



ACLU sues over “swat-style” ICE raid on Utah family

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Link: <http://www.publicnewsservice.org/2018-03-02/immigrant-issues/aclu-sues-over-swat-style-ice-raids-on-utah-family/a61649-1>

Audio at link

Salt Lake City, UT. — The American Civil Liberties Union is pushing back against what it claims is increasingly heavy-handed actions by U.S. Immigration and Customs Enforcement agents in Utah and across the country. The group filed suit this week against ICE and the U.S. Marshals Service in response to what it refers to as SWAT style tactics deployed on a Utah family living in Heber City last April.

Starling Marshall with the law firm Covington & Burling LLP and co-counsel in the suit, says no one in the home — which included four small children — was ever accused of doing anything illegal.

“This is excessive force. They used assault weapons. They burst into the door,” says Marshall. “When the family kept asking, ‘Do you have a warrant to come into our home? Do you have a warrant for someone here?’, they said, ‘Oh, we don’t need one.’ And when the family continued to ask, they said, ‘You’ve been watching too much Univision.’ ”

According to testimony by family members, during the first of two incidents, agents forced the children to wait outside without shoes and coats in cold weather. The next night, at least 10 federal agents dressed in military style gear entered after breaking through the door with a battering ram.

Marshall says agents told the family they were looking for the grandfather suspected of illegal re-entry. Utah's U.S. Marshals offices said they could not comment on pending litigation. ICE did not respond to a request for comment.

Marshall notes that re-entering the U.S. unlawfully would be a nonviolent charge. She adds law enforcement is generally prohibited from entering a family home unless they have a warrant or unless the family consents.

Marshall adds that rare exceptions, for example if authorities are in hot pursuit of a violent criminal, do not apply in this case. The suit alleges that agents violated the family's constitutional rights to be free from unlawful searches and the use of excessive force.

"They don't have an unfettered license to do whatever they want, whenever they want it," she says. "They have an obligation to fulfill their law enforcement obligations in compliance with the Constitution, and they failed to do so here."

Marshall says while it's brave for this family to come forward, she fears there are more unreported cases of excessive force. She adds entire communities are put at risk when law enforcement abuses its authority, because trust is broken, and victims or people who have witnessed crime don't feel safe contacting authorities.

Eric Galatas, Public News Service