

Anthony D. Prince (SBN # 202892)
General Counsel, California Homeless Union/Statewide Organizing Council
Law Offices of Anthony D. Prince
2425 Prince Street, Ste. 100
Berkeley, CA 94705
Tel: 510-301-1472

Attorneys for Plaintiffs

UNITED STATES COURT

NORTHERN DISTRICT OF CALIFORNIA

SAUSALITO/MARIN COUNTY CHAPTER
OF THE CALIFORNIA HOMELESS UNION
on behalf of itself and those it represents;
ROBBI POWELSON; SHERI I. RILEY;
ARTHUR BRUCE; MELANIE MUASOU;
SUNNY JEAN YOW; NAOMI
MONTEMAYOR; MARK JEFF; MIKE
NORTH; JACKIE CUTLER and MICHAEL
ARNOLD on behalf of themselves and
similarly situated homeless persons,

Plaintiffs

vs.

CITY OF SAUSALITO; MAYOR JILL
JAMES HOFFMAN; POLICE CHIEF JOHN
ROHRBACHER; CITY MANAGER
MARCIA RAINES; DEPT. OF PUBLIC
WORKS SUPERVISOR KENT BASSO,
individually and in their respective official
capacities,

Defendants.

Case No.: 3:21-cv-01143-EMC

**DECLARATION OF ROGER
POWELSON IN SUPPORT OF
PLAINTIFFS' MOTION FOR AN ORDER
TO SHOW CAUSE WHY DEFENDANTS
SHOULD NOT BE HELD IN CONTEMPT
AND FOR MODIFICATION OF
PRELIMINARY INJUNCTION**

Date: December 9, 2021

Time: 1:30 pm

Courtroom: 5-17th Floor

Courtroom: Zoom Videoconference

Judge: Hon. Edward M. Chen

DECLARATION OF ROGER POWELSON

I Roger Powelson do declare:

1. I am a resident of Sausalito, a Vietnam veteran and the father of Robbie Powelson,
President of the Sausalito/Marin County chapter of the California Homeless Union.

- 1
2 2. On November 23, 2021, I had just gotten out of a doctor's appointment in San Rafael
3 when I got a collect call from the Marin County Jail. It was my son, Robbie who had
4 earlier been arrested for camping. I met him outside, and we waited a few minutes for
5 Holly Wild, who had also been arrested with Robbie, before we went down to Sausalito.
6 We stopped at Marinship and Robbie got out looking for Holly's dog and car keys which
7 had been left with a friend but couldn't locate him. We continued to downtown Sausalito.
8
- 9 3. When we arrived, I saw a parking enforcement officer and a tow truck coming down one
10 of the streets and Holly and Robbie started shouting they were about to tow Holly's car.
11 They jumped out of the car while it was still moving to intercede. I pulled over to the
12 parking space directly adjacent to where Holly and Robbie were trying to save Holly's
13 vehicle. The meter maid was on one side, and the tow truck was on the other side trying
14 to get the vehicle hooked up. Sausalito Police Officers Georges and White were on the
15 sidewalk yelling at us, saying "you don't need to be here" and to "get out." I gave my
16 phone to my son so he could record the incident.
17
- 18 4. Suddenly, one officer yelled "Where did Robbie get the camera?" and I very politely
19 raised my hand and locked eyes with Officer Georges and said, "I'm Robbie's dad."
20 Georges then came over to my car window and said, "Are you proud to have a son like
21 Robbie, who is such a disgusting human being?" I told him, "I don't want you talk that
22 way about my son, that's not respectful." Georges then put his hands through the open
23 car window in a threatening manner and said, "Would you like to step outside and stop
24 me?" I remained calm, careful not to be provoked.
25
- 26 5. At that moment Robbie showed up and said, "Get the f--k away from my dad, get your
27 hands the hell off his car." Georges stood up to face my son and said, "Why shouldn't I
28 talk to him?" Robbie said to Officer Georges, "Did you like choking me out earlier, do

1 you want to do it again?" Robbie was referring to his own earlier arrest when he was
2 choked by Officer Georges, the arresting officer. I said, "You just called my son a
3 disgusting human being, and then you threatened me to get out of my car and 'do
4 something about it'."

