

1 Matt Adams
2 Glenda M. Aldana Madrid
3 Leila Kang
4 NORTHWEST IMMIGRANT RIGHTS PROJECT
5 615 Second Avenue, Suite 400
6 Seattle, WA 98104
7 (206) 957-8611

8 John Midgley
9 ACLU OF WASHINGTON FOUNDATION
10 901 Fifth Avenue, Suite 630
11 Seattle, WA 98164
12 (206) 624-2184 ext. 290

13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF WASHINGTON

15 GABRIEL GOMEZ MACIEL,

16 Plaintiff,

No. _____

17 vs.

18 MYLISSA COLEMAN, in her official and
19 individual capacities; CITY OF SPOKANE,

COMPLAINT

20 Defendants.

21 **INTRODUCTION**

22 1. This lawsuit arises from a Spokane police officer’s unlawful seizure
23 of the victim of a car accident, solely to facilitate civil immigration enforcement.

2. On August 24, 2014, Plaintiff Gabriel Gomez Maciel (“Mr. Gomez”) was driving to church when his pickup truck was unexpectedly struck by a minivan that failed to yield to the right of way.

1 3. Defendant Mylissa Coleman, a police officer for Defendant City of
2 Spokane, was called to the scene of the accident. But rather than simply
3 investigating the car accident, Defendant Coleman initiated contact with the United
4 States Border Patrol to inquire whether the agency had any interest in Mr. Gomez,
5 the accident's victim. Upon information and belief, Defendant Coleman initiated
6 contact with Border Patrol based solely on Mr. Gomez's Latino race and ethnicity.
7

8 4. Defendant Coleman took possession of Mr. Gomez's driver's license,
9 seizing him and requiring him to remain at the scene of the accident while she
10 conducted her investigation. Mr. Gomez thus remained at the scene, despite being
11 in significant pain.
12

13 5. Other than to request certain documentation related to her accident
14 investigation, Defendant Coleman did not ask Mr. Gomez any questions. Even
15 though Mr. Gomez was injured, Defendant Coleman did not ask Mr. Gomez
16 whether he needed medical assistance.
17

18 6. *After* issuing a citation to the driver at fault and returning his
19 documents, thereby concluding her accident investigation, Defendant Coleman
20 prolonged her seizure of Mr. Gomez by holding on to his valid driver's license and
21 other documents until Border Patrol arrived at the scene.
22

23 7. Defendant Coleman lacked the reasonable suspicion or probable cause
of a crime that was necessary to continue seizing Mr. Gomez. Not only was he the

1 victim of the accident, but Mr. Gomez has no criminal history and there were no
2 arrest warrants for him.

3 8. Defendant Coleman transferred custody of Mr. Gomez to Border
4 Patrol when they later arrived at the scene. Border Patrol subsequently transferred
5 Mr. Gomez to the Tacoma immigration detention center, where he remained
6
7 detained for approximately one month.

8 9. Mr. Gomez suffered substantial physical, emotional, and economic
9 harm as a result of the unlawful seizure by Defendant Coleman.

10 10. Mr. Gomez brings this action under 42 U.S.C. § 1983; and article I,
11 section 7 of the Constitution of the State of Washington, to vindicate his rights.
12

13 **JURISDICTION AND VENUE**

14 11. This action arises under the Constitution and laws of the United
15 States, including 42 U.S.C. § 1983, and the Constitution of the State of
16 Washington. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 (federal
17 question), 1343 (civil rights), and 1367 (supplemental jurisdiction).
18

19 12. Venue is proper pursuant to 28 U.S.C. § 1391(b), as a substantial part
20 of the events giving rise to Mr. Gomez's claims occurred in the Eastern District of
21 Washington.

22 13. Declaratory relief is authorized under 28 U.S.C. §§ 2201, 2202, and
23 Federal Rule of Civil Procedure 57.

PARTIES

1
2 14. Plaintiff Gabriel Gomez Maciel is a longtime resident of Spokane
3 County, Washington. He is Latino.

