

Stevie J. Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDY 10 BLACK LIVES MATTER,)	
BRE ROBINSON, ASIAH BASSETT,)	
SHANIECE LEWIS,)	
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Plaintiffs,)	
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v.)	No. 1:20-cv-01660-JMS-DLP
)	
THE CITY OF INDIANAPOLIS,)	
)	
Defendant.)	

AFFIDAVIT OF SHANIECE LEWIS

COMES NOW Shaniece Lewis, being first duly sworn upon her oath, and states as follows:

1. I am an adult resident of Marion County, Indiana.
2. On May 30, 2020, I participated in a protest rally on Monument Circle in downtown Indianapolis. The rally was organized to protest the systemic racism that affects the actions of the Indianapolis Metropolitan Police Department (“IMPD”) and other police agencies towards persons and communities of color and to demand changes to the IMPD and policing practices in Indianapolis and the United States.
3. I had been participating in this protest rally at Monument Circle for four or five hours before the crowd began marching peaceably towards the City County Building, also in downtown Indianapolis. There were a couple hundred persons participating in the protest at this point, and we were entirely peaceful. It was still light outside when we marched towards the City County Building.

4. After a while, we began to retrace our steps towards Monument Circle. We were met at the intersection of Alabama and Market Streets, immediately east of the City County Building, by IMPD officers in riot gear. IMPD officers were also positioned in front of the City County Building, and some of the IMPD officers had leashed police canines with them.
5. I believe that the streets that we were on had been closed to vehicles.
6. There were persons in the street. But there were also persons on the plaza and walks of the City Market.
7. The assembly of persons was peaceful. It was getting dark. I did not hear any warnings from the police who were assembled there. Instead, IMPD officers began to indiscriminately throw or fire tear gas cannisters into the crowd. Absolutely no warning was provided that the officers were going to deploy tear gas cannisters or other force. Not only were I and the people around me engaging only in peaceful protest activities, but at the time that the tear gas was deployed, I did not see anyone in the vicinity engaging in looting, property destruction, violence, or any other similar activity.
8. A tear gas cannister exploded directly in front of me, causing a great deal of irritation, pain, and distress. The tear gas burned my eyes, my skin, and my throat.
9. I also heard loud explosions that I assume were flash grenades and which were deafening and terrifying.
10. Due to the force deployed by the officers, a friend (who was with me) and I ran down a pedestrian walkway away from the area. The pedestrian walkway was located directly behind the City Market in downtown Indianapolis, a short distance from the City County Building. As we were running away, another tear gas canister exploded a short distance in front of us, even though we were simply trying to leave to protect ourselves. We were

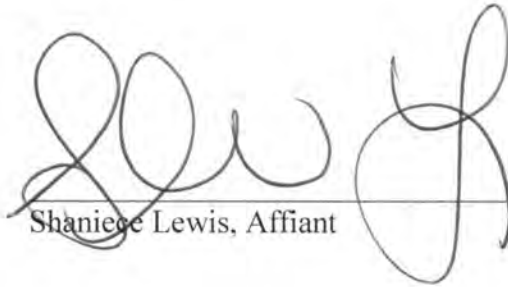
ultimately able to make it away and attempted to alleviate the pain and discomfort by drenching our faces with milk and water.

11. I have been back to other protests since May 30th, and will continue to attend these protests given the overwhelming importance of the message we are spreading. However, I am now extremely reluctant to engage in protest activities in the early evening or night as I believe that this is the time that it is most likely that IMPD officers will react with violence as they did on May 30th.
12. I would like to be able to return to the protests and rallies without being afraid of being attacked by IMPD officers while I engage in peaceful protest. I am aware that the types of force I note above have been deployed against peaceful protesters in streets, on sidewalks, and in a park, and I am concerned that I will be exposed to this force when I return to peaceful protests no matter where I am physically located.

VERIFICATION

I hereby verify, under penalties for perjury, that the foregoing statements are true and correct to the best of my information and belief.

07/08/2020
Date


Shaniece Lewis, Affiant

Prepared by:

Stevie J. Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDY 10 BLACK LIVES MATTER,)	
BRE ROBINSON, ASIAH BASSETT,)	
SHANIECE LEWIS,)	
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Plaintiffs,)	
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)	
THE CITY OF INDIANAPOLIS,)	
)	
Defendant.)	

AFFIDAVIT OF JACOB BOWER-BIR

COMES NOW Jacob Bower-Bir, being first duly sworn upon his oath, and states as follows:

1. I am an adult resident of Marion County, Indiana.
2. On May 30, 2020, I was participating in nonviolent protest activities by joining a mass of people marching northeast along Massachusetts Avenue around 8:00 p.m.
3. We marched through several streets, ending our parade in the area between the City Market and the City County Building. There, I was positioned at the intersection of Market and Alabama Streets.
4. Police officers were arrayed north-to-south along Alabama Street, blocking Market Street. I heard no instruction or communication from police.
5. Those police officers held weapons that I recognized as canister-launchers. Some held large-barrel guns similar in appearance to shotguns, but of larger caliber.
6. I saw someone lob a plastic water bottle into the air in the general direction of the police blockade. The police had no apparent reaction.

7. Two young protesters also in my vicinity ignited a handful of bottle rockets in an upward direction toward the blockade. The police had no visible reaction.
8. Several minutes elapsed while we stood at this intersection, and I heard no instruction or communication from police.
9. Without warning that force would be used, the police launched tear gas canisters into the crowd, and I heard objects bouncing and ricocheting around me.
10. Protesters began a hasty, erratic retreat.
11. I experienced the effects of the tear gas, including burning eyes, difficulty breathing, and disorientation.
12. A few fellow protesters and I attempted to escort from the area people who seemed especially debilitated by the gas and resulting disorder. Many people were directly injured by the gas, and by the tumult it caused, and evacuating protestors blindly collided into one another in their retreat to safety.
13. Police continued to fire additional canisters of tear gas while we attempted to disperse and well after the mass of protestors had scattered.
14. At the time that the tear gas was deployed, I did not see any protesters in the vicinity engaging in looting, property destruction, violence, or any other similar activity.
15. Using the camera on my smartphone, I took photos of the immediate aftermath of the events described in paragraphs 9 through 14. True and correct copies of those photos have been submitted to the Court as.
16. On May 31, 2020, I was participating in planned nonviolent protest activities, including gathering at the War Memorial and marching in the downtown vicinity.