- 5 6. As a Vietnam veteran I am familiar with homelessness and support the Homeless Union.
6 I have personally observed numerous Sausalito officers, including Officers Georges,
7 White, Edgar Padilla, Stacey Gregory and others as they constantly harass and intimidate
8 the residents of the Marinship encampment, including my son and other leaders of the
9 Homeless Union.
10

11
12 Dated: December 1, 2021

/s/ Roger Powelson

13 Executed at Sausalito, CA
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2 choked by Officer Georges, the arresting officer. I said, "You just called my son a
3 disgusting human being, and then you threatened me to get out of my car and 'do
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7 White, Edgar Padilla, Stacey Gregory and others as they constantly harass and intimidate
8 the residents of the Marinship encampment, including my son and other leaders of the
9 Homeless Union.
10

11 I swear and affirm under penalty of perjury under the laws of the United States of America
12 and the State of California that the foregoing is a true and correct statement based on
13 personal knowledge and otherwise on information and belief.
14

15 Dated: December 1, 2021

/s/ Roger Powelson

16 Executed at Sausalito, CA
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19 vs.

20 CITY OF SAUSALITO; MAYOR JILL
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22 ROHRBACHER; CITY MANAGER
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24 WORKS SUPERVISOR KENT BASSO,
25 individually and in their respective official
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27 Defendants.

Case No.: 3:21-cv-01143-EMC

**SUPPLEMENTAL DECLARATION OF
HOLLY WILD IN SUPPORT OF
PLAINTIFFS' MOTION FOR AN ORDER
TO SHOW CAUSE WHY DEFENDANTS
SHOULD NOT BE HELD IN CONTEMPT
AND FOR MODIFICATION OF
PRELIMINARY INJUNCTION**

Date: December 9, 2021

Time: 1:30 pm

Courtroom: 5-17th Floor

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Judge: Hon. Edward M. Chen

SUPPLEMENTAL DECLARATION OF HOLLY WILD

I, Holly Wild, hereby declare:

1. I am a 57-year old disabled veteran of the United States Air Force who served as a jet mechanic, and currently a resident of the Marinship Park homeless encampment. On September 10, 2021, I was the victim of an assault when Michael McKinley, a civilian employee of the Sausalito Police Department, threw rocks at me then threatened and stalked

1 me. He was put on administrative leave, but the responding police officers, Padilla and
2 White refused to take a complaint or even talk to me. The same thing happened at the police
3 station. I finally wrote my own report. I then got help from the Homeless Union to go to a
4 motel for two weeks because I did not feel safe at Marinship Park. Officers Padilla and
5 White remain on duty at the park and no internal investigation of them has taken place. I
6 finally did return to the camp where Union members have tried to protect me.

7
8 2. Since the incident, which was widely reported in local media, I have been targeted by police,
9 especially since Marinship was flooded and contaminated after the storm of October 23-24,
10 2021. Because I have numerous medical disabilities, including chronic obstructive
11 pulmonary disease (COPD) and emphysema, the park is a threat to my health, and I have
12 been forced to camp at other locations where I have been ordered to leave by police,
13 including during the daytime when I thought we were allowed to camp on public property.
14 Police have damaged my tent, towed my vehicle and arrested me. During the most recent
15 arrest, police seized my purse, backpack and other items including medical and legal
16 documents, my COPD and emphysema medication and emergency albuterol inhalers. Police
17 held these items supposedly as evidence, but when the Union helped me retrieve them, the
18 medications and other necessities were missing.

19
20 3. On November 22, 2021, I arrived to camp at downtown parklet at Sausalito with Tim
21 Logan, Jeff Chase, and Robbie Powelson. I came because I both needed a place to sleep
22 because I am experiencing homelessness, and because I was protesting the mistreatment of
23 homeless people in Sausalito. I was appalled that the city was withholding their soil tests
24 about the contamination of soil at Marinship, the forcing of people to camp in the toxic soil,
25 and now the planned internment of the camp into the 20-foot caged fenced in area at the
26 tennis courts. I was also raising awareness about police violence against the unhoused,
27 which I have been a victim of.
28