4
5 15. At all times relevant to this action, Mr. Gomez was a “person within
6 the jurisdiction” of the United States for the purposes of 42 U.S.C. § 1983.

7
8 16. At all times relevant to this action, Mr. Gomez was a “person” for the
9 purposes of the Fourth Amendment to the United States Constitution.

10
11 17. Defendant Mylissa Coleman was, at all times relevant to this action, a
12 law enforcement officer employed by the City of Spokane as an officer of the
13 Spokane Police Department.

14
15 18. At all times relevant to this action, Defendant Coleman was a person
16 acting under color of state or local law.

17
18 19. Defendant Coleman is sued in her individual and official capacities.

19
20 20. Defendant City of Spokane is a municipal corporation and first-class
21 city organized under the laws of the State of Washington. One division within
22 Defendant City of Spokane is the Spokane Police Department, which employs
23

1 police officers to, among other things, enforce local and state laws, and which
2 establishes policies for and supervises Spokane police officers.¹

3 21. At all times relevant to this action, Defendant City of Spokane
4 employed Defendant Coleman as a police officer and authorized her to act as its
5 agent.
6

7 22. At all times relevant to this action, Defendant City of Spokane was a
8 person acting under color of state or local law.
9

10 **FACTUAL ALLEGATIONS**

11 **A. The Car Accident and the Accident Investigation**

12 23. On the morning of Sunday, August 24, 2014, Mr. Gomez was driving
13 his pickup truck on North Crestline Street in Spokane, Washington, on his way to
14 church.

15 24. North Crestline Street is a four-lane, two-way street. Mr. Gomez had
16 the right of way and was driving within the speed limit.
17
18
19

20 ¹ The terms “City of Spokane” and “Spokane Police Department” are used
21 interchangeably throughout the complaint—i.e. City of Spokane refers to the
22 Spokane Police Department and vice versa.
23

1 25. Around 8:30 a.m., as Mr. Gomez passed by East Rowan Avenue, a
2 cross street, a minivan crashed into the front of the passenger side of his pickup
3 truck, causing his pickup truck to skid several feet until coming to a stop.

4 26. The crash caused Mr. Gomez to feel a strong blow to his upper body.

5 27. As the airbags popped out and pressed against Mr. Gomez's seatbelt,
6 he felt a deep pain in his chest.
7

8 28. Driving the minivan that hit Mr. Gomez's pickup truck was Steven
9 McKinney, a white man.

10 29. After exiting their respective vehicles, Mr. McKinney apologized to
11 Mr. Gomez and informed him that he had called the police.
12

13 30. A short while later, a police officer—upon information and belief, a
14 Spokane Police Department officer—arrived on the scene.

15 31. Upon information and belief, Mr. McKinney informed that officer that
16 he—not Mr. Gomez—had been at fault for the accident.

17 32. At around 8:51 a.m., a second police officer—Defendant Coleman—
18 arrived at the intersection where the accident occurred.
19

20 33. Upon information and belief, the first officer left the scene shortly
21 after Defendant Coleman arrived.

22 34. Also around the time Defendant Coleman arrived, an officer from the
23 Spokane Police Department called a tow truck to retrieve Mr. Gomez's totaled

1 pickup truck from the roadway. At around the same time, upon information and
2 belief, a Spokane police officer checked Mr. Gomez's name in the standard
3 National Crime Information Center ("NCIC") database.

4 35. When Defendant Coleman approached Mr. Gomez and
5 Mr. McKinney, she addressed both drivers in English, and requested their driver's
6 license, car registration, and proof of insurance.
7

8 36. Mr. Gomez provided Defendant Coleman with the requested
9 documents, all of which were valid and unexpired.

10 37. Defendant Coleman returned to her car—a vehicle belonging to the
11 Spokane Police Department—with documents from both Mr. Gomez and
12 Mr. McKinney.
13

14 38. Mr. Gomez did not have any outstanding arrest warrants.

15 39. In fact, Mr. Gomez has no criminal history.

