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PRESS RELEASE

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ACLU of Utah Files Lawsuit Over Illegal Home Raid and Search by State Agents

FOR IMMEDIATE RELEASE

SALT LAKE CITY – The American Civil Liberties Union of Utah Foundation, Inc. (ACLU,) Covington & Burling, LLP, and Crowell & Moring LLP filed a lawsuit today against agents and officials from the Utah Division of Adult Probation & Parole (AP&P) and the executive director of the Utah Department of Corrections over actions taken during a violent raid against a Salt Lake City family in August 2018.

The plaintiffs in this lawsuit are the Yanez family: three adults and three children whose home was surrounded and then violently entered by more than a dozen AP&P agents dressed in military-style gear and carrying assault-style weapons.

At around dinner time on August 20, 2018 agents arrived and demanded entry, asserting that they were looking for an adult member of the family who did not live at the home. The agents claimed to have a warrant but did not produce one after repeated requests. After the family said they would not let them in without seeing a valid warrant, agents proceeded to break down the doors. Once they entered, they tackled the mother, Maria, with a riot shield; pinned the father, Munir, to the ground and repeatedly shocked him with a Taser; pointed an automatic rifle at a child before handcuffing him; and forced the other two children to leap from the kitchen window.

“These shocking acts against the Yanez family in their own home is beyond the bounds of constitutional protections,” explained John Mejia, Legal Director of the ACLU of Utah. “No more Utah families should be subjected to these kind of excessive tactics”

According to the lawsuit, AP&P agents had approached the Yanez family several times about the location of their oldest son. That son had not lived with the family for quite some time. When agents arrived at the house again on the night of the incidents, the family refused to let them inside without a warrant and demanded that the agents leave the property. Instead, more and more agents, including some wearing body armor and carrying assault-style rifles, arrived at the home and escalated tensions by falsely telling the Yanez family they could enter their home at will. When the family refused to let them enter, the agents surrounded the home, broke down the front and back doors simultaneously using extreme force, and detained the family members, including children. The person the agents were looking for was not in the home.

"In their overzealous effort to locate a non-violent, non-threatening parolee, AP&P agents used military-style tactics against an innocent family, including minors. AP&P agents exhibited a disregard for the family's Fourth Amendment rights," said Anupam Sharma, Partner at Covington & Burling, LLP. "Covington is proud to partner with the ALCU of Utah to protect the rights of this family and ensure that AP&P agents are held accountable for their unconstitutional policies and practices of harassment, intimidation, and retaliation, as well as the physical and emotional harm they caused the Yanez family."

"It is every family's worst nightmare. You sit down to dinner as a family, and then agents storm into your home and brutally attack you in front of your children. We cannot allow this type of behavior by law enforcement to go unchecked. Crowell & Moring stands with the Yanez family in bravely pursuing these claims to ensure that this does not happen to other Utah families," said S. Starling Marshall, Partner at Crowell & Moring LLP.

Among other things, the complaint alleges:

- After forcefully entering the Yanez home, agents forced the family to stand outside for over two hours while they made a mess out of the interior of the house.
- Agents stole \$7,000 in savings that the Yanez family planned to use to pay for their only daughter's Quinceanera party.
- Agents took Munir Yanez to jail, on the way taunting him to the effect that "You're going to be back in Mexico tomorrow." Yanez, a U.S. citizen and Rose Park (Salt Lake City) resident for more than 20 years, was not charged with any crime.
- Maria Garcia, Munir's wife, observed agents placing a kitchen knife on the couch near where her adult son had been tackled. She informed the agents she saw them planting evidence. The son was never charged with a crime.
- Agents told Maria that she must know where her son is "because you are a Latina."

The lawsuit names individual agents of AP&P involved in the raid, the director of the AP&P Fugitive team overseeing the raid, the executive director of the Utah Department of Corrections, and other unnamed defendants.

The lawsuit asserts constitutional violations 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 Plaintiffs are also suing Defendants for conspiracy to violate their civil rights based on ethnicity and national origin. Finally, the lawsuit seeks injunctive relief from AP&P to make policy changes so that these violent and discriminatory raids do not happen again in Utah.

The ACLU of Utah Foundation, Inc., Covington and Burling, LLP, and Crowell & Moring LLP filed this lawsuit in the U.S. District Court for the District of Utah on January 29, 2020.

Lawsuit webpage at the ACLU of Utah

<https://www.acluutah.org/yanez>

Complaint (PDF)

https://www.acluutah.org/images/20-01-29-Yanez_Complaint.pdf

Video of the August 20, 2018 Raid on the Yanez Family Home in Salt Lake City

Link: <https://youtu.be/ZOQUf0e5b0E>

Video of the Munir Yanez being Tased by AP&P Agents during Raid on the Yanez Home

Link: <https://www.youtube.com/watch?v=O-vs6aEnrPI>

Video Statements by Munir Yanez and Maria Garcia

Question #1

Can you describe what happened to you and your family?

Link: <https://youtu.be/EJ4tvircU1A>

Question #2

Can you tell us what you hope happens by taking legal action?

Link: <https://youtu.be/xByx5xuGK7c>

Question #3

How do you feel about being a part of the Rose Park community (of Salt Lake City)?

Link: https://youtu.be/d84Pri3Wp_s

Copy of this press release (PDF)

https://acluutah