- 1 4. We set up camp and set up protest signs at Sweeny Park in front of City Hall in the evening.
2 During the night I was woken up two times by Officer Mathers who did not have anything to
3 offer. He told me they had shelters but that they would not allow my service dog “Blue
4 Bayou”.
- 5 5. In the morning I made everyone coffee for everyone and cream of wheat with real butter
6 using my butane fired stove. We were protesting when Sausalito city employee Kent Basso
7 told us that they were scheduled to mow the lawn. We accommodated them and moved our
8 tents. Tim Logan, Robbie Powelson and Jeff Chase –all Homeless Union officers - helped
9 me move my things.
- 10 6. I later moved my tent off of the grass an into a mulch area under a tree. While I was moving
11 my possessions, I turned around and saw that police officers were breaking down my tents
12 taking the poles out of my tent, collapsing it and taking my personal items out of my tent.
13 This was daytime when we are allowed to camp according to the preliminary injunction. I
14 told Officer Georges and Officer White breaking down my camp to stop, that I would move
15 my things to my car which was parked less than 20 yards away. They were very intimidating
16 and said it was “too late” for me to take my things to my car because it was now evidence
17 now.
18
- 19 7. Nick White was grabbing my poles, and he broke the poles of my tent yanking it out of the
20 sleeves from. Another police officer, I believe named Smagalsk, approached and was trying
21 to me in kind of a respectful manner, but Officer Nick White told him to “stop debating” and
22 just arrest me. Then Nick White went over to my car and took a rake and a tarp to their
23 truck. Then Officers Georges, Smgalski, and White circled me and my service dog who
24 began to shake like a leaf with fear. I was afraid the police would provoke a situation where
25 they might hurt or ultimately have my dog killed.
26
27
28

- 1 8. Officer Smgalski was still trying to talk with me when Officer Nick White suddenly grabbed
2 my arm and began twisting it which caused much pain. Robbie Powelson raised his voice,
3 telling White to stop. White let me go, but grabbed and arrested Robbie. Officer Thomas
4 Georges tarted choking Robbie despite that Robbie was complying. I heard Robbie gasping
5 and saying, "Do you like me choking me, Georges?" as they took him over to the police car.
6
7 9. As they took Robbie away, I got up and I tried to start moving my tent to my car but before I
8 could do that, the police threw it and everything in it into their truck even though I was
9 telling them that I needed essential items and medicine and my phone. As person with
10 COPD and emphysema, not having my inhaler could be life-threatening should I experience
11 an acute respiratory attack and unable to breathe. For this reason, I tried to get my things out
12 of the bed of the truck. That's when they said, "get down, you're under arrest." So, I got
13 down and was arrested. I am charged with illegal lodging but two others who were also
14 camping in the same area were not charged with illegal lodging.
15
16 10. Robbie's father, Roger Powelson, picked both me and Robbie up after we were released
17 from jail. We drove to where I had left my car. When we showed up, I saw a parking meter
18 maid in a small vehicle with flashing yellow lights next to my car. The meter maid was
19 present when I was arrested earlier in the day. Despite my protests, the car was towed.
20
21 11. Officers White, Georges, and Smgalski then arrived and surrounded the car. They said my
22 car was un-registered and had been unregistered for 6 months. These police – especially
23 Nick White - have seen my car many times for months and months, as they have been at
24 Marinship Park almost every day with me driving it in and out of the parking lot for which I
25 hold a parking permit. But nothing was ever said or done about it until after I filed my
26 criminal complaint after the rock-throwing incident and since I have had to camp outside of
27 Marinship park in order to avoid the contamination that would aggravate my respiratory
28 conditions.

1 12. I went to my car, since now, that was the only place I could go to be safe and have a roof
2 over my head since police had taken my tent and Marinship park was contaminated. They
3 towed my car and it is still impounded. I cannot afford to get it out.

4 13. Since police had taken all of my personal possessions, Robbie spoke with Officer Georges
5 telling him that he needed to release my medication and my survival gear because I have
6 nothing. But he said there were three types of evidence, the stuff that had been thrown away,
7 the stuff being kept for criminal prosecution, and the stuff that I could pick up on Tuesday
8 from the evidence technician. That was one week away from the day they seized my
9 possessions, including my inhalers and other meds which police later admitted they lost.