16 40. Defendant Coleman had no reason to believe that Mr. Gomez had
17 committed a crime or otherwise engaged in criminal activity, or that he had
18 committed a traffic violation. Indeed, the NCIC database revealed no entries for
19 Mr. Gomez.
20

21 41. Yet unbeknownst to Mr. Gomez, Defendant Coleman contacted or
22 had others in the Spokane Police Department contact the United States Border
23 Patrol to inquire whether Border Patrol had "any interest" in Mr. Gomez. And

1 some time after initiating contact with Border Patrol, Defendant Coleman learned
2 that Border Patrol agents were en route.

3 42. Upon information and belief, Defendant Coleman extended the time
4 period required to investigate the accident by initiating communications with
5 Border Patrol and waiting for their response before completing the accident
6 investigation.
7

8 43. Upon information and belief, Defendant Coleman did not initiate an
9 inquiry as to whether Border Patrol had “any interest” in Mr. McKinney or take
10 any steps to determine Mr. McKinney’s immigration status.
11

12 44. Defendant Coleman did not acknowledge Mr. Gomez during his
13 seizure, even though he was the victim of a car accident that totaled his pickup.

14 45. Defendant Coleman did not ask Mr. Gomez whether he needed
15 medical assistance.

16 46. Defendant Coleman did not ask Mr. Gomez any questions about the
17 accident.
18

19 47. Defendant Coleman did not ask Mr. Gomez any questions about his
20 birthplace or immigration status.

21 48. Around fifteen minutes after taking the drivers’ documents, Defendant
22 Coleman stepped out of her vehicle and returned Mr. McKinney’s documents.
23

1 49. While returning Mr. McKinney's documents, Defendant Coleman
2 conversed with him in a friendly manner, asking him various questions about the
3 circumstances of the accident.

4 50. Defendant Coleman issued Mr. McKinney a citation for violating
5 RCW 46.61.190, for failing to yield the right of way at an intersection.
6

7 **B. Extension of Mr. Gomez's Seizure to Investigate His Potential**
8 **Undocumented Presence in the United States**

9 51. When Defendant Coleman returned Mr. McKinney's documents and
10 cited him, all accident related tasks had been completed. An accident report had
11 been completed, the parties had exchanged the necessary information, and a tow
12 truck had been called to remove Mr. Gomez's pickup truck from the roadway.
13 Mr. Gomez's presence was no longer required at the scene of the accident.

14 52. Upon information and belief, when she completed her accident
15 investigation, Defendant Coleman lacked reasonable suspicion or probable cause
16 to believe that Mr. Gomez had committed or was in the process of committing a
17 crime. At this point, Defendant Coleman should have returned his documents,
18 which would have terminated the seizure.
19

20 53. Instead, Defendant Coleman continued to maintain control of his
21 documents, including his driver's license. As a result, Mr. Gomez did not feel free
22 to, and indeed was not free to, leave the scene.
23

1 54. Mr. Gomez sat down on a rock on the side of the road and waited for
2 Defendant Coleman to return his documents.

3 55. At around 10:15 a.m.—approximately one hour and 25 minutes after
4 Defendant Coleman first made contact with Mr. Gomez—two Border Patrol
5 agents arrived at the scene, where Mr. Gomez and Defendant Coleman still
6 remained.
7

8 56. One of the Border Patrol agents first spoke with Defendant Coleman.

9 57. The Border Patrol agent then approached Mr. Gomez. After
10 interrogating Mr. Gomez for around fifteen minutes, the Border Patrol agent
11 handcuffed Mr. Gomez, and placed him in a Border Patrol vehicle.
12

13 58. Defendant Coleman returned Mr. Gomez's documents to him only
14 after Mr. Gomez was placed in the Border Patrol vehicle.

15 59. Mr. Gomez observed that Defendant Coleman was smirking in a
16 mocking manner when returning his documents to him.

17 60. Mr. Gomez felt ashamed and humiliated by Defendant Coleman.

