

I, **VIRIDIANA HERNANDEZ**, declare and state as follows:

1. I submit this declaration in support of Plaintiffs' Motion for a Temporary Restraining Order in *Puente v. City of Phoenix*, Case No. CV-18-02778-PHX-JJT.

2. The following information is within my own personal knowledge. If called as a witness, I would and could competently testify to the facts stated herein.

3. I am a resident of Phoenix, Arizona.

4. I am the Executive Director of Poder in Action (formerly the Center for Neighborhood Leadership), one of the Plaintiffs in this case. I assumed the position of Executive Director in 2016. Before that, I was the Public Policy Director.

5. Poder in Action is a grassroots nonprofit organization based in Phoenix, Arizona. Poder's mission is to build power with people impacted by injustice through leadership development, civic engagement, and policy advocacy. Poder's work includes advocacy on immigration, education, and police brutality.

6. As part of its work, Poder regularly organizes and participates in protests and political expressive activities in Phoenix to raise awareness on issues impacting black, brown, and migrant communities, including police violence.

7. Throughout my life, I have participated in many protests as an activist and organizer. I've protested to end abusive immigration practices, to stop deportations, to advocate for the end of police violence, to hold elected officials accountable, and to empower black, brown, and migrant communities. In my current role as Executive Director of Poder, I work to help Phoenix residents and their families to create plans to protect themselves against police violence and immigration enforcement, to organize high school students to oppose harsh discipline and policing in schools, and to empower college students who face police harassment and immigration violence because of the color of their skin.

8. Poder helped to organize a large group of supporters, allies, and community members to attend and participate in the anti-Trump protest on August 22, 2017. Poder

was very active in opposing the anti-immigrant policies of former Maricopa County Sheriff Joe Arpaio, and there were rumors that Trump was going to pardon Arpaio for his criminal-contempt conviction during the rally that day. In addition, Poder has been working to combat the many harms caused by the Trump administration's policies targeting and demonizing immigrants, including organizing protests and working with community members on various projects.

9. When Poder learned that Trump planned to visit Phoenix on August 22, 2017, for a campaign-style rally, Poder staff and volunteers communicated with representatives from the Phoenix Police Department regarding logistics to ensure that Poder and its supporters could express their message and that they could do so safely.

10. Poder expended significant time and resources to organize and participate in the protest on August 22, 2017, to convey the message that the racist and anti-immigrant policies of the Trump administration must end. The Phoenix Police Department's violent actions against the peaceful protesters stopped this message from reaching its intended audience.

11. I was present at the protest on August 22, 2017. I attended the protest together with students who are part of Poder's programs. Some of the students' parents expressed concern to me before the protest about whether their children would be safe at the protest. I assured these parents that I would do everything I could to keep their children safe.

12. I remained with the students in the area in front of the Herberger Theater, on Monroe Street between 2nd and 3rd Streets for most of the day. The mood at the protest was peaceful and even joyful for most of the day. Around 7:00 pm, when Trump's rally began and it was getting dark, a good number of demonstrators left the area. Around that time, I also decided to leave the demonstration with the students so that their parents would not worry about them and so that I could ensure their safety. Other staff and

volunteers from Poder remained at the protest and were present when the police attack began around 8:30 pm.

13. The Phoenix Police Department's violent actions on August 22, 2017 protest, and the statements by Chief Williams and City Manager Zuercher endorsing those violent actions, as well as the lack of discipline against officers for their conduct that night, lead me to believe that the Phoenix Police Department will continue to use force against peaceful protesters and members of the public indiscriminately and without warning.

14. As Executive Director of Poder, I feel it is my responsibility to make sure that Poder staff, supporters, and community members, especially students, can stay safe when Poder organizes protests and demonstrations. Based on the Phoenix Police Department's conduct at last year's protest, I have tremendous concerns that future protests organized by Poder will be interrupted by the Phoenix Police Department's indiscriminate use of violence. I fear that peaceful protesters may suffer the loss of their First Amendment rights and also suffer physical injury as a result of the Phoenix Police Department's use of so-called less-lethal weapons, like tear gas, pepper spray, flash-bang grenades, and other weapons. Some people have expressed to me that they are worried for their safety if they attend another protest in Phoenix because they might be harmed by the actions of the Phoenix Police. Some people are too afraid to come to another protest to express their views, and some have expressed hesitation in light of the Phoenix Police Department's actions on August 22, 2017. Based on the indiscriminate violence of the Phoenix Police Department, we must seek reasonable safety precautions in order to provide a reasonable guarantee of safety for our staff, members, and volunteers.

15. The Phoenix Police Department's aggression and violence towards peaceful protesters engaged in the lawful exercise of their First Amendment rights makes me cautious about organizing large protests like the one on August 22, 2017, within the City of Phoenix because I fear I cannot assure protesters and community members that they

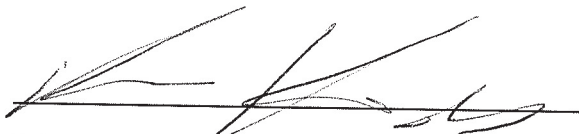
will be safe and will not be subject to unprovoked and unjustified violence at the hands of the Phoenix Police Department.

16. Poder will support other groups planning a demonstration for Trump's next visit to Phoenix, reportedly to be held before the end of September 2018. Because of the Phoenix Police Department's violent actions during Trump's last visit to Phoenix, Poder staff and supporters are cautious about planning a large event like we did last year because we fear that police will again indiscriminately attack peaceful protesters without warning. Thus, we have decided not to ask a large group to protest with us because we fear that it would be unsafe for us and other protesters. We also have been having conversations with people who might want to join in protests about the potential risks, including a possible repeat of the Phoenix Police's

17. When police use violence against peaceful protesters, it makes it harder for me as an activist and organizer to motivate others who agree with Poder's views to join with us to exercise their First Amendment rights. It chills public expression, creates distrust of police in the community, and leads people to not speak out and exercise their First Amendment rights.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on September 14, 2018, in Phoenix, Arizona.

A handwritten signature in black ink, appearing to read 'Viridiana Hernandez', written over a horizontal line.

Viridiana Hernandez