



Utah

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PRESS RELEASE

ACLU of Utah Files Lawsuit Over Illegal Search and Unlawful Detention by Federal Agents

EMBARGOED UNTIL 9:30am MT Tuesday, February 27, 2018

February 27, 2018

SALT LAKE CITY – The American Civil Liberties Union of Utah Foundation, Inc. (ACLU), ACLU’s Immigrants’ Rights Project, and Covington & Burling, LLP today filed a lawsuit against United States Immigration and Customs Enforcement (ICE) and United States Marshals Service (U.S. Marshals) over actions taken during repeated, SWAT-style, home raids on a Utah family living in Heber City in April 2017.

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 dressed in military-style gear and carrying assault-style weapons. 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. Despite family’s requests, the federal agents never produced a warrant of any kind. The agents lacked any probable cause, or even reasonable suspicion, to believe anyone in the household had committed any crime.

“Dozens of federal agents raided this family’s home once, and then came back with more force the second time knowing that the homes were only occupied by small children and their mother, none of whom presented any risk.” explained John Mejia, Legal Director of the ACLU of Utah. “These horrifying actions reflect a sense of unchecked authority that must be put to a stop.”

The family’s experience reflects the increasingly heavy-handed approach, supported by the Trump Administration, by ICE agents in Utah and across the country. Last February, the president’s then-press secretary declared that the administration wanted to “take the shackles off individuals in these agencies.” The disturbing facts of this case show what taking the shackles off looks like.

“Unlawful raids are a problem nationwide, not just in Utah,” said Lee Gelernt, Deputy Director of the ACLU’s Immigrants’ Rights Project. “This must be stopped.”

“Immigration tactics and priorities might change over time and with new administrations,” said Brittney Nystrom, Executive Director of the ACLU of Utah. “But the Constitution’s protections from illegal searches and detentions remain the same. 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.”

“The facts of this case are disturbing on both a constitutional level and a human level. Federal agents charged with enforcing the law can cause so much harm to a young family when encouraged to use military-style tactics in violation of the Fourth Amendment,” said S. Starling Marshall, Special Counsel at Covington & Burling, LLP. “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.”

Among other things, the complaint alleges:

- ICE and U.S. Marshals agents entered family’s apartment in Heber City, Utah twice without receiving permission or producing a warrant. When a family member asked the agents to produce a warrant, one of them responded that he did not need a warrant to break down a door.
- During the first raid, agents separated the minor children (age 6, 5, 4, and 2) from their grandmother and forced them sit on the exterior steps in cold weather without proper clothing or shoes for an extended time. Later, an agent carried a crying child (age 2) outside claiming he could not “control” it and placed the child on the ground. The child’s mother picked up the crying child, but another agent warned her not to come near her other children.
- An agent told a family member that the agents would take the children away and place them in state custody if she did not “cooperate.”
- Despite confirming that a family member had no criminal record, the agents arrested her in retaliation for her relatives not providing contact information for another family member.
- Agents ransacked family’s apartment, throwing clothes and bedding everywhere, breaking closet doors off the hinges, and taking \$3,000 found in the apartment. After agents battered down the front door during the nighttime raid, the family had to use a couch to prop up the broken door for the rest of the night.
- Agents told the family they couldn’t win a legal challenge “against ICE” because of “Trump’s new law.”

The lawsuit names agents of ICE and the U.S. Marshals, specifically Jordan Reddish and 48 other unnamed defendants.

The lawsuit asserts constitutional violation of plaintiffs’ rights, privileges, and immunities secured by the Fourth Amendment of the U.S. Constitution. It alleges that defendants’ actions were in violation of Plaintiffs’ clearly-established, constitutionally-guaranteed rights to be free from unreasonable and unlawful searches and seizures, and to be free from the use of excessive force.

The ACLU of Utah Foundation, Inc., the ACLU’s Immigrants’ Rights Project, and Covington and Burling, LLP filed this lawsuit in the U.S. District Court for the District of Utah.

PRESS CONFERENCE

ACLU of Utah Press Conference Over Illegal Search and Unlawful Detention Lawsuit

Tuesday, February 27, 2018

9:30am MT

ACLU of Utah

355 North 300 West

(2nd floor)

Salt Lake City, UT 84103

[Parking lot located on north side of building]

Watch a Facebook Live broadcast of the press conference here:

<https://www.facebook.com/pg/aclu.utah/videos>

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For more information, contact Jason Stevenson, ACLU of Utah's Strategic Communications Manager, at (617) 290-8188 (cell), or email, at jstevenson@acluutah.org