18 61. Upon information and belief, Defendant Coleman seized Mr. Gomez
19 and reported him to and held him for Border Patrol solely because of his Latino
20 race and ethnicity, or on the basis of national origin, or both.
21

22 62. Upon information and belief, Defendant Coleman acted with intent to
23 discriminate.

1 63. Mr. Gomez was not charged or accused of any traffic infraction or
2 criminal offense by Defendants.

3 64. Mr. Gomez was taken by Border Patrol to a detention facility in
4 Colville, Washington. The following day, he was transported by immigration
5 authorities to a jail in Yakima County, Washington.

6 65. After staying at Yakima County Jail for one night, Mr. Gomez was
7 taken to the Northwest Detention Center in Tacoma, Washington.

8 66. Each time he was transported between the detention facilities,
9 Mr. Gomez was handcuffed and shackled at his ankles.

10 67. While being detained and transported by immigration authorities for
11 two days, Mr. Gomez continued to experience pulsing chest pain from the car
12 accident.

13 68. After arriving at the Northwest Detention Center, Mr. Gomez was
14 placed in removal proceedings before the immigration court.

15 69. Around a month later, Mr. Gomez was released under a bond amount
16 of \$7,000.

17 70. Mr. Gomez's immigration court proceedings are still pending.

18 71. Mr. Gomez was unable to work during his month-long detention by
19 immigration authorities. He had been employed as a laborer at a plant nursery in
20
21
22
23

1 Spokane since 2012, working Monday through Saturday and earning around
2 \$12.50 per hour.

3 72. Due to the loss of income, Mr. Gomez was unable to support his
4 family members. Mr. Gomez was regularly providing financial assistance to his
5 sister and elderly father.
6

7 73. During his detention by immigration authorities, Mr. Gomez
8 continued to feel substantial chest and shoulder pain due to the accident. Yet he
9 did not receive adequate medical care for his pain and injury while in immigration
10 detention.
11

12 74. Mr. Gomez suffered significant emotional distress as a result of his
13 encounter with Defendant Coleman in August 2014.

14 75. As a result of his encounter with Defendant Coleman, Mr. Gomez
15 continues to feel nervous and scared each time he sees a police vehicle or officer.
16 He fears that even if he does nothing wrong, he could again be targeted and
17 discriminated against by police officers.
18

19 **C. Spokane Police Department Policies and Training**

20 76. In 2012, the Ninth Circuit clearly established that state and local law
21 enforcement officers violate the Fourth Amendment to the United States
22 Constitution when they initiate or prolong a seizure solely to investigate whether
23 an individual is unlawfully present in the United States. *Melendres v. Arpaio*, 695

1 F.3d 990, 1001 (9th Cir. 2012) (“While the seizures of the named plaintiffs based
2 on traffic violations may have been supported by reasonable suspicion, any
3 extension of their detention must be supported by additional suspicion of
4 criminality. Unlawful presence is not criminal.”).

5
6 77. At the time of Mr. Gomez’s seizure, it was clearly established that the
7 same is true under article I, section 7 of the Constitution of the State of
8 Washington. On August 16, 2013, the Pierce County Superior Court of
9 Washington found that it was a violation of article I, section 7 of the Washington
10 constitution for local law enforcement officers to prolong a traffic stop solely to
11 inquire about an individual’s immigration status. The court clarified that this was
12 the case even if those officers have the legal authority to seize the individual for an
13 offense they are authorized to enforce, but have decided not to seize the individual
14 for that offense. *See Ramirez-Rangel v. Kitsap County*, No. 12-2-09594-4, 2013
15 WL 6361177, at *2 (Wash. Super. Ct. Aug. 16, 2013).

16
17 78. Indeed, following the Piece County Superior Court’s decision in
18 *Ramirez-Rangel*, the ACLU of Washington (“ACLU-WA”) and Northwest
19 Immigrant Rights Project (“NWIRP”) sent a letter to local law enforcement
20 agencies across the state advising these agencies of the decision.
21

22 79. On or about November 11, 2013, the two organizations sent the
23 advisory letter to the Spokane Police Department.

