

## Spokane settles federal lawsuit by Mexican national who claimed he was unlawfully detained by police

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Photo Caption: Spokane Police Chief Craig Meidl appears with Mayor David Condon at a press conference on Sept. 26, 2016. Condon signed an agreement Tuesday, January 9, 2018, to settle a federal lawsuit brought by a Mexican national who alleged he was unlawfully detained in 2014 by a Spokane Police officer in order for federal agents to take him into custody for a possible immigration violation. (Jesse Tinsley / The Spokesman-Review)

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The City of Spokane will update its policies and pay a Mexican national who alleged he was unlawfully detained by an officer after an automobile collision that he didn't cause.

The settlement, which Mayor David Condon approved Tuesday, calls for the city to update the Spokane Police policies regarding when and how they detain persons suspected of immigration violations. As part of the settlement, the city agreed to pay 37-year-old Gabriel Gomez Maciel a total of \$49,000.

"I think it's an important fundamental principle that the police are there to enforce the criminal laws," said Matt Adams of the Northwest Immigration Rights Project in Seattle. Officers "are there to serve the community, not help the federal government do immigration enforcement."

City spokesman Brian Coddington said it is a "highly unusual occurrence" that Spokane officers encounter an undocumented person while on patrol.

"The Spokane Police Department is dedicated to providing law enforcement services and to enforce the law fairly, equally and without discrimination to any individual or group," he said. "The department has begun updating its policies to make sure they are clear and consistent."

The federal lawsuit was [filed last year on behalf of Gomez Maciel by the Northwest Immigration Project and the ACLU](#).

On Aug. 24, 2014, Gomez Maciel was driving to church when his vehicle was struck by a minivan whose driver failed to yield the right of way. Spokane police Officer Mylissa Coleman responded to the scene.

Coleman detained Gomez Maciel and contacted the U.S. Border Patrol, asking if they had "any interest" in the man. Gomez Maciel, who has no criminal history and who had a valid driver's license and insurance, but is currently seeking permanent status, was made to stay at the scene for about an hour before federal agents handcuffed him and took him away, according to court records.

"Instead of the police officer inquiring about his medical condition or making calls, she was off calling the Border Patrol," said Adams, who represented Gomez Maciel. "He was placed in cuffs and carted across the state. He never received treatment for injuries caused by the accident."

Coddington said Officer Coleman disputed that "version of events" regarding injuries suffered by Gomez Maciel. She has not faced discipline as a result of the traffic stop that prompted the federal lawsuit, he said.

Following the collision in 2014, Gomez Maciel was eventually taken to the Northwest Detention Center in Tacoma where he bonded out for \$7,000. He spent about a month in custody, which caused him to lose his job as a laborer at a plant nursery where he was making \$12.50 an hour.

The suit argued Coleman did not follow prior court precedent when she detained Gomez Maciel. Adams noted a 2012 federal-appeals decision that said “state and local law enforcement officers violate the Fourth Amendment of the Constitution when they initiate or prolong a seizure solely to investigate whether an individual is unlawfully present in the United States.”

However, Coddington said Coleman was following city policy at the time. The police manual from 2013 notes that officers were not authorized to “arrest foreign nationals for undocumented presence,” but they could prolong detentions to allow Border Patrol or other federal agents time to arrive and investigate.

“After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody with a reasonable time,” the policy reads.

Coddington said the update of city policies already has begun to ensure the department follows case law and directives from the settlement.

“The policy revisions have been made and are working their way through the process,” he said. “They will be adopted shortly and the officers will go through training.”

As for Gomez Maciel, other attorneys are working on his immigration status. Adams said Gomez Maciel, who has family in the area, currently has a pending application to become a lawful permanent resident.

“Citizens are afraid to call the police if they have a cousin or someone staying with them who is undocumented,” Adams said. “We are happy to see that the city of Spokane has agreed not only that they would provide compensation to Mr. Gomez, but that they will change their policies to ensure this doesn’t happen to other people.”

<http://www.spokesman.com/stories/2018/jan/10/spokane-settles-federal-lawsuit-by-mexican-national/>