

September 20, 2017

DELIVERED VIA CERTIFIED MAIL AND EMAIL

Chief Gordon Ramsay
Wichita Police Department
455 N. Main St.
Wichita, KS 67202
policeweb@wichita.gov

Sheriff Jeff Easter
Sedgwick County Sheriff's Office
141 W. Elm St.
Wichita, KS 67203

Colonel Mark Bruce
Kansas Highway Patrol
122 SW. 7th St.
Topeka, KS 66603
khp.info@ks.gov

Dear Chief Ramsay, Sheriff Easter, and Colonel Bruce,

Muslim Advocates, a national civil rights organization, has been retained by Mr. Sattar Ali and his family in connection with the events that occurred on September 6, 2017, when multiple officers wrongly arrested Mr. Ali and his family after he attempted to deposit a check at Emprise Bank's Wichita branch. We write to express our deep concerns regarding your respective officers' response to the events of that day and demand a prompt explanation as to their gross mistreatment of the Ali family.

Summary of the incident on September 6th

Mr. Ali, a 49-year-old American Muslim man of Iraqi descent, first moved to Wichita in 1998. After relocating to Dearborn, Michigan for several years, Mr. Ali and his family recently returned to Wichita so that he could complete his doctoral degree at Wichita State University and his children could finish their schooling in a safe and comfortable environment that they had considered home.

Although we are continuing to gather information concerning the incident on September 6th, certain facts are undisputed. Mr. Ali had entered the bank's North Woodlawn branch to deposit a \$151,000 check into his previously-opened account; the check, as he explained to the Emprise

Bank representative, represented the proceeds from the sale of his Dearborn, Michigan house. Mr. Ali had planned to put the deposit towards an offer he had made on another property in Wichita earlier that morning. Although Mr. Ali had never experienced problems with his Emprise account, he brought with him, out of an abundance of caution, the underlying documents involved in the sale—including the business cards of both the real estate agent and title company involved in his closing—to help facilitate a quick deposit of the money. When Mr. Ali offered these documents to the Emprise Bank representative he met with, she informed him that she only needed the check itself and the title company’s card, both of which Mr. Ali promptly provided her.

During the next few minutes, Mr. Ali engaged in routine conversation with the Emprise Bank representative while she went back and forth between where Mr. Ali was sitting and a private area restricted to bank employees. Unbeknownst to Mr. Ali, another Emprise Bank employee had called 911 a few moments after Mr. Ali had begun his transaction, requesting that law enforcement “send somebody quick” because of what she initially described as a “fake” check Mr. Ali was trying to deposit.¹ While this call was taking place, Mr. Ali continued to answer all of the representative’s questions—whether about his deposit or otherwise—and was at no point threatening or confrontational, as acknowledged by the Emprise Bank employee who called 911:

1:10 [Dispatch]: Are there any weapons involved?

1:11 [Caller]: No, um, what’s happening is he’s trying to—he wanted me to deposit it so that he could get cash in two days, and, it’s not a good check.

1:25 [Dispatch]: Okay. Alright, no disturbance, correct?

1:27 [Caller]: No. He’s being *overly* friendly.²

A few seconds later, the Emprise Bank caller again implied to the 911 operator that Mr. Ali’s calm and pleasant demeanor was a reason for suspicion, including voicing—without prompting—her assumption regarding Mr. Ali’s racial background:

1:46 [Dispatch]: Alright. And, is there any injuries to report at all?

1:50 [Caller]: No. Not yet—

1:50 [Dispatch]: And their name?

1:52 [Caller]: It’s, um, he’s, um, I think he’s, um, Pakistani.³

¹ Amy Renee Leiker, *911 call sheds light on Iraqi-American handcuffed at Wichita Bank*, WICHITA EAGLE, Sep. 15, 2017, <http://www.kansas.com/news/local/article173549886.html>.

² *Id.*

³ *Id.*

At this point—less than 120 seconds into the call—the 911 operator indicated that she had already sent officers to the bank. During the remainder of the call, the Emprise Bank employee continued to provide only cursory answers to the 911 operator’s questions of why she believed the check was fake: that Mr. Ali was “trying to filter money” through his account, that the bank listed on the check was “[in] a different state,” that the check had “no phone number” on it, that the check had “no watermark on the back,” and that “when you copy the check, you can see the name of the person trying to deposit it, they kinda whitewashed it and put their name in.”⁴ Notably, at no point does the Emprise Bank employee state that she actually called the bank listed on the check, reached out to the title company (whose information Mr. Ali had provided), or taken any other measures to verify the authenticity of the check.

Tellingly, at no point during this eight-minute-plus call to 911 does the Emprise Bank employee state that Mr. Ali acted in any way that was threatening or intimidating; rather, in *every single instance* in which the 911 operator asks if Mr. Ali has brought a weapon, created a disturbance, or provoked any injuries, the Emprise Bank employee responds by stating that Mr. Ali was being “overly friendly,” that there were no injuries “yet,” and that she believed Mr. Ali was “Pakistani,” respectively.