1 80. On April 1, 2014, Timothy B. Schwering, the Director of Strategic
2 Initiatives of the Spokane Police Department, contacted the ACLU-WA and
3 NWIRP to request feedback on the department’s “immigration policy.”

4 81. On April 2, 2014, NWIRP responded to Mr. Schwering’s email,
5 providing feedback and clarifying, inter alia, that “there is no authority for a
6 police officer to detain someone in order to allow [Immigration and Customs
7 Enforcement (“ICE”)] to investigate a case” and sending him a copy of the Pierce
8 County Superior Court’s order in *Ramirez-Rangel v. Kitsap County*.

9 82. On April 3, 2014, Mr. Schwering replied to NWIRP, stating, “We’ve
10 made the recommended changes to our policy,” and requesting further feedback.
11

12 83. On April 17, 2014, NWIRP responded to Mr. Schwering stating that
13 the latest changes addressed the concerns previously noted.
14

15 84. At the time of the car accident and Mr. Gomez’s seizure, the Spokane
16 Police Department had written policies instructing officers not to engage in
17 immigration enforcement activities absent exceptional circumstances. Specifically,
18 and consistent with the Fourth Amendment and article I, section 7, the policies in
19 place at the time of the seizure forbade officers from stopping or detaining
20 “persons solely [to] determin[e] immigration status.” *See Spokane Police Dep’t,*
21 *Policy Manual* § 422.7 (Apr. 9, 2013), available at [https://static.spokanecity.org/
22 documents/police/accountability/police-policy-manual-03-26-13.pdf](https://static.spokanecity.org/documents/police/accountability/police-policy-manual-03-26-13.pdf). The policy
23

1 noted that Spokane police officers were not authorized to “arrest foreign nationals
2 for undocumented presence” because “[f]ederal courts have consistently held that
3 undocumented presence is not a crime but a federal civil violation only enforceable
4 by federal officers.” *Id.*

5
6 85. Nevertheless, the Spokane Police Department had policies at the time
7 of the seizure that allowed Spokane police officers to prolong a detention to allow
8 Border Patrol agents to arrive and investigate civil immigration violations. For
9 example, Section 422.7 of the Spokane Police Department Policy Manual provided
10 that “[a]fter a lawful detention or criminal arrest, officers may detain foreign
11 nationals solely for alleged undocumented presence in the U.S. if the U.S.
12 Immigration and Customs Enforcement (ICE) is contacted and can respond to take
13 custody within a reasonable time.” *Id.*; *see also id.* § 428.3.7 (authorizing officers
14 to “cause ICE to be notified for consideration of an immigration hold” even when
15 the individual being arrested “is not going to be booked into the county jail”).
16

17 86. Upon information and belief, Defendant Coleman was acting pursuant
18 to these Spokane Police Department policies when she enforced civil immigration
19 laws and prolonged Mr. Gomez’s seizure to investigate his immigration status and
20 allow Border Patrol agents to arrive.
21

22 87. Upon information or belief, these policies have not been rescinded or
23 otherwise meaningfully changed since Mr. Gomez’s seizure. *See Spokane Police*

1 Dep't, *Policy Manual* § 422.7 (July 21, 2017), available at
2 [https://static.spokanecity.org/documents/police/accountability/police-policy-
4 manual-2017-07-21.pdf](https://static.spokanecity.org/documents/police/accountability/police-policy-
3 manual-2017-07-21.pdf) (“[O]fficers may detain foreign nationals solely for alleged
5 undocumented presence in the U.S. if the U.S. Immigration and Customs
6 Enforcement (ICE) is contacted and can respond to take custody within a
7 reasonable time.”).

8 88. The City of Spokane has authorized the chief of police to set
9 department policy, *see* SPOKANE, WASH., MUN. CODE § 03.10.010(B)(1) (2013),
10 and the Spokane Police Department Policy Manual is, upon information and belief,
11 issued pursuant to that authority.