10 14. Robbie tried to get a tent for me, but Officer Georges refused to provide one. Then Robbie
11 got a hotel room donated and he and I split a room in Corte Madera in the night. During that
12 night, around 11pm, I had a horrible coughing fit due to COPD and emphysema and I did
13 not have my prescribed albuterol inhaler. After 4 or 5 minutes of hard coughing I felt my
14 lungs beginning to fail and it became harder and harder to breathe. I was able to get some
15 relief, because in the hotel room I was able to get a hot shower and lots of steam to
16 temporarily relax my throat and lungs, but as my condition worsened Robbie had to drive
17 me to the Emergency Room where they gave me an EKG, took X-rays and provided me
18 with replacement albuterol inhalers.

19 15. Attached hereto as Exhibit A are true and correct copies of email correspondence between
20 the City, Robbie Powelson and Union Attorney Anthony Prince regarding the seizure and
21 loss of personal items, including my medication, by police.

22 I swear and affirm under penalty of perjury under the laws of the United States of America and t
23 State of California that the foregoing is a true and correct statement based on personal
24 knowledge and otherwise on information and belief.

25 Dated: December 2, 2021
26 Executed at Sausalito, CA

27 /s/ Holly Wild
28

Exhibit A

Exhibit A

RE: Seizure of medical devices, medicine and other personal items from Holly Wild

From: Anthony Prince (princelawoffices@yahoo.com)

To: jrohrbacher@sausalito.gov; mwagner@sausalito.gov; afriedman@sheppardmullin.com

Cc: czapata@sausalito.gov; robbiepowelson@gmail.com

Date: Wednesday, November 24, 2021, 05:21 PM PST

This is outrageous. We will try to get a prescription for the albuterol inhaler and the other medication. City will be held fully accountable.

[Sent from Yahoo Mail on Android](#)

On Wed, Nov 24, 2021 at 5:15 PM, John Rohrbacher
<JRohrbacher@sausalito.gov> wrote:

Good Afternoon,

We met with Mr. Powelson and returned Ms. Wild's papers and backpack (with contents).

Our team did not locate her inhalers which she reported to Mr. Powelson were in a bright colored shoulder bag. We did not locate that bag in our PD property and evidence lockers.

The arresting officers are not on-duty today but we have reached out to them to see if they recall seeing that shoulder bag. We are waiting for return phone calls from them.

John

From: Anthony Prince <princelawoffices@yahoo.com>

Sent: Wednesday, November 24, 2021 3:46 PM

To: Mary Wagner <MWagner@sausalito.gov>; Arthur Friedman <afriedman@sheppardmullin.com>

Cc: John Rohrbacher <JRohrbacher@sausalito.gov>; Chris Zapata <czapata@sausalito.gov>; Robbie .Powelson <robbiepowelson@gmail.com>

Subject: RE: Seizure of medical devices, medicine and other personal items from Holly Wild

I have authorized Robbie Powelson to retrieve Ms. Wild's possessions before 5:00 pm. He will be at the police station shortly.

Anthony Prince

[Sent from Yahoo Mail on Android](#)

On Wed, Nov 24, 2021 at 3:06 PM, Mary Wagner
<MWagner@sausalito.gov> wrote:

Mr. Prince,

There is a typo in the email below. The Chief if available up until 5pm today. Not 2pm as indicated below.

Mary

From: Mary Wagner

Sent: Wednesday, November 24, 2021 2:59 PM

To: Anthony Prince <princelawoffices@yahoo.com>; Arthur Friedman <afriedman@sheppardmullin.com>

Cc: John Rohrbacher <JRohrbacher@sausalito.gov>; Chris Zapata <czapata@sausalito.gov>

Subject: RE: Seizure of medical devices, medicine and other personal items from Holly Wild

Mr. Prince,

The Chief of Police, John Rohrbacher, is available to meet with Ms. Wild at the Sausalito Police Station up until 2pm. If the Police have items such as you describe below with the exception of the a tent, tarp, pillow, and bedding, that belong to Ms. Wild they will be returned. If Ms. Wild is not available to meet with the Chief today he will make himself available to meet with Ms. Wild at the Police Department at another mutually agreeable day and time other than tomorrow, November 25th.

Please advise.

Mary

Mary Anne Wagner
City Attorney, City of Sausalito

From: Anthony Prince <princelawoffices@yahoo.com>

Sent: Wednesday, November 24, 2021 7:56 AM

To: Arthur Friedman <afriedman@sheppardmullin.com>; Mary Wagner <MWagner@sausalito.gov>

Cc: Robbie .Powelson <robbiepowelson@gmail.com>

Subject: Seizure of medical devices, medicine and other personal items from Holly Wild

Counsel: My client has provided the following list of some of the items that were seized by police and are being wrongfully withheld for examination as evidence.

