



In name of God, the Compassionate, the Merciful

Council on American-Islamic Relations
Greater Los Angeles Area Chapter
2180 W. Crescent Ave, Suite F, Anaheim, Ca 92801
Tel: 714.776.1847 Fax: 714.776.8340 social@cair.com

March 2, 2010

Chief Jutta Chambers
Henderson Police Department
223 Lead Street
Henderson, NV 89009-5050

Via certified mail and e-mail:
Jutta.chambers@cityofhenderson.com

Re: Complaint of Misconduct; Incident Number LHP091220000430

Dear Chief Chambers:

I am writing on behalf Mr. [REDACTED], Mr. [REDACTED], Mr. [REDACTED], Mr. [REDACTED], Mr. [REDACTED], Mr. [REDACTED], Mr. [REDACTED], and Mr. [REDACTED] (hereinafter, "Complainants") who make this claim of professional and tortuous misconduct and of violations of Constitutionally protected activities against the Henderson Police Department and Officers [REDACTED] (# [REDACTED]), [REDACTED] (# [REDACTED]), and [REDACTED] (# [REDACTED]). I am the retained counsel for Complainants, please direct all correspondence regarding this matter to me at the following address:

Ameena Qazi, Esq.
Council on American-Islamic Relations
Greater Los Angeles Area
2180 W. Crescent Ave, Ste. F
Anaheim, CA 92801

The primary facts are as follows:

On December 20, 2009 Complainants, residents of California, stopped for gas and food in a shopping complex located on the cross street of Eastern Ave and St. Rose Parkway in Henderson, NV. At about 5:10 p.m., Complainants conducted the evening Muslim prayer next to their vehicle in the parking lot of the Rebel gas station facing St. Rose Parkway in a non-disruptive and peaceful manner. Their



vehicle was lawfully parked in the parking lot, and neither their person nor their vehicle was blocking any entrance or exit. There was ample parking space for other vehicles.

As Complainants returned to their vehicle at approximately 5:20 p.m., two police vehicles drove up to Complainant's vehicle and Sergeant [REDACTED] and Officer [REDACTED] of the Henderson Police Department stopped and approached Mr. [REDACTED] who was the driver of Complainant's vehicle. Sgt. [REDACTED] asked Mr. [REDACTED] if he knew why they were being stopped, to which Mr. [REDACTED] replied that he did not know and that they were just friends on a road trip and had just finished praying in the parking lot. One of the officers stated that they had received a call that there were a "bunch of guys doing weird moves." All seven of the Complainants were subsequently asked to exit the vehicle and made to sit on the curb of the parking lot, air temperature being approximately 40 degrees Fahrenheit, for an additional 35-40 minutes, during which time the Officers ran Complainants' drivers licenses, asked Complainants about their schooling, employment, and places of birth, and performed a cursory search of the vehicle. A third police officer, [REDACTED] joined and assisted Officers [REDACTED] and [REDACTED] (hereinafter, "Officers") about 15 minutes into the questioning. Officers also commented that Complainants might have been saying during their prayer, "I hope that I kill a police officer today." Officers also conceded to Complainants that they were not trained well enough to know how to appropriately respond to Muslim religious behavior. Complainants were released without formal arrest or further incident.

Most of the aforementioned incident, including Officer statements, were recorded by one of the Complainants on his mobile phone.

According to the Henderson Police Department Incident Report, Officers responded to a civilian person reporting "7 MIDDLE EASTERN MALES ACTING 425, BY A GRAY MINI VAN, UNK CAPLTS, SEV OF SUBJS ARE KISSING THE GROUND". No weapons were seen on their person.

According to well established Fourth Amendment law, a police officer may detain an individual under appropriate circumstances and in an appropriate manner for investigative purposes if the officer reasonably believes that the individual is engaged in criminal activity. *State v. Lipscomb*, 258 Conn.



68, 75, (2001); *Terry v. Ohio*, 392 U.S. 1 (1968). The stop must be no longer than needed for diligent investigation. *United States v. Sharpe*, 470 U.S. 675 (1985). While courts look to the totality of the circumstances, including civilian tips, to analyze whether the officers' suspicion was objectively reasonable, *Alabama v. Whit*, 496 U.S. 325 (1990), some tips may completely lack an indicia of reliability, and would either warrant no police response or would require further investigation before a forcible stop of a suspect would be authorized. *Adams v. Williams*, 407 U.S. 143 (1972).

We fail to see how the civilian report of "suspicious behavior" or the actions of Complainants gave rise to reasonable suspicion that Complainants were engaged in criminal activity to justify a stop, or gave rise to probable cause to justify the ensuing detention of Complainants. The scope and length of the stop was not reasonable under the circumstances, nor did it serve any legitimate investigative purpose. In fact, Complainants repeatedly clarified to Officers throughout the incident that they were just praying, and that they have the Constitutional right to do so. The officers in fact conceded that they did not know how to respond to such incidents, and asked Complainants how they should respond in the future.

Officers' detention of Complainants for an additional 25 minutes after an apparent "hit" with the Terrorist Screening Center, according to the Incident Report, is further unjustified because the initial stop was unlawful.

My clients were penalized for having been Muslims engaged in protected First Amendment activity. All the above-described conduct of Officers violates Complainants' rights under various federal and state law, including the Fourth Amendment to the United States Constitution, 42 U.S.C. §1983 including failure to train, the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, the Free Exercise of Religion and the Freedom of Assembly clauses under the First Amendment to the United States Constitution, and gives rise to liability under various state common law torts including but not limited to false arrest, negligence, and infliction of emotional distress.

I therefore request a timely and thorough investigation into this incident, and that the Henderson Police Department take any and all appropriate disciplinary action, adopt any necessary training and policy



In name of God, the Compassionate, the Merciful

Council on American-Islamic Relations
Greater Los Angeles Area Chapter
2180 W. Crescent Ave, Suite F, Anaheim, Ca 92801
Tel: 714.776.1847 Fax: 714.776.8340 social@cair.com

changes, and compensate my clients for damages and emotional distress. I further request that Henderson Police Department meet with myself, Complainants, and leaders of the Muslim community in Henderson and Las Vegas to address this incident and arrive at a positive and just resolution to this matter.

Dated:

Submitted:

March 2, 2010

Ameena Mirza Qazi, Esq.

Council on American-Islamic Relations
Greater Los Angeles Area Chapter
2180 W. Crescent Ave.
Anaheim, CA 92801
P: 714.776.1847
F: 714.776.8340

cc: Ms. Monica Martinez Simmons, MMC, Henderson City Clerk
Mr. Mohammad Jadid, President, Council on American-Islamic Relations—Nevada
Mr. [REDACTED]
Mr. [REDACTED]
Mr. [REDACTED]
Mr. [REDACTED]
Mr. [REDACTED]
Mr. [REDACTED]