12 89. Moreover, upon information and belief, the Spokane Police
13 Department and City of Spokane did not adequately train or supervise Defendant
14 Coleman to prevent her from discriminating against Mr. Gomez on the ground of
15 race, ethnicity, or national origin.

17 CAUSES OF ACTION

18 **COUNT I**

19 **Seizure Without Probable Cause - Fourth Amendment; 42 U.S.C. § 1983** 20 **(Against Defendant Coleman, in her individual and official capacities,** 21 **and Defendant City of Spokane)**

22 90. All of the foregoing allegations are repeated and re-alleged as though
23 fully set forth herein.

1 91. Defendant Coleman seized Mr. Gomez by taking possession of his
2 driver's license and other documents, thereby preventing him from leaving the
3 scene of the accident. At no point did Defendant Coleman return Mr. Gomez's
4 documents or advise him that he was free to leave until after he was transferred to
5 the custody of United States Border Patrol.
6

7 92. Defendant Coleman's seizure of Mr. Gomez lasted approximately 85
8 minutes, and lasted about seventy minutes longer than her investigation of
9 Mr. McKinney.

10 93. The law was clearly established prior to August 24, 2014 that
11 Defendant Coleman, as a local police officer, had no lawful authority to seize
12 Mr. Gomez or to extend any seizure for purposes of investigating his civil
13 immigration status.
14

15 94. The law was clearly established prior to August 24, 2014 that the
16 Spokane Police Department, as a local law enforcement agency, had no lawful
17 authority to seize Mr. Gomez or to extend any seizure for purposes of
18 investigating his civil immigration status.
19

20 95. The law was also clearly established prior to August 24, 2014 that, for
21 state and local law enforcement officers, a seizure without probable cause or at
22 least reasonable suspicion of a crime constitutes an unreasonable seizure in
23 violation of the Fourth Amendment to the United States Constitution.

1 96. Even if Defendant Coleman initially seized Mr. Gomez's documents
2 for the purpose of investigating the accident, that seizure was unreasonable in
3 length and scope, and lasted more than an hour *after* Defendant Coleman issued a
4 citation to the driver who was at fault.

5
6 97. Defendant Coleman seized Mr. Gomez beyond the time period
7 reasonably necessary to perform the routine task of verifying the driver's license,
8 car registration, and insurance information of an individual involved in a car
9 accident.

10 98. Defendant Coleman extended Mr. Gomez's seizure by holding his
11 documents until United States Border Patrol agents arrived at the scene to
12 apprehend him.

13
14 99. Defendant Coleman's extended seizure of Mr. Gomez was not
15 justified by probable cause or reasonable suspicion of any criminal activity.

16 100. Defendant Coleman's extended seizure of Mr. Gomez beyond the
17 time and scope reasonably necessary to investigate the automobile accident was
18 not consensual.

19
20 101. Mr. Gomez had the right under the Fourth Amendment to the United
21 States Constitution to be free from unreasonable seizures.

22 102. Defendant Coleman's actions constituted a seizure of Mr. Gomez's
23 person.

1 103. Defendant Coleman’s seizure of Mr. Gomez’s person was
2 unreasonable.

3 104. Defendant Coleman’s actions subjected Mr. Gomez to a deprivation
4 of his rights as secured by the Fourth Amendment.
5

6 105. In unconstitutionally prolonging the seizure of Mr. Gomez, Defendant
7 Coleman was acting pursuant to Spokane Police Department policies that violate
8 the Fourth Amendment.

9 106. Mr. Gomez was injured by Defendant Coleman’s unconstitutional
10 seizure and the Spokane Police Department’s unconstitutional policies, which
11 deprived him of his Fourth Amendment rights.
12

13 107. Defendant Coleman’s conduct of subjecting Mr. Gomez to an
14 unconstitutional seizure was motivated by evil motive or intent, or was recklessly
15 or callously indifferent to his Fourth Amendment rights.