Two prescription albuterol inhalers for chronic obstructive pulmonary disease -- COPD -- and emphysema; medical and dental records;

Hygiene, food and essential personal transportation items including anti-bacterial and anti-viral sanitizing wipes for protection from COVID-19 and other transmissible diseases; soap, clothing including pants, shirts, coffee, butter, bacon, salt, a sandwich; shoes and forty dollars cash with which she purchases food and other necessities.

Essential survival items including her tent, tarps, pillow and bedding.

Essential documents and I.D. items: social security card, DMV certificates and confidential, protected medical and legal documents, including documents pertaining to the assault on Mr. Wild by police department employee Michael McKinley and the ongoing criminal investigation regarding said assault; photographic evidence and confidential communications with counsel on her cell phone, which is also being withheld. Deprived of her cell phone, she is unable to make emergency or other calls for medical emergencies or other purposes relating to her physical well-being.

By depriving my client of the above-listed items, particularly her albuterol inhalers, the City is putting her life at risk should she experience difficulty in breathing as the result of her COPD and emphysema.

Accordingly, the City must immediately return the above-listed items and all others currently being withheld by the Sausalito Police Department.

Anthony Prince,
Attorney for Holly Wild

RE: Seizure of medical devices, medicine and other personal items from Holly Wild

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To: princelawoffices@yahoo.com; mwagner@sausalito.gov; afriedman@sheppardmullin.com

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18 Plaintiffs

19 vs.

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21 JAMES HOFFMAN; POLICE CHIEF JOHN)
22 ROHRBACHER; CITY MANAGER)
23 MARCIA RAINES; DEPT. OF PUBLIC)
24 WORKS SUPERVISOR KENT BASSO,)
25 individually and in their respective official)
26 capacities,)

27 Defendants.

Case No.: 3:21-cv-01143-EMC

DECLARATION OF CLARENCE J. WERTZ IN SUPPORT OF PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE WHY DEFENDANTS SHOULD NOT BE HELD IN CONTEMPT AND FOR MODIFICATION OF PRELIMINARY INJUNCTION

Date: December 9, 2021

Time: 1:30 pm

Courtroom: 5-17th Floor

Courtroom: Zoom Videoconference

Judge: Hon. Edward M. Chen

DECLARATION OF CLARENCE J. WERTZ

28 I Clarence J Wertz do declare:

1. I am a homeless resident of the Marinship Park encampment. Since there is no safe place for us to go since the storm, I have no choice except to stay here although it there is standing water and bad smells and a lot of people I know are getting sick from it.

- 1 2. On Thursday, November 24, 2021, I spoke with Mike Cherveni and Joseph, both employed
2 by Urban Alchemy, the City's contractor for "services" in Marinship Park.
- 3 3. Since my tent and other items were destroyed in the storm and the City has not provided any
4 replacement tents or tarps, I needed some covering and had noticed a tarp in the dumpster
5 and took it. I noticed that the tarp was oily and damp so I went and washed it off using the
6 garden hose in the middle of the camp. I kept working and cleaning the tarp and then put it
7 back in my camp.
- 8 4. The next day my hand was burning really badly. Michael Cherveni of Urban Alchemy said
9 that they were pouring fire retardant on items in the dumpster to stop people from retrieving
10 them. From this I realized that I had gotten a chemical burn.
- 11 5. Even though I washed my hand thoroughly, it continued to burn and cause me great pain
12 especially around my thumb until it got so bad my thumbnail fell off due to the chemical
13 burn. Attached hereto as Exhibit A is a true and correct copy of photographs depicting my
14 chemical burn injuries.
- 15 6. I think it's bad that Urban Alchemy has been pouring fire retardant on items in the dumpster.
16 The dumpster is not covered and a lot of people here, especially since the storm, have taken
17 tarps, plastic sheets, damaged tents, blankets, and other items out of the dumpster that they
18 need in order to survive.