Based on this information alone, officers from each of your law enforcement agencies responded to the call within minutes and proceeded to handcuff and arrest Mr. Ali in full view of Emprise Bank employees and customers. Mr. Ali does not recall any of the officers reading him his Miranda rights or explaining the reason for his arrest. At least two officers immediately placed handcuffs on Mr. Ali while he was still in the lobby of the bank and escorted him outside. A spokesperson for Sedgwick County Sheriff’s Office confirmed that Mr. Ali was not being combative.⁵

Once outside, Mr. Ali saw a number of law enforcement vehicles encamped around the bank and noticed that multiple officers had surrounded his own vehicle, in which his wife, Hadil Alsadi, and their 15-year-old daughter were sitting. Officers continued to ask Mr. Ali questions and eventually transported him to the Wichita Police Department’s Investigations Division, where he was placed in a cell and forced to remain—his hand and leg handcuffed to a table—without explanation.

Unbeknownst to Mr. Ali at the time, officers had separately arrested his wife and daughter. Neither Mrs. Alsadi nor their daughter recall any of the multiple officers who surrounded their vehicle as reading them their Miranda rights. The officers did, however, aggressively question both women. They also confiscated Mrs. Alsadi’s phone, and searched their car, possessions, and bodies (including their headscarves). Mr. Ali’s daughter was crying and clearly emotionally distraught; however, Mrs. Alsadi’s repeated requests to stay with her child were rebuffed by the officers. Rather, the officers led them to separate police cars, transported them one-by-one to the Wichita Police Department (WPD) Investigations Division, and placed them in separate rooms. Mrs. Alsadi repeatedly requested to speak to her husband, which officers denied. Neither she nor

⁴ *Id.*

⁵ Leiker, *supra* note 1.

her daughter were provided with any explanation for why officers were arresting them or Mr. Ali.

During this time, a WPD officer spoke to a staff member at a local school attended by Mr. Ali's 11-year-old son and informed the staff member that the Alis were in custody. While school staff did not immediately inform Mr. Ali's son that his family was under arrest, he was still deeply troubled to hear an officer unexpectedly answer his mother's phone and felt scared about what the officers were doing to his family.

Eventually, officers returned to Mr. Ali's cell and informed Mr. Ali of what he had known and expressed all along: that his check was legitimate. The Alis were finally released, although at no time either before or during the arrest did the officers provide the Alis with an adequate explanation for their gross mistreatment.

Law enforcements' post-arrest statements

Despite making a number of statements following the arrest of Mr. Ali and his wife and daughter, the law enforcement agencies involved have failed to explain what warranted their conduct. According to a statement released by the WPD, the officers "followed department policy regarding forgery calls,"⁶ and in an interview regarding the incident, WPD Captain Doug Nolte further stated that the officers' response "was very much consistent with how we always handle an in-progress investigation."⁷

Notably absent from any of these statements is an explanation as to why it would be consistent with the policies of WPD—or any other law enforcement agency involved—to treat the Alis in the manner in which they did. Indeed, even the Chief Operating Officer of Emprise Bank, Teri Ginther, has publically stated that the officers' actions were "not a typical response."⁸

As confirmed by the recording of the 911 call, law enforcement knew that Mr. Ali was not armed, had created no disturbances, and was simply trying to deposit a check.⁹ And as Captain Nolte himself admitted, "it was pretty straightforward that this, in fact, was a valid check."¹⁰ Yet instead of engaging in a routine verification of Mr. Ali's check, multiple officers physically arrested and handcuffed Mr. Ali immediately upon entry to the bank; failed to provide Mr. Ali with his Miranda rights; failed to explain to Mr. Ali why he was being arrested; surrounded the bank—including Mr. Ali's wife and young daughter—with multiple police cars; failed to provide Mr. Ali's wife and daughter with their Miranda rights before arresting them without explanation; transported all three of them to the WPD Investigations Department and placed them in separate cells, while leaving Mr. Ali's youngest son fearful as to why his family had been arrested; and kept Mr. Ali handcuffed by his hand and leg while locked in detention.

⁶ Press Release, Wichita Police Dept., Forged Check Investigation Update (Sept. 13, 2017) (on file with Muslim Advocates).

⁷ Leiker, *supra* note 1. Officers from the other agencies involved have not yet provided a public or private explanation to the Alis.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

We are deeply troubled if such actions are considered consistent or routine with *any* law enforcement agency’s policies. Given each of your agencies’ failure to provide any satisfactory explanation as to why your officers subjected the Alis to the treatment detailed above, we ask that you provide:

- A transparent and thorough explanation for the actions taken by your agencies, including the specific policies and procedures relied on by your officers when dealing with Mr. Ali, Mrs. Alsadi, and their two young children, and any video recordings—including body/dashboard camera footage—from the incident;
- The basis for each of the officers’ reasonable suspicion that Mr. Ali, Mrs. Alsadi, and their daughter had committed a crime, including the specific bases that formed such a suspicion for each of the Ali family members arrested; and
- Any anti-discrimination policies and trainings implemented by your agencies in the last five years, including copies of such policies and training materials, an explanation of how such policies and trainings are undertaken, and the penalty (if any) for noncompliance with either.

Please provide this information no later than **Wednesday, September 27**. While the Alis are willing to engage your agencies in what the WPD has described as an opportunity for “dialogue,”¹¹ they have been deeply shaken by their mistreatment and, like any other Americans, deserve answers as to why the routine event of depositing a check should subject them to the violation of their basic rights. Should the Alis fail to receive the information requested, they are fully prepared to pursue all legal remedies available to them.

We await your response and look forward to engaging in an open and honest discussion about the events above. You can reach us at 202-897-1897 or juvaria@muslimadvocates.org.

Sincerely,



Juvaria Khan
Staff Attorney

¹¹ Wichita Police Dept., *supra* note 6.