16 108. Mr. Gomez suffered physical, emotional, and economic harm as a
17 result of Defendant Coleman’ unconstitutional seizure.
18

19 109. Because the policies permitting Spokane police officers to prolong a
20 seizure solely to facilitate investigations of civil immigration violations are still in
21 place, absent an injunction enjoining the operation of these policies, it is likely
22 that Mr. Gomez will be unconstitutionally seized again in the future.
23

1 110. As a result of Defendants' Fourth Amendment violations, Mr. Gomez
2 is entitled to damages, an injunction, and declaratory relief.

3 **COUNT II**
4 **Violation of the Constitution of the State of Washington**
5 **(Against Defendant Coleman, in her individual and official capacities,**
6 **and Defendant City of Spokane)**

7 111. All of the foregoing allegations are repeated and re-alleged as though
8 fully set forth herein.

9 112. Article I, section 7 of the Washington constitution forbids law
10 enforcement officers from detaining any person longer than is necessary to
11 investigate the matter for which they were stopped.

12 113. Once the initial reasons for seizing Mr. Gomez had been extinguished,
13 under article I, section 7, Defendant Coleman could only continue the detention if
14 she had reasonable suspicion or probable cause to believe that Mr. Gomez had or
15 was in the process of committing a crime.

16 114. Defendant Coleman, by detaining Mr. Gomez far beyond the end of
17 the accident investigation, violated article I, section 7 because she lacked the
18 reasonable suspicion or probable cause necessary to continue the seizure.

19 115. Article I, section 7 also forbids state and local law enforcement
20 officers from seizing an individual without "authority of law."
21
22
23

1 116. As a local law enforcement officer, Defendant Coleman was not
2 authorized—by statute or common law—to enforce civil immigration laws. Thus,
3 Defendant Coleman lacked authority of law to detain Mr. Gomez solely to
4 investigate whether Mr. Gomez’s was unlawfully present in the country and,
5 accordingly, violated article I, section 7.
6

7 117. In unconstitutionally prolonging the seizure of Mr. Gomez to enforce
8 laws she lacked the authority to enforce, Defendant Coleman was acting pursuant
9 to Spokane Police Department policies that violated article I, section 7.
10

11 118. Mr. Gomez was injured by Defendant Coleman’s unconstitutional
12 seizure and the Spokane Police Department’s policy permitting unconstitutional
13 seizures, which deprived him of his rights under article I, section 7 of the
14 Washington constitution.

15 119. Mr. Gomez suffered physical, emotional, and economic harm as a
16 result of his unconstitutional seizure.

17 120. Because the policies permitting Spokane police officers to prolong a
18 seizure solely to facilitate investigations of civil immigration violations are still in
19 place, absent an injunction enjoining the operation of these policies, it is likely
20 that Mr. Gomez will be unconstitutionally seized again in the future.
21
22
23

1 g. An injunction prohibiting Defendants from prolonging a detention or
2 arrest to investigate whether an individual is unlawfully present in the country;

3 h. Attorneys' fees and costs of litigation pursuant to the provisions of
4 Title 28 of the United States Code and 42 U.S.C. § 1988;

5 i. Pre-judgment and post-judgment interest on any award of damages;
6
7 and

8 j. Such other relief as this Court deems just and equitable.

9 Respectfully submitted this 21st day of August, 2017.

10
11 NORTHWEST IMMIGRANT RIGHTS
12 PROJECT

ACLU OF WASHINGTON
FOUNDATION

13 s/Matt Adams
14 Matt Adams, WSBA #28287

s/John Midgley
15 John Midgley, WSBA #6511
16 901 Fifth Avenue, Suite 630
17 Seattle, WA 98164

s/Glenda M. Aldana Madrid
18 Glenda M. Aldana Madrid, WSBA #46987

19 Phone: (206) 624-2184 ext. 290
20 jmidgley@aclu-wa.org

s/Leila Kang
21 Leila Kang, WSBA #48048

22 615 Second Avenue, Suite 400
23 Seattle, WA 98104
Phone: (206) 957-8611
matt@nwirp.org
glenda@nwirp.org
leila@nwirp.org

Attorneys for Plaintiff