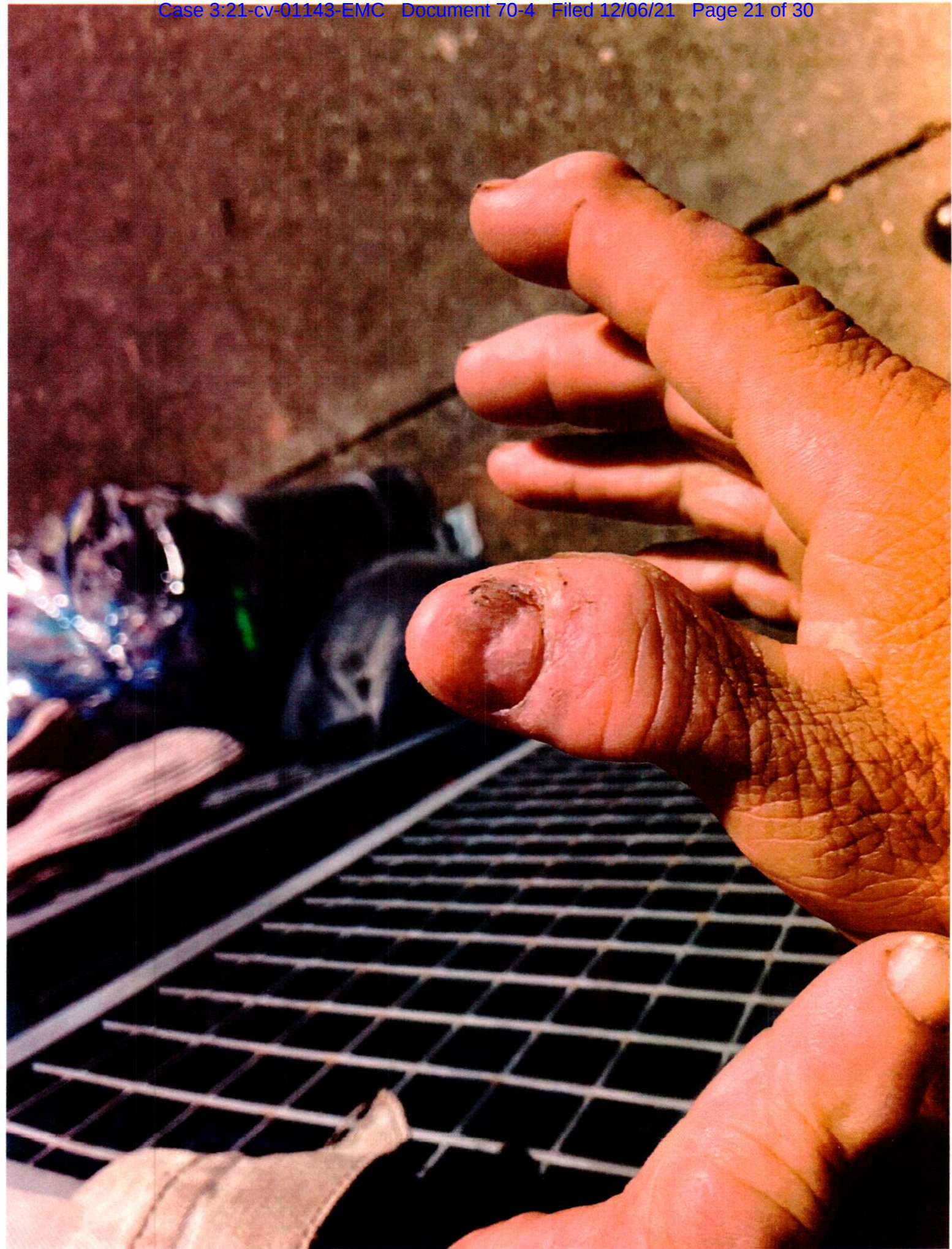
19
20
21 I hereby swear and affirm under penalty of perjury under the laws of the United States of
22 America and the State of California that the foregoing is a true and correct statement based
23 personal knowledge and otherwise on information and belief.

24 Dated: December 2, 2021

/s/ Clarence J. Wertz

25 Executed at: Sausalito CA
26
27
28

Exhibit A





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2 General Counsel, California Homeless Union/Statewide Organizing Council
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19 vs.

