

Heber family files lawsuit against federal agents for home raid

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By McKenna Park

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Link: <http://universe.byu.edu/2018/03/02/heber-family-files-lawsuit-federal-agents-home-raid/>

Video: <https://youtu.be/uHuZfDGRfQg>

Heber mom Berenice Ramirez woke one night in April 2017 to the sound of a battering ram breaking down her door. Federal agents dressed in military style gear and carrying assault weapons raided her home, threatening Berenice and her three sleeping young children.

"They pointed big guns at me and the kids and yelled at us," Bernice said in a statement. "They separated me from my kids and threatened me. I kept asking to see a warrant and what I had done wrong. They never showed me any warrant and they never said I did anything wrong."

The American Civil Liberties Union of Utah Foundation, ACLU's Immigrants' Rights Project, and Covington & Burling, LLP filed a lawsuit against United States Immigration and Customs Enforcement and United States Marshals Service on Feb. 27 over actions taken during repeated, SWAT-style, home raids on a Utah family living in Heber City in April 2017, according to a press release from ACLU of Utah. According to the press release, the plaintiffs in this lawsuit are five adults and four small children belonging to one family who were targeted in two raids by at least 10 federal agents.

According to the lawsuit, agents from ICE and the U.S. Marshals forcibly entered and ransacked their homes, threatened to take the children away, and arrested the children's grandmother.

Eduardo Ramirez, one of the lawsuit's plaintiffs, said he's proud to stand with his family.

"We had done nothing wrong, and yet they acted like we were criminals," Eduardo said. "They even put me in handcuffs so tightly I had marks on my wrists for a month. They made fun of us for being afraid of their guns."

The federal agents who raided this family's home never produced a warrant, according to news release. They lacked probable cause or reasonable suspicion to believe anyone in the household had committed any crime.

Carl Rusnok, Central Region Director of Communications at U.S. Immigration and Customs Enforcement, said his organization has strict policies for lawsuit situations.

"As a matter of policy, U.S. Immigration and Customs Enforcement does not comment on pending litigation," Rusnok said. "However, lack of comment should not be construed as agreement with or stipulation to any of the allegations."

Rusnok said U.S. Immigration and Customs Enforcement's actions reflect their mission to keep the country safe.

"As part of the Department of Homeland Security's homeland security mission, our trained law enforcement professionals adhere to the Department's mission and values, and uphold our laws while continuing to provide the nation with safety and security," Rusnok said.

Brittney Nystrom, Executive Director of the ACLU of Utah, said immigration tactics can change over time with new government administrations.

"But the Constitution's protections from illegal searches and detentions remain the same," Nystrom said. "Actions by federal agents that violate constitutional rights — as we believe occurred in this situation — remind us how these rights are a vital check against raw power and intimidation."

S. Starling Marshall, Special Counsel at Covington & Burling, LLP, said federal agents who use military-style tactics on families such as the Ramirezes are at risk of violating the Fourth Amendment.

"The facts of this case are disturbing on both a constitutional level and a human level," Marshall said.

"Covington is proud to be assisting in this case because we believe we live in a nation of laws, not a place where we condone the use of excessive, overwhelming, and intimidating force against vulnerable people who pose no risk."