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For Immediate Release

March 29, 2011

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## **Racial profiling, illegal search at issue in ACLU lawsuit**

*Plaintiff Jose Sanchez targeted by Denver police*

In a lawsuit filed in federal court March 28, attorneys for the American Civil Liberties Union of Colorado alleged that the Denver Police Department engaged in racial profiling and biased policing when it targeted Denver resident Jose Sanchez, detained him without reasonable suspicion, and falsely accused him of being an “illegal immigrant.” Officers for the DPD then illegally arrested Sanchez for supposedly providing “false identification,” and illegally entered and searched the home of his girlfriend, Joshinna Carreras, without a warrant.

The supposedly “false” identification was a current and valid photo ID card issued by the Department of Homeland Security, which confirmed Mr. Sanchez’s legal presence and authorization to work in the United States.

Sanchez was jailed for five days, causing him to lose his job.

“This case highlights two issues that the Citizens Oversight Board and the Independent Monitor have repeatedly identified as subjects of multiple complaints about Denver police: Racial profiling and illegal entries into the homes of Denver residents,” said Mark Silverstein, ACLU of Colorado Legal Director. “Denver police need to base their policing on evidence, not biased stereotypes and they need to respect the Fourth Amendment’s ban on unreasonable searches and seizures.”

These are the facts asserted in the lawsuit:

Mr. Sanchez visited his girlfriend’s home on the evening of July 29, 2010 and stepped outside to smoke a cigarette while his girlfriend, Ms. Carreras, took a shower. While outside, Mr. Sanchez conversed in Spanish with an acquaintance; another Hispanic man. Police officers approached and demanded that Mr. Sanchez identify himself. When he provided his name, police immediately handcuffed him and demanded he produce an ID. He said the ID was in the apartment, and He offered to go inside to retrieve it. Instead, police officers went inside – declaring that they had the “right” to do so, even without asking the consent of Ms. Carreras, who was still in the shower.

They rummaged through Joshinna Carreras’ home and belongings, while she was still in the shower unaware that anyone was in her home. When she came out of her bathroom, startled at

hearing strange voices in her apartment, one of the officers told her that Mr. Sanchez had given them consent to search her apartment. That was a lie.

Ms. Carreras finally located Mr. Sanchez' photo identification in a backpack. The officers seized the valid Employment Authorization card and immediately declared that it was "fake." They accused Mr. Sanchez of having multiple pieces of fake identification (though no others were found) arrested him without probable cause and took him to jail. Although the officers could have quickly checked the validity of the card with Homeland Security, they did not bother to do so.

Later, the City Attorney dropped the unjustified charge.

Silverstein said the unlawful treatment of the plaintiffs in the case is indicative of the Denver Police Department custom of closing ranks and not objecting to the actions of each other even when those actions are blatantly unconstitutional.

"None of the defendants objected to the hand-cuffing of Mr. Sanchez or to his arrest without probable cause," the suit reads. "None of the defendants made any effort to stop their fellow officers from carrying out the illegal search of Ms. Carreras's home and belongings. ... None of the individual defendants reported the misconduct of any of the officers to the Denver Police Department's Internal Affairs Bureau."

The lawsuit, filed in U.S. District Court, names the City and County of Denver; Denver Police Department Sgt. Peri Beaulieu and DPD officers Dan Giles, Kevin Ujcich, Jeffery Heinis, Andre Strode and Glen S. Riggs as co-defendants. It requests a jury trial and seeks compensatory and punitive damages from each of the individual defendants, compensatory damages from the City and County of Denver, and reasonable attorney's fees.

"The Denver Police Department has authorized its officers to enforce an ordinance that prohibits the carrying of false identification. But the department has failed to train its officers to recognize valid government-issued photo ID cards," Silverstein said. "That's a set-up for more false arrests and illegal detentions like this one and a recipe for the continuing deterioration of police-community relations."

In addition to Silverstein, attorneys representing Sanchez and Carreras are ACLU Staff Attorney Rebecca Teitlebaum Wallace and ACLU Cooperating Attorneys Elisa Moran and John Mosby.