20 CITY OF SAUSALITO; MAYOR JILL)
21 JAMES HOFFMAN; POLICE CHIEF JOHN)
22 ROHRBACHER; CITY MANAGER)
23 MARCIA RAINES; DEPT. OF PUBLIC)
24 WORKS SUPERVISOR KENT BASSO,)
25 individually and in their respective official)
26 capacities,)

27 Defendants.

Case No.: 3:21-cv-01143-EMC

**DECLARATION OF JEFF JACOB
CHASE IN SUPPORT OF PLAINTIFFS'
MOTION FOR AN ORDER TO SHOW
CAUSE WHY DEFENDANTS SHOULD
NOT BE HELD IN CONTEMPT AND
FOR MODIFICATION OF
PRELIMINARY INJUNCTION**

Date: December 9, 2021

Time: 1:30 pm

Courtroom: 5-17th Floor

Courtroom: Zoom Videoconference

Judge: Hon. Edward M. Chen

DECLARATION OF JEFF CHASE

I Jeff Chase, do declare:

1. I am a homeless resident of the Marinship Park encampment and an officer in the Sausalito Homeless Union.

- 1 2. On or about December 1, 2021, I was in the parking lot area of Marinship Park when I
2 observed Sausalito police approach and come toe to toe with photojournalist Jeremy Portje
3 who had his professional video camera on his shoulder and was shooting footage for a
4 documentary film he is making on homelessness in Marin County. Among other things, I
5 witnessed one of these same officers, Thomas Georges, knock Mr. Portje's video camera to
6 the ground where it was damaged. I am also aware that at another campsite, this same
7 Officer choked our Union President Robbie Powelson and later called him a "disgusting" in
8 a confrontation with Robbie's father, Roger Powelson during which Officer Georges was
9 provoking and threatening to physically fight the elder Powelson.
10
- 11 3. I have read the account of Mr. Portje's arrest by Pacific Sun reporter Nikki Silverstein and
12 can say that her report is consistent with what I observed that day. Attached hereto as
13 **Exhibit A** is a true and correct copy of the Pacific Sun story.
14
- 15 4. Mr. Portje is well-known to us and to the Sausalito Police. Just days before his arrest, I am
16 aware that he had made a public records request for the bodycam videos of the arrest of
17 Holly Wild. The same three officers whose body cam footage he requested were the same
18 three involved with the arrest of Mr. Portje that I observed.
19
- 20 5. Mr. Portje has spent weeks in the Sausalito encampments both at Dunphy and Marinship
21 Park interviewing the homeless and covering both public and non-public meetings of the
22 Sausalito Homeless Union and its leadership. The footage of these meetings, his interviews
23 and his documentation of encounters—including physical encounters – between the
24 homeless and City officials including police officers

25 I hereby swear and affirm under penalty of perjury under the laws of the United States of
26 America and the State of California that the foregoing is a true and correct statement based
27 personal knowledge and otherwise on information and belief.