17. As we were marching south on Pennsylvania Street, the police began arraying themselves from east to west across Pennsylvania, blocking our movement.
18. While the group was still a measurable distance from the blockade, the police, without warning or any other order to disperse, launched canisters of tear gas into the crowd, and continued their advance toward the protesters.
19. I suffered the same physical effects from the tear gas that I had the day before.

VERIFICATION

I hereby verify, under penalties for perjury, that the foregoing statements are true and correct to the best of my information and belief.

July 6, 2020
Date

Jacob Bower-Bir
Jacob Bower-Bir, Affiant

Prepared by:

Stevie J. Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202





- UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
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9. We then turned back east, and ran up Alabama Street, through the tear gas, to try to escape.
10. By that time, I was heavily affected by the tear gas, and a friend supported me as I attempted to run.
11. After getting a few blocks away, we stopped, and a volunteer medic approached us with milk to treat our eyes.
12. I then assisted another protester who was overcome with tear gas by helping her with breathing exercises and treating her eyes with milk.
13. Not only were I and the people around me engaging only in peaceful protest activities, but at the time that the tear gas was deployed, I did not see anyone in the vicinity engaging in looting, property destruction, violence, or any other similar activity.
14. I also participated in peaceful protest activities the following day on May 31, 2020.
15. I joined the protest at Monument Circle, and we walked throughout downtown.
16. We ultimately ended up at the intersection of Vermont and Pennsylvania Streets.
17. Police appeared to be blocking traffic at the corner of Vermont and Meridian Streets, so there was no vehicular traffic along the road.
18. An officer then yelled that this was an unlawful protest, because some protesters were in the street.
19. I was standing on the sidewalk at the corner of Vermont and Pennsylvania Streets.
20. After a few minutes, and without further communication, officers fired tear gas into the crowd.
21. We then retreated into University Park.
22. I assisted in treating people who were affected by the tear gas, and handing out water, for approximately fifteen minutes.

23. As we were standing in University Park, police again without warning fired tear gas into the crowd assembled in the park.
24. We wanted to continue our protest activities, but many streets were blocked off by police.
25. We ended up on Delaware Street between Michigan and Vermont Streets, where we were tear gassed a third time, without warning, by police.
26. I would like to be able to return to the protests and rallies without being afraid of being attacked by IMPD officers while I engage in peaceful protest. I am aware that the types of force I note above have been deployed against peaceful protesters in streets, on sidewalks, and in parks, and I am concerned that I will be exposed to this force when I return to peaceful protests no matter where I am physically located.

VERIFICATION

I hereby verify, under penalties for perjury, that the foregoing statements are true and correct to the best of my information and belief.

07/06/2020
Date

Shelby Harper
Shelby Harper, Affiant

Prepared by:

Stevie J. Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDY 10 BLACK LIVES MATTER,)	
BRE ROBINSON, ASIAH BASSETT,)	
SHANIECE LEWIS,)	
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Plaintiffs,)	
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v.)	No. 1:20-cv-01660-JMS-DLP
)	
THE CITY OF INDIANAPOLIS,)	
)	
Defendant.)	

AFFIDAVIT OF SARA LANG

COMES NOW Sara Lang, being first duly sworn upon her oath, and states as follows:

1. I am an adult resident of Marion County, Indiana.
2. On May 31, 2020, I was participating in peaceful protest activities by attending presentations by speakers at Monument Circle in downtown Indianapolis.
3. The Circle was closed to vehicular traffic, and I standing on the sidewalk under some trees.
4. At approximately 4:00 p.m., I heard a garbled announcement from police over a loudspeaker that I could not understand.
5. At that time, I noticed what appeared to be police presence on the tops of nearby buildings.
6. Further loudspeaker announcements stated that we were deemed to be participating in an unlawful assembly, and ordered us to disperse, under the threat of arrest.
7. I attempted to comply by leaving Monument Circle and heading in the direction of the war memorial.
8. But before I could fully comply, police began launching tear gas canisters indiscriminately into the crowd that was assembled near the Circle.

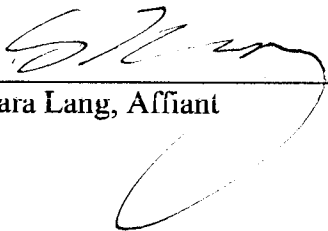
9. I attempted to escape the vicinity of the tear gas, and continued to bike in the direction of the war memorial.
10. After circling nearby streets for approximately an hour, due to road closures by police, I ended up back at Monument Circle.
11. By that time, a different group of protesters had gathered at Monument Circle.
12. Just a few moments after I arrived there, police again lobbed canisters of tear gas into the assembled crowd, including into a group of peaceful protesters representing a local church. I heard no warning or other order prior that event.
13. I helped to direct people who were hit by the tear gas toward volunteer medics.
14. I saw children and a woman in a wheelchair who were affected by the tear gas.
15. Not only were I and the people around me engaging only in peaceful protest activities, but at the time that tear gas was deployed, I did not see anyone in the vicinity engaging in looting, property destruction, violence, or any other similar activity.
16. I was extremely fearful for my safety during these events, and I feared being subjected to violence by law enforcement.
17. In order to feel safe participating in future protests, I felt it necessary to purchase and wear protective gear such as a helmet, gloves, and eye protection.
18. I would like to be able to return to the protests and rallies without being afraid of being attacked by IMPD officers while I engage in peaceful protest. I am aware that the types of force I note above have been deployed against peaceful protesters in streets, on sidewalks, and in parks, and I am concerned that I will be exposed to this force when I return to peaceful protests no matter where I am physically located.

sidewalks, and in parks, and I am concerned that I will be exposed to this force when I return to peaceful protests no matter where I am physically located.

VERIFICATION

I hereby verify, under penalties for perjury, that the foregoing statements are true and correct to the best of my information and belief.

