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Santa Clara settles civil rights lawsuit with border protection officer for \$500,000

By **Joseph Serna** · Contact Reporter

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A bungled search for a \$300 dashboard camera has cost the city of Santa Clara nearly \$500,000 to settle a claim for ethnic profiling, city officials said Thursday.

The city earlier this week agreed to pay \$350,000 and an additional \$149,000 in legal fees to Mohammad Moneeb, a border protection officer with the Department of Homeland Security, after Santa Clara police arrested him, detained his parents and searched his home for hours in 2014 looking for a dashboard camera that went missing from a car used by Moneeb's uncle, an Uber driver.

Moneeb and his family, who are Muslim, filed a federal civil rights lawsuit against the city and police, alleging that they were targeted because they are of Middle Eastern descent. Moneeb's father also works for the Department of Homeland Security, said the family's attorney, Michael Haddad.

"If they had a good reason for [targeting Moneeb] they wouldn't have paid him or his family \$350,000," Haddad said Thursday. "I think we basically caught them."

According to the lawsuit, Moneeb's trouble began on Feb. 8, 2014, when his uncle, an Uber driver, got into a car accident. The uncle had the car towed to Moneeb's family home and took a dashboard camera with him.

Though the uncle was driving the car for Uber, someone else owned the vehicle and came to Moneeb's house looking for the camera, Haddad said.

Moneeb didn't have it and turned the man away. The man went to police and told them Moneeb had the camera but refused to give it back, according to Haddad.

Two days later about 1:15 a.m., Santa Clara police arrived on the family's doorstep, barged in and searched the residence, the lawsuit says. They didn't find the camera.

Sometime after the search, Moneeb went to the Santa Clara Police Department and filed a complaint against the officers, Haddad said.

Authorities then filed an affidavit for probable cause to search Moneeb's house a second time and obtained a \$100,000 felony arrest warrant for Moneeb.

On March 27, about six weeks after the first search, Santa Clara police showed up at Moneeb's house in force, the lawsuit said. They drove into the family's car to block it in, used a battering ram to knock down the front door, slammed Moneeb to the cement pavement outside and handcuffed him, the family said. Moneeb's parents were handcuffed for more than three hours and had to sit on the curb while authorities searched their home, according to the suit.

Despite ostensibly searching for a camera, investigators photographed the family's religious scrolls and emptied out their toothpaste tubes and other toiletries, Haddad said.

"The warrant was to look for electronic devices. It's hard to explain how these officers chose to ransack the house," he said.

Police never found the camera. Moneeb's uncle was charged with stealing the camera but said he simply lost it, Haddad said. Charges against the uncle were dismissed after he paid \$400 to a charity.

Prosecutors dropped their case against Moneeb in December 2014. As part of the settlement, officials said, Santa Clara city attorneys agreed to support a petition to find Moneeb factually "innocent" of any crime and remove records that claimed Moneeb was a potential threat.

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