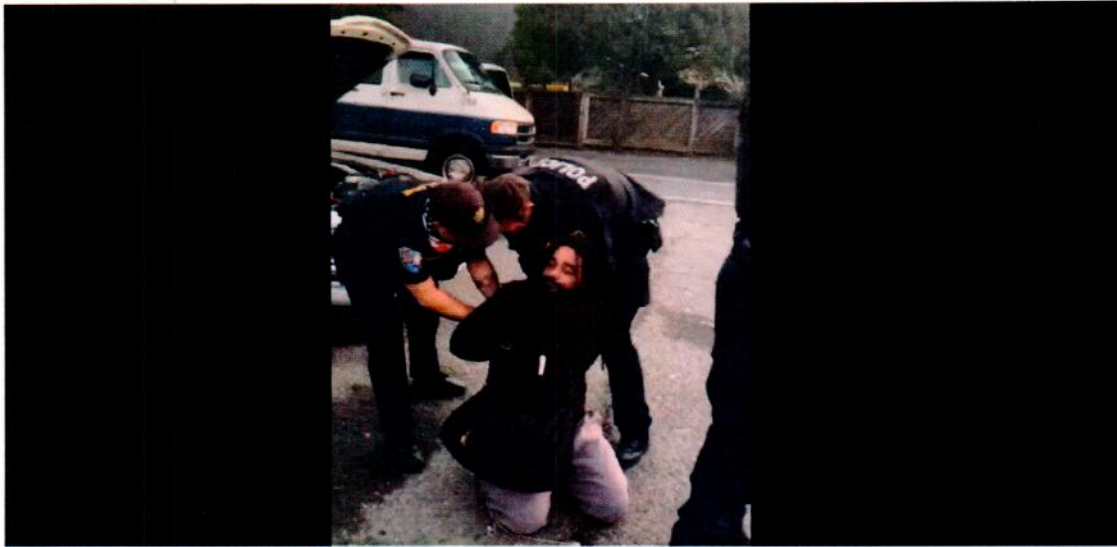
28 Dated: December 3, 2021

/s/ Jeff Jacobs Chase

Executed at Sausalito, CA

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Exhibit A



Screenshot from video by Emilio Pineda.

Sausalito Police Arrest Freelance Journalist Covering Homelessness

By Nikki Silverstein

Dec 3, 2021

Sausalito police officers arrested a Marin photojournalist while he was working at a homeless encampment in Marinship Park on Monday evening, according to interviews with camp volunteers and residents, and a video of the arrest.

Jeremy Portje, 43, was filming at the encampment, which is located on public property, when he was arrested. An experienced photojournalist, Portje is working on a documentary about homelessness in Marin County. Police confiscated Portje's camera and gear at the time of the arrest.

Though the circumstances leading up to the arrest remain somewhat unclear, an attorney with the First Amendment Coalition, a press freedom advocacy group, said that any arrest of a journalist doing their job is cause for concern.

Luis, a volunteer at the encampment who requested that his last name not be used, said he saw the arrest and the incidents preceding it. As Luis stood on the sidewalk near the parking area at [Marinship Park](#), he noticed an officer following Portje. When the journalist set up his camera and began filming, the officer stood directly in front of the camera.

An encampment resident who also witnessed the altercation, Jeff Jacobs, believes Officer Nick White blocked the camera; however, Luis said it was Sgt. Thomas Georges. Both Jacobs and Luis said that Georges, without provocation, grabbed Portje's camera. In doing so, Georges appeared to accidentally hit himself in the chin or chest with the piece of equipment, according to Luis.

"The officer reacted to the camera hitting him," Luis said. "He started punching Jeremy."

Portje attempted to block the blows by placing his arms over his head. Georges then grabbed Portje's arms, and forced the journalist to his knees on the pavement, according to Luis. Another officer assisted in cuffing Portje, while a third officer stood by, a video of the arrest shows.

Jacobs identified the third officer involved as Sean Smagalski.

Luis and Jacobs agree that at some point during the clash, Georges threw the journalist's camera to the ground.

Georges was injured, Sausalito Mayor Jill Hoffman said in a brief email response.

Jacobs said Sausalito Police Chief John Rohrbacher pointed out a small scrape above Georges' eye just after Portje's arrest.

The Marin County Jail booking log shows two charges against Portje, a misdemeanor and a felony. However, Hoffman said there are three charges, including battery on a police officer, battery on a police officer requiring medical attention and resisting a law enforcement officer with violence. The Marin County District Attorney has not yet determined whether to press charges against Portje.

Portjes spent Monday night in jail and was released Tuesday morning on \$15,000 bail, according to Charles Dresow, a criminal defense attorney who is representing Portjes.

The arrest comes at a time of rising tensions between encampment residents and the police, leading some to speculate that Portjes' arrest was a form of retribution.

Georges, White and Smagalski are the same three officers who arrested two homeless people for camping in a downtown public park two weeks ago. Portjes recently made a public records request for the three officers' body camera footage from that arrest.

While Dresow won't comment yet on the motive of Portje's arrest, he is disturbed about the implications of arresting a journalist while he was doing his job. Of equal concern is the seizure of Portje's equipment, which contains the video of the police actions on the day of the altercation.

"My journalist client ended up on the ground," Dresow said. "It's clear the Sausalito police used force to arrest a journalist. To say this is an outrage of constitutional proportions is an understatement."

Glen Smith, litigation director of the [First Amendment Coalition](#), a San Rafael-based nonprofit which seeks to protect journalists and win access to public records, agrees.

“Anytime a journalist is arrested and has their equipment seized, it’s a matter of grave concern to the First Amendment Coalition and other journalist organizations and civil rights organizations,” Smith said.