7/6/2020
Date



Sara Lang, Affiant

Prepared by:

Stevie J. Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDY 10 BLACK LIVES MATTER,)	
BRE ROBINSON, ASIAH BASSETT,)	
SHANIECE LEWIS,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:20-cv-01660-JMS-DLP
)	
THE CITY OF INDIANAPOLIS,)	
)	
Defendant.)	

AFFIDAVIT OF CAITLYN PARKER

COMES NOW Caitlyn Parker, being first duly sworn upon her oath, and states as follows:

1. I am an adult resident of Tippecanoe County, Indiana.
2. On May 29, 2020, I was participating in peaceful protest activities to support efforts to hold police accountable for violence against citizens.
3. At approximately, 9:30 p.m. I was walking with a friend on the sidewalk a short distance away from a larger group of protesters.
4. As we continued walking, we saw what appeared to be smoke a short distance in front of us.
5. Then, suddenly, a canister landed approximately 30 feet in front of us, and just in front of another person who was walking.
6. At that point, I realized that the smoke was actually tear gas, and I began to feel the negative effects of the gas, including pain in my nose and chest and difficulty breathing.
7. At this point, because of the haze of the tear gas, it was hard to see what was happening in front of us.

8. After a few minutes, my friend became overcome by the effects of the gas, and we left the area.
9. Two to three days later, I developed contact dermatitis over my neck, arms, and face, and I developed blisters in my mouth from exposure to the chemical weapon. This experience was painful and scary.
10. Not only were I and the people around me engaging only in peaceful protest activities, but at the time that the tear gas was deployed, I did not see anyone in the vicinity engaging in looting, property destruction, violence, or any other similar activity.
11. I would like to be able to return to the protests and rallies without being afraid of being attacked by IMPD officers while I engage in peaceful protest. I am aware that the use of force I note above has been deployed against peaceful protesters in streets, on sidewalks, and in parks, and I am concerned that I will be exposed to this force when I return to peaceful protests no matter where I am physically located.

VERIFICATION

I hereby verify, under penalties for perjury, that the foregoing statements are true and correct to the best of my information and belief.

7/6/20
Date

Caitlyn Parker
Caitlyn Parker, Affiant

Prepared by:

Stevie J. Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDY 10 BLACK LIVES MATTER,)	
BRE ROBINSON, ASIAH BASSETT,)	
SHANIECE LEWIS,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:20-cv-01660-JMS-DLP
)	
THE CITY OF INDIANAPOLIS,)	
)	
Defendant.)	

AFFIDAVIT OF WILLIAM SIPPLE

COMES NOW William Sipple, being first duly sworn upon his oath, and states as follows:

1. I am an adult resident of Marion County, Indiana.
2. On May 30, 2020, I was participating in peaceful protest activities by marching in support of Black Lives Matter against police brutality.
3. Around dusk in the evening, I was at the intersection of Alabama and Market Streets standing on the sidewalk with a large group of fellow protesters.
4. I saw police with riot gear blocking the road in front of our group.
5. We stood there for several minutes, and I did not hear any orders, commands, or other communication from the police.
6. Without warning, I heard a large bang, and then saw smoke rising up from the group of protesters.
7. I realized immediately that this substance was tear gas.
8. The crowd began to scream, and many people attempted to run in the opposite direction.
9. I then heard what sounded like gunshots, and I turned to look for my wife.


10. I then realized that the shots I heard were police shooting pepper balls into the crowd.
11. Throughout this time, police also continued to shoot tear gas canisters into the crowd.
12. Some of those canisters landed next to me.
13. Not only were I and the people around me engaging only in peaceful protest activities, but at the time that the tear gas and pepper balls were deployed, I did not see anyone in the vicinity engaging in looting, property destruction, violence, or any other similar activity.
14. I felt the effects of the tear gas including burning in my eyes, nose, and throat and shortness of breath.
15. Using her smart phone, my wife took several videos of the events described in paragraphs 5 through 13. True and correct copies of those videos have been submitted to the Court as Exhibits to this affidavit.
16. On May 31, 2020, I returned downtown to participate in further peaceful protest activities.
17. At approximately 6:00 p.m., I was marching with a group of peaceful protesters south on Pennsylvania Street.
18. As we approached New York Street, without warning, police officers fired tear gas canisters and pepper balls into the group of protesters.
19. The police corralled us down several streets, and we ultimately ended up at the intersection of Vermont Street and Capitol Avenue.
20. We reached a group of police officers and stopped our movement.
21. Several of the protesters at the front of the group knelt on the ground with their hands in the air, saying, "Hands up, don't shoot."
22. Again I heard no warning or order to disperse, and the police launched tear gas canisters and pepper balls indiscriminately into the crowd in the street and on the sidewalk.

23. They also shot people with pepper balls who were standing peacefully on the sidewalk.
24. I would like to be able to return to the protests and rallies without being afraid of being attacked by IMPD officers while I engage in peaceful protest. I am aware that the types of force I note above have been deployed against peaceful protesters in streets, on sidewalks, and in parks, and I am concerned that I will be exposed to this force when I return to peaceful protests no matter where I am physically located.

Page Break

VERIFICATION

I hereby verify, under penalties for perjury, that the foregoing statements are true and correct to the best of my information and belief.



7.6.20

Date

William Sipple, Affiant

Prepared by:

Stevie J. Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDY 10 BLACK LIVES MATTER,)
BRE ROBINSON, ASIAH BASSETT,)
SHANIECE LEWIS,)

Plaintiffs,)

v.)

No. 1:20-cv-01660-JMS-DLP

THE CITY OF INDIANAPOLIS,)

Defendant.)

AFFIDAVIT OF BRANDON ARBUCKLE

COMES NOW Brandon Arbuckle, being first duly sworn upon his oath, and states as follows:

1. I am an adult resident of Marion County, Indiana.
2. On May 31, 2020, I was participating in peaceful protest activities by joining in marches in the downtown Indianapolis area.
3. Throughout the day as we marched, police would routinely block off nearby streets and intersections, in order to prevent our movement to certain areas.
4. At approximately 6:30 p.m., I was at the intersection of New York and Capitol Streets with a group of protesters chanting “hands up, don’t shoot” while standing on the sidewalk.
5. Any time that the group became stationary, police, dressed in riot gear, would use their vehicles, bikes, and bodies to block intersections and restrain our movement.
6. When we saw police begin to amass at this intersection, we began to retreat away from the intersection toward a large parking lot.

