

September 20, 2017

DELIVERED VIA CERTIFIED MAIL AND EMAIL

Thomas Page
President and CEO
Emprise Bank
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tpage@emprisebank.com

Dear Mr. Page,

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: mere minutes after walking into his local Emprise Bank branch in Wichita, Kansas and trying to make a routine deposit into his account, Mr. Ali—along with his wife and 15-year-old daughter—were wrongfully arrested after a bank employee called law enforcement. On behalf of the Ali family, we write to express our deep concerns regarding Emprise Bank’s response to the events of that day. We demand a prompt explanation as to the gross mistreatment of the Ali family, particularly in light of Emprise Bank’s public statement that it would take the same actions towards the Ali family today.

Overview of the events 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.

On September 6, Mr. Ali entered Emprise Bank’s North Woodlawn branch in Wichita 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 a property 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, 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 other small talk—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

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

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.*

⁴ *Id.*

listed on the check, contacted the title company (whose information Mr. Ali had provided), or taken any similar measures to verify the authenticity of the check; instead, her conclusions appear based on her superficial and brief review of the check itself—and on her biases stemming from her perception of Mr. Ali’s race and religion.

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 responded 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, law enforcement officers from multiple nearby agencies responded to the call within minutes and proceeded to handcuff and arrest Mr. Ali in full view of Emprise Bank employees and customers. The officers then arrested his wife and teenage daughter, who had been waiting in their vehicle outside the bank. All three were transported them to Wichita Police Department where they were placed in separate cells and Mr. Ali was handcuffed by his arm and leg to a table. Only after an extended period of time were the Alis finally released, with the Wichita Police Department confirming what Mr. Ali had known and expressed all along: that his check was legitimate.

Later that afternoon, Mr. Ali returned alone to Emprise Bank to obtain an explanation as to why the bank’s employees had treated him and his family in such a disrespectful and troubling manner. The bank’s regional manager spoke to Mr. Ali privately, stating that Emprise employees had followed all applicable policies and procedures. The regional manager acknowledged that the bank waited until well after Mr. Ali had been arrested to call an outside individual who promptly could (and did) confirm that Mr. Ali’s check was legitimate. While the regional manager continued to justify Emprise’s behavior, Mr. Ali received a telephone call from the title company that had assisted with the sale of his Dearborn, Michigan property. The representative from the title company immediately apologized for the incident; he also informed Mr. Ali that no one from Emprise Bank had contacted the title company to verify the legitimacy of his check. At this point, Mr. Ali informed the regional manager that he was closing his account with Emprise Bank.

Emprise Bank’s statements

Immediately after this incident occurred, Emprise Bank released a statement, in which it said:

We are aware of a situation at the 21st and Woodlawn branch yesterday and can confirm that our team acted in accordance with our policies and procedures. If faced with the same circumstances today, we would expect our team to take the same actions.⁵

⁵ Chris Frank, *Wichita family arrested making bank deposit*, KAKE, Sep. 7, 2017, <http://www.kake.com/story/36316591/wichita-family-arrested-making-bank-deposit>.

We are deeply concerned by Emprise Bank’s repeated assertions that the actions it took towards the Ali family were “in accordance” with its policies and procedures, and that it would “take the same actions” if faced with the same situation today. As acknowledged by both the Emprise Bank employee who called 911 and the Emprise regional manager, the bank failed to undertake basic and routine steps to verify the legitimacy of the check before grossly escalating the situation and calling law enforcement.⁶

Even more troubling is the undisputed fact that the Emprise Bank employee who called 911 repeatedly implied that Mr. Ali was somehow dangerous—based solely on his appearance, not his actions. The transcript of the 911 call makes this clear: in response to the 911 operator’s question as to whether Mr. Ali had created a disturbance, the Emprise Bank employee admitted Mr. Ali had not—but said that he was “overly friendly”; when dispatch asked if there were any injuries to report, she responded “not yet”—then immediately volunteered that she believed Mr. Ali was of Pakistani descent. The implications of such characterizations are clear: that Emprise Bank’s employee believed Mr. Ali to be dangerous based on his perceived appearance and religion.

Given Emprise Bank’s repeated failure to provide any satisfactory explanation as to why its employees subjected the Alis to the treatment detailed above—and why Emprise Bank says it would act in the same manner if faced with the same circumstances today—we ask that you provide:

- A transparent and thorough explanation for the actions taken by your employees, including the specific policies and procedures relied on by your employees when dealing with Mr. Ali and his family and the bases, if any, for their suspicion of them;
- Any anti-discrimination policies and trainings implemented by Emprise Bank 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; and
- Any security or other camera footage in Emprise Bank’s possession concerning the events of September 6, including CCTV footage from the North Woodlawn branch.

Please provide this information no later than **Wednesday, September 27**. The Alis have been deeply shaken by Emprise Bank’s gross mistreatment of them and its public insistence that it would treat them in the same manner today if faced with the same circumstances. Like any other Americans, the Alis 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.

⁶ As the Chief of Police of the Wichita Police Department later noted, “It was pretty straightforward that this, in fact, was a valid check.” See Leiker, *supra* note 1.

Sincerely,



Juvaria Khan
Staff Attorney