7. At this point, without warning, communication, or any other order to disperse, police began launching tear gas canisters into the streets and onto the sidewalks into groups of protesters.
8. They also launched tear gas canisters over us, in the direction in which we were attempting to retreat.
9. Even after protesters had retreated from the area near the officers, they continued to launch tear gas far afield into groups that had retreated in order to avoid the effects of the tear gas.
10. Using the camera on my smart phone, I took a video of the events described in paragraphs 4 through 9. A true and correct copy of this video has been submitted to the Court as an exhibit to this affidavit.
11. I assisted someone who was experiencing the effects of the tear gas by helping him wash his eyes with water.
12. After reconvening, we headed downtown toward Monument Circle.
13. Monument Circle appeared to be blocked off to vehicular traffic by snow plows. I took a photo of one those plows, and a true and correct copy of that photo has been submitted to the Court as an exhibit to this affidavit.
14. We marched on the sidewalks to the intersection of Washington and Meridian Streets, where we gathered on the northeast and northwest quadrants of that intersection on the sidewalk and the cultural trail.
15. Police cars blocked traffic moving north and south along Meridian Street. I took a picture of the closed traffic on Meridian Street, and a true and correct copy of that photo has been submitted to the Court as an exhibit to this affidavit.

16. We stood there for a few minutes, and as we stood there chanting, again without warning, any order to disperse, or other communication, police began firing tear gas directly into the crowds of people assembled on the sidewalks.
17. I took a video of the events described in paragraph 16, and a true and correct copy of that video has been submitted to the Court as an exhibit to this affidavit.
18. Several active canisters landed right next to me.
19. I could not see, as a result of the effects of the tear gas, and I became afraid for my safety, as people were running, frantically, in order to get away from the tear gas.
20. I experienced other effects of the tear gas, including burning in my eyes, nose, and throat and shortness of breath.
21. As I ran away, I saw some people fall to the ground, and some protesters help other people attempt to escape from the cloud of tear gas.
22. When I arrived at the corner of Illinois and Washington Streets, I attempted to wash the tear gas from my eyes, and I assisted others in doing so.
23. At the times that tear gas was deployed, I did not see anyone in the vicinity engaging in looting, property destruction, violence, or any other similar activity.
24. I would like to be able to return to the protests and rallies without being afraid of being attacked by IMPD officers while I engage in peaceful protest. I am aware that the types of force I note above have been deployed against peaceful protesters in streets, on sidewalks, and in parks, and I am concerned that I will be exposed to this force when I return to peaceful protests no matter where I am physically located.

VERIFICATION

I hereby verify, under penalties for perjury, that the foregoing statements are true and correct to the best of my information and belief.

7/7/2020
Date

Brandon Arbuckle
Brandon Arbuckle, Affiant

Prepared by:

Stevie J. Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202





UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDY 10 BLACK LIVES MATTER,)	
BRE ROBINSON, ASIAH BASSETT,)	
SHANIECE LEWIS,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:20-cv-01660-JMS-DLP
)	
THE CITY OF INDIANAPOLIS,)	
)	
Defendant.)	

AFFIDAVIT OF QUINN KEITEL

COMES NOW Quinn Keitel, being first duly sworn upon his oath, and states as follows:

1. I am an adult resident of Marion County, Indiana.
2. On May 31, 2020, I was riding my bike downtown when I noticed that protest activity was occurring, and I decided to document it using the camera on my smart phone.
3. At approximately 6:00 p.m., I was near the intersection of Pennsylvania and New York Streets on the sidewalk.
4. There was a haze in the air that I understood to be tear gas, and there were tear gas canisters littering the ground.
5. As I was standing on the northeast side of that intersection, I saw a group of protesters walking north up Pennsylvania Street and on the sidewalk.
6. As the protesters arrived at the intersection, police dressed in riot gear launched tear gas canisters into the group, who then dispersed to clear the intersection. I recorded video of a portion of this incident, and a true and correct copy of that video has been submitted to the Court as an exhibit to this affidavit.

7. Police then blocked off the intersection of Pennsylvania and the adjacent sidewalks.
8. I witnessed police arrest at least two people.
9. A white sport utility vehicle then drove up New York Street to the intersection that was blocked by police.
10. The driver of the car honked his horn, appearing to be in approval of or solidarity with the protesters who were gathered on the sidewalks.
11. Some sort of communication occurred between an occupant of the vehicle and police officers who were blocking the intersection.
12. The vehicle then backed up and drove around a few police officers who were stationed in the street.
13. As it drove around those officers, an officer launched a canister of tear gas into the vehicle as it was driving.
14. The vehicle drove through the intersection and ultimately stopped on New York Street just west Massachusetts Avenue.
15. I recorded a video of the events described in paragraphs 9 through 14, and a true and correct copy of that video has been submitted to the Court as an exhibit to this affidavit.
16. A few moments later, I rode my bike to Massachusetts Avenue and saw that the driver of the vehicle had exited the vehicle and was bent over, attempting to catch his breath. He was clearly experiencing extreme discomfort.
17. The vehicle's doors were open, and the vehicle's other occupants were being assisted by bystanders.
18. An adult passenger was lying on the ground.

19. The two child passengers appeared to be under five years of age. The older of the children was bent over, trying to catch his breath. The younger child was being held by an adult person, who may have also been a passenger. Both children were crying. I recorded a video of this, and a true and correct copy of that video has been submitted to the Court as an exhibit to this affidavit.
20. At the time that the tear gas deployments described herein occurred, the protesters were engaging in peaceful protest, and I did not see anyone in the vicinity engaging in looting, property destruction, violence, or any other similar activity.

VERIFICATION

I hereby verify, under penalties for perjury, that the foregoing statements are true and correct to the best of my information and belief.

7/7/2020
Date


Quinn Keitel, Affiant

Prepared by:

Stevie J. Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDY 10 BLACK LIVES MATTER,)
BRE ROBINSON, ASIAH BASSETT,)
SHANIECE LEWIS,)

Plaintiffs,)

v.)

No. 1:20-cv-01660-JMS-DLP

THE CITY OF INDIANAPOLIS,)

Defendant.)

AFFIDAVIT OF ROBERT HART

COMES NOW Robert Hart, being first duly sworn upon his oath, and states as follows:

1. I am an adult resident of Marion County, Indiana.
2. On May 31, 2020, at around 6:00 p.m., I saw a protest occurring in downtown Indianapolis and decided to video record the protest activities using a DJI Mavic Mini, which is a mobile recording device.
3. I flew this device in the area above Pennsylvania Street between Ohio and Michigan Streets.
4. The device captured video, but no sound, of the events unfolding below.
5. I was standing in the vicinity of the device and operating it using a remote control during the time that it was recording.
6. A true and correct copy of the video taken by the device has been submitted to the Court as an exhibit to this affidavit.

VERIFICATION

I hereby verify, under penalties for perjury, that the foregoing statements are true and correct to the best of my information and belief.

07/08/2020

Date

Robert Hart

Robert Hart, Affiant

Prepared by:

Stevie J. Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDY 10 BLACK LIVES MATTER,)
BRE ROBINSON, ASIAH BASSETT,)
SHANIECE LEWIS,)

Plaintiffs,)

v.)

No. 1:20-cv-01660-JMS-DLP

THE CITY OF INDIANAPOLIS,)

Defendant.)

AFFIDAVIT OF PETER OREN

COMES NOW Peter Oren, being first duly sworn upon his oath, and states as follows:

1. I am an adult resident of Monroe County, Indiana.
2. On May 31, 2020, I was participating in peaceful protest activities by providing water and snacks to protesters who marching around downtown Indianapolis.
3. In the late afternoon, protesters were marching south on Pennsylvania near University Park.
4. While near the intersections of Pennsylvania with New York and Ohio Streets, police began firing canisters of tear gas indiscriminately into the protesters.
5. I did not hear any order to disperse or warning prior to this use of force.
6. The protesters retreated north and into University Park, and attempted to treat their exposure to tear gas.
7. After marching several blocks to the intersection of Vermont Street and Capitol Avenue, the police again deployed tear gas into the group of protesters without any warning or order to disperse.


8. I bent down to remove a tear gas canister that had been shot at us, and it was extremely hot and burnt my fingers.
9. Not only were I and the people around me engaging only in peaceful protest activities, but at the times that tear gas was deployed, I did not see anyone in the vicinity engaging in looting, property destruction, violence, or any other similar activity.

VERIFICATION

I hereby verify, under penalties for perjury, that the foregoing statements are true and correct to the best of my information and belief.

7/8/20

Date



Peter Oren, Affiant

Prepared by:

Stevie J. Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDY 10 BLACK LIVES MATTER,)	
BRE ROBINSON, ASIAH BASSETT,)	
SHANIECE LEWIS,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:20-cv-01660-JMS-DLP
)	
THE CITY OF INDIANAPOLIS,)	
)	
Defendant.)	

AFFIDAVIT OF SARA COOKE

COMES NOW Sara Cooke, being first duly sworn upon her oath, and states as follows:

1. I am an adult resident of Marion County, Indiana.
2. On May 30, 2020, I was participating in peaceful protest activities to support Black Lives Matter and to provide medical supplies, if necessary.
3. I arrived downtown at approximately 11:00 a.m. and marched with a group of protesters around the downtown area.
4. At approximately 8:00 p.m., our group was marching in the direction of the City County Building.
5. As we marched up Market Street and reached the intersection of Alabama Street, we were stopped by a police presence that was blocking the intersection using police cars, their bodies, and small "Bobcat"-like utility vehicles.
6. The police were dressed in riot gear and were holding large weapons that I knew to be weapons for launching tear gas canisters.

7. I saw that a water bottle was lobbed from the crowd, upward and in the direction of the police officers. They had no visible reaction that that event.
8. I heard the police announce several times over a loudspeaker that the assembly was unlawful.
9. After approximately five to ten minutes of standing in that location, without warning, the police began to fire tear gas canisters into the crowd, both on the street and in the sidewalks.
10. The tear gas canisters were launched in front of, into, and behind us, so there was no means of escape.
11. I have asthma, and in order to avoid the effects of the tear gas, I attempted to run away.
12. As I ran, I saw a police officer spraying pepper spray into the backs of people who were attempting to leave the area.
13. I ran with a friend to the corner of Pennsylvania and Market Streets, where we stood on the sidewalk and helped to render aid to people who also fled.
14. I assisted a man who had been shot three times in the back with either rubber bullets or pepper balls. He had welts that were larger than a quarter on his back.
15. Police then arrived within a block of where we were standing, and started tear gassing again into Market Street.
16. We were becoming overcome by the tear gas, and we escaped into a nearby parking garage.
17. We went to the fifth floor of the parking garage, where we had a vantage point of the tear gassing that was occurring below.
18. My friend, along with two other individuals in the parking garage, began to record the incidents unfolding on the street outside the parking garage.
19. We were the only individuals on the fifth floor.

20. Police were again tear gassing a group of protesters on all sides, making it impossible for them to escape without travelling through the toxic chemicals.
21. At one point, two police officers on the ground below us looked up and saw these individuals recording the police's activities.
22. One officer then aimed his tear gas launcher at us, and shot a canister of tear gas into the parking garage.
23. It landed at my feet.
24. We were tear gassed particularly badly on that occasion, because most of the exits to the parking garage were closed, and we had difficulty escaping.
25. During this time period, I was suffering from an asthma attack and had to use my rescue inhaler.
26. I would like to be able to return to the protests and rallies without being afraid of being attacked by IMPD officers while I engage in peaceful protest. I am aware that the types of force I note above have been deployed against peaceful protesters in streets, on sidewalks, and in parks, and I am concerned that I will be exposed to this force when I return to peaceful protests no matter where I am physically located

VERIFICATION

I hereby verify, under penalties for perjury, that the foregoing statements are true and correct to the best of my information and belief.

07/08/2020
Date

SARA COOKE
Sara Cooke, Affiant

Prepared by:

Stevie J. Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDY 10 BLACK LIVES MATTER,)	
BRE ROBINSON, ASIAH BASSETT,)	
SHANIECE LEWIS,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:20-cv-01660-JMS-DLP
)	
THE CITY OF INDIANAPOLIS,)	
)	
Defendant.)	

AFFIDAVIT OF RYAN BOWLING

COMES NOW Ryan Bowling, being first duly sworn upon his oath, and states as follows:

1. I am an adult resident of Marion County, Indiana.
2. On May 29, 2020, I was participating in peaceful protest activities to support the Black Lives Matter Movement.
3. At approximately 8:00 p.m., I arrived at Monument Circle to participate in peaceful protest activities.
4. At that time, the Circle was closed to vehicular traffic, but open to the protesters, who were on foot.
5. As I arrived, I saw that a group of protesters was lined up opposite a row of police officers on the east side of the Circle. I positioned myself on the stairs of the Soldiers and Sailors Monument, so my vantage point was above the groups of protesters and police officers below.
6. After approximately 20 minutes, I heard several loud popping and cracking noises.
7. I heard protesters yell "Gas!" and "They're gassing!"

8. I heard no orders, warnings, or other communications from police before this occurred.
9. The protesters then dispersed.
10. Not only were I and the people around me engaging only in peaceful protest activities, but at the time that the tear gas was deployed, I did not see anyone in the vicinity engaging in looting, property destruction, violence, or any other similar activity.
11. I also participated in protest activities on May 30, 2020.
12. From south of downtown, I walked north up Virginia Street, and when I reached the intersection with Maryland/Delaware Streets, I saw that the road had been closed off to vehicular traffic but open to pedestrians.
13. I attempted to enter the Circle from Market Street, but I immediately saw tear gas being deployed against protesters on the Circle.
14. At that time, police were not preventing anyone from entering the Circle—they were continuously lobbing tear gas canisters into the crowd.
15. I eventually was walking with a group of people south on Illinois Street on the sidewalk when a golf cart with four law enforcement officers drove past us, and I witnessed them firing tear gas canisters at pedestrians walking peacefully along the sidewalk.
16. Another member of the group I was walking with took a video of this incident. That video has been submitted to the Court as an exhibit to this affidavit. It accurately depicts what I witnessed.
17. I returned downtown to peacefully protest on May 31, 2020, and I arrived at approximately 4:00 p.m.

18. I was positioned on the sidewalk on the south side of Monument Circle when I saw tear gas canisters being deployed into a small gathering of people who were standing on the south side of the Soldiers and Sailors Monument.
19. I heard no warning or other communication from the police prior to the tear gas being deployed.
20. I was overtaken by the cloud of tear gas, and was treated by a volunteer medic at the Soldiers and Sailors monument.
21. After I was treated, I walked west on Market Street, and witnessed approximately ten police officers on bicycles chasing down and arresting two medics, including the one who had just treated me.
22. I asked the officers why they were arresting the medics, and the officers threatened me that I could be arrested for being within 100 feet of an emergency. I asked them if there was an emergency nearby, and if my First Amendment rights were still in effect. They answered by asking me if I wanted to be arrested, and instructing me to cross the street or leave.
23. I then walked on the sidewalk up Meridian Street, heading north, and was close to University Park and the Indiana War Memorial.
24. As I reached Vermont and Meridian Streets, I saw police officers carrying pepper ball guns and tear gas launchers, marching toward a group of protesters assembled peacefully on the sidewalk.
25. The police then started firing tear gas and pepper balls on that group of protesters, who then attempted to retreat north, to get away from the assault.
26. The police continued firing those weapons at the group as it moved.

27. As protesters broke away from the group to try to escape, police followed them and kept firing.
28. Police fired a tear gas canister at me as I walked north on the sidewalk.
29. Throughout these three days, I suffered the physical effects of tear gas, including burning in my eyes, nose, and throat, and difficulty breathing. It took more than 24 hours for my lungs to stop hurting.
30. I would like to be able to return to the protests and rallies without being afraid of being attacked by IMPD officers while I engage in peaceful protest. I am aware that the types of force I note above have been deployed against peaceful protesters in streets, on sidewalks, and in parks, and I am concerned that I will be exposed to this force when I return to peaceful protests no matter where I am physically located.

VERIFICATION

I hereby verify, under penalties for perjury, that the foregoing statements are true and correct to the best of my information and belief.

7/8/2020
Date


Ryan Bowling, Affiant

Prepared by:

Stevie J. Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDY 10 BLACK LIVES MATTER,)
BRE ROBINSON, ASIAH BASSETT,)
SHANIECE LEWIS,)

Plaintiffs,)

v.)

No. 1:20-cv-01660-JMS-DLP

THE CITY OF INDIANAPOLIS,)

Defendant.)

AFFIDAVIT OF NICHOLAS HOAGLAND

COMES NOW Nicholas Hoagland, being first duly sworn upon his oath, and states as follows:

1. I am an adult resident of Marion County, Indiana.
2. On May 31, 2020, I travelled to downtown Indianapolis to participate in peaceful protest activities.
3. In the late afternoon, I was heading up Washington Street toward the City-County building when I saw a group of peaceful protesters preparing to start a march. I joined up with them.
4. We peacefully marched in the street approximately three blocks north and west to the Indiana War Memorial, just north of University Park.
5. After we reached the park, I saw Indianapolis Metropolitan Police Department officers on foot, in cars, and in other golf cart-style vehicle amassing around us.
6. We began to again march south, but near the intersection of Pennsylvania and New York Streets, police began to fire tear gas canisters into and around our group including into protesters positioned on the sidewalks around the park.

7. I did not hear any order to disperse or any warning that tear gas would be deployed against us.
8. Our group then headed back toward the park, where many of us got down on our knees at the corner of the park, in order to engage in a peaceful, sit-in demonstration.
9. After a short time in the park, we began to march again.
10. After travelling approximately four blocks, we again got down on our knees near the intersection of Capitol Avenue and Vermont Street, where police had blocked our movement.
11. We then began marching south, and after approximately 30 seconds of marching, the police tear gassed us again.
12. After being tear gassed on this occasion, I ran to a safe location to catch my breath and attempt to recover from the effects of the tear gas.
13. Eventually I made my way, with a group, back toward Monument Circle, I believe to the intersection of Washington and Meridian Streets, south of the Circle, where a group of us stood on the sidewalk of Washington Street.
14. I saw a bottle of water being thrown in the direction of the police.
15. We were then again tear gassed by police. At that point, our group ran toward the Circle.
16. We were chased by police to the Circle, continuously being shot with tear gas.
17. Police continued deploying tear gas, even after the Circle was almost empty of people.
18. At that point, I could not stand to see more people running and screaming from fear, and I went home.
19. I recorded video footage of some of the incidents described herein, and true and correct copies of portions of that footage have been included as exhibits to this affidavit.

20. Not only were I and the people around me engaging only in peaceful protest activities, but at all of the times when tear gas was deployed, I did not see anyone in the vicinity engaging in looting, property destruction, violence, or any other similar activity.
21. I experienced burning in my eyes, throat, and lungs as a result of the tear gas, which caused physical pain.
22. I felt sadness and distress at watching the police exercise that type of force against me and the people around me. I also felt fearful for my own safety and the safety of people around me.
23. I would have stayed longer at that protest, but felt it was no longer safe to do so, because of the police activity.

VERIFICATION

I hereby verify, under penalties for perjury, that the foregoing statements are true and correct to the best of my information and belief.

7/7/2020
Date

Nick Hoagland
Nicholas Hoagland, Affiant

Prepared by:

Stevie J. Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDY 10 BLACK LIVES MATTER,)
BRE ROBINSON, ASIAH BASSETT,)
SHANIECE LEWIS,)

Plaintiffs,)

v.)

No. 1:20-cv-01660-JMS-DLP

THE CITY OF INDIANAPOLIS,)

Defendant.)

AFFIDAVIT OF MATTY SLAYDON

COMES NOW Matty Slaydon, being first duly sworn upon his oath, and states as follows:

1. I am an adult resident of Marion County, Indiana.
2. On May 29, 2020, I was participating in peaceful protest activities to support the mission of the Black Lives Matter movement.
3. At approximately 5:00 or 6:00 p.m., I was on Monument Circle helping to organize a group of peaceful protesters who were located adjacent to the Soldiers and Sailors Monument on the inner portion of Monument Circle.
4. At some point that afternoon or evening, police closed off Monument Circle to vehicular traffic, but pedestrians were permitted to stay.
5. I was standing with a group of protesters on the interior sidewalk of the Circle, adjacent to the Soldiers and Sailors Monument.
6. The police formed a line across from the group of protesters, and the two groups kept moving closer to each other.

7. We were peacefully assembled on the sidewalk, where we were permitted to be, and I did not understand why the police were advancing toward us in a menacing manner.
8. I had my arms outstretched to my sides, trying to protect the group of people behind me from the approaching police.
9. Without giving any order, warning, or other communication, a police officer raised a container of pepper spray and sprayed me and other peaceful protesters in the face, from approximately one foot away. An onlooker took a video of that event, which accurately depicts what occurred. A true and correct copy of that video has been submitted to the Court as an exhibit to this affidavit.
10. I moved to the back of the crowd, where I was treated by volunteer medics.
11. After traveling around downtown, a group of protesters eventually ended up near Monument Circle, on a sidewalk on Market Street between Capitol Avenue and the Circle.
12. Without any warning, order to disperse, or other communication, police began firing canisters of tear gas into the group of protesters where I stood.
13. We ran into an alley to attempt to avoid exposure to the tear gas, and a group of police officers saw us and raised their weapons at us. They then lowered them and walked away.
14. On May 30, 2020 I again participated in peaceful protest activities downtown.
15. In the late afternoon, I was standing at the corner of Market and New Jersey Streets.
16. Police had blocked vehicular traffic using their vehicles and officers standing in the roadway.
17. Hundreds of people were present at this time.
18. I was serving as a volunteer medic, and I was wearing a giant red cross on my shirt to identify myself as such.

19. I heard no warning, order to disperse, or any other communication from police, when police began firing tear gas canisters and pepper balls indiscriminately into the crowd.
20. I saw a woman who had been waiting for the bus—not engaged in protest activities—holding a baby who was frothing at the mouth due to inhalation of tear gas.
21. I fell to the ground and felt that I was going to pass out, due to being overwhelmed by the tear gas and unable to breathe.
22. A fellow medic found my inhaler and administered it to me. She then supported me while I walked approximately a half a block away.
23. We encountered two children under the age of ten who had become separated from their parents as a result of the frantic scene caused by the deployment of tear gas and pepper balls.
24. They were suffering from the effects of the tear gas, and we treated both girls.
25. On May 31, 2020, I returned downtown to participate in peaceful protest activities.
26. In the afternoon, I was on the sidewalk near the intersection of Pennsylvania and Vermont Streets handing out medic kits to peaceful protesters.
27. I did not hear any warning or order to disperse, when police began firing tear gas canisters into the crowds of peaceful protesters located both on the sidewalk and in the street.
28. In order to avoid further harm from the tear gas, I left the area.
29. Not only were I and the people around me engaging only in peaceful protest activities, but at all of the times described herein that force was deployed, I did not see anyone engaging in looting, property destruction, violence, or any other similar activity that might have provoked the police's response.

30. I would like to be able to return to the protests and rallies without being afraid of being attacked by IMPD officers while I engage in peaceful protest. I am aware that the types of force I note above have been deployed against peaceful protesters in streets, on sidewalks, and in parks, and I am concerned that I will be exposed to this force when I return to peaceful protests no matter where I am physically located.

VERIFICATION

I hereby verify, under penalties for perjury, that the foregoing statements are true and correct to the best of my information and belief.

07/09/2020

Date



Matty Slayton, Affiant

Prepared by:

Stevie J. Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

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THE CITY OF INDIANAPOLIS,)	
)	
Defendant.)	

AFFIDAVIT OF BRANDON BAKER

COMES NOW Brandon Baker, being first duly sworn upon his oath, and states as follows:

1. I am an adult resident of Monroe County, Indiana.
2. On May 31, 2020, I was participating in peaceful protest activities to support the Black Lives Matter movement.
3. In the early evening, maybe at around 6:00, I was marching with a group of near the Indiana War Memorial on Pennsylvania Street.
4. We marched south on Pennsylvania Street, and I heard no warning from police or order to disperse, when all of the sudden, police began to launch tear gas canisters into the group.
5. Many of us moved into University Park, and I was standing on the sidewalk near the intersection of Pennsylvania and New York Streets.
6. After a few minutes, police, again without warning, launched tear gas canisters into the crowd assembled on the sidewalk in front of the park.
7. One of those canisters hit a fellow protester next to me in the foot.
8. Police threw additional tear gas canisters into our group until we dispersed.

9. We ultimately marched in the direction of the Statehouse, and ended up at the intersection of Vermont Street and Capitol Ave.
10. After standing at that intersection for approximately five minutes, we began to retreat from that area, when police again launched canisters of tear gas.
11. Police gave no warning before they fired tear gas into the group.
12. I ran, in order to avoid the tear gas.
13. After the group reconvened, we headed downtown toward Monument Circle.
14. We marched on the sidewalks to the intersection of Washington and Meridian Streets, where we gathered on the northeast and northwest quadrants of that intersection on the sidewalk and the cultural trail.
15. Police cars blocked traffic moving north and south along Meridian Street.
16. After standing there chanting for a few minutes, I moved with a smaller group in the direction of Monument Circle on Meridian Street.
17. When we arrived at the Circle, we found ourselves in the midst of a church group that was singing and praying, and we positioned ourselves among them on the steps of the Soldiers and Sailors Monument.
18. After a few minutes, I noticed that police were moving closer to us and the church group.
19. Thirty to forty-five seconds later, those officers launched at least three to five canisters of tear gas toward us, and they landed immediately at our feet.
20. One of those canisters landed at the base of a wheelchair that was occupied by a woman who appeared to be one of the church group members.
21. She was surrounded by four young children.

22. I was overtaken by the tear gas and fell to my knees, and another protester had to drag me up the steps of the Monument to get away from the gas.
23. A woman within ten feet of me was using her smart phone to stream online the events described in paragraphs 19 through 21. She and I shared a similar vantage point, and her livestream of those events accurately depicts what I witnessed. A portion of that livestream video has been attached to this affidavit as an exhibit.
24. Not only were I and the people around me engaging only in peaceful protest activities, but at the times that tear gas was deployed, I did not see anyone in the vicinity engaging in looting, property destruction, violence, or any other similar activity.

VERIFICATION

I hereby verify, under penalties for perjury, that the foregoing statements are true and correct to the best of my information and belief.

7/08/2020
Date

Brandon Baker
Brandon Baker, Affiant

Prepared by:

Stevie J. Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDY 10 BLACK LIVES MATTER,)	
BRE ROBINSON, ASIAH BASSETT,)	
SHANIECE LEWIS,)	
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)	
THE CITY OF INDIANAPOLIS,)	
)	
Defendant.)	

AFFIDAVIT OF CHRISTOPHER DANCE

COMES NOW Christopher Dance, being first duly sworn upon his oath, and states as follows:

1. I am an adult resident of Marion County, Indiana.
2. On May 30, 2020, I arrived at Monument Circle at approximately 4:30 p.m. to participate in peaceful protest activities.
3. Those activities continued for several hours peacefully, marching around the downtown area.
4. At approximately 8:00 p.m., we approached the intersection of Alabama and Market Streets.
5. We encountered police cars and police officers that were blocking traffic across Market Street.
6. I noticed that they were pointing at us weapons that looked like some type of launcher, and I know them now to be weapons used for launching tear gas canisters or pepper balls.

7. When we encountered those police cars, I started moving forward toward the front of the group. I ultimately ended up slightly off to one side of the group of people, a distance of approximately three rows back, but with no one directly in front of me.
8. The first row or two of people knelt on the ground and raised their hands in the air.
9. I stayed standing, and had a vantage point of the police activity and the rows of individuals in front of them.
10. The crowd was chanting “Hands up, don’t shoot.”
11. We stayed in this position for approximately fifteen minutes, and there were no communications or orders to disperse issued by the police.
12. I then saw a group of police officers dressed in riot gear, some accompanied by police dogs, run up Alabama Street towards us.
13. When those officers reached approximately one quarter of a block from us, the officers that had been pointing the launcher-style weapons at us began firing tear gas canisters and pepper balls.
14. They fired directly into the people kneeling at the front of the group of protesters.
15. A friend of mine was also attending this protest, and he was positioned slightly to the east of where I was standing. He was approximately ten feet from me, in a diagonal line.
16. Our vantage points were very similar.
17. He captured a digital video of the moment when police first shot into the front rows of protesters.
18. This video accurately depicts what I saw, and what I describe in paragraphs 7, 8, 13, and 14. A true and correct copy of this video has been submitted to the Court as an exhibit to this affidavit.

19. They then fired those weapons all around us, creating clouds of tear gas and pepper spray that completely hemmed us in.
20. There was no way to move without going through those toxic substances.
21. At no point did I hear any communications whatsoever from the police.
22. Tear gas canisters littered the ground by this point.
23. As I tried to leave the area, I was grazed by a pepper ball on my shoulder.
24. Not only were I and the people around me engaging only in peaceful protest activities, but at the time that the tear gas and pepper balls were deployed, I did not see anyone in the vicinity engaging in looting, property destruction, violence, or any other similar activity.
25. I experienced the physical effects of the tear gas, including burning eyes, throat, and mouth.
26. I suffered emotional impact from what I experienced, including fear and anxiety from what I saw the police do.
27. I would like to continue participating in protests, but I feel that I cannot do so out of fear of future violence from law enforcement.

VERIFICATION

I hereby verify, under penalties for perjury, that the foregoing statements are true and correct to the best of my information and belief.

July 9th, 2020
Date

Christopher Dance
Christopher Dance, Affiant

Prepared by:

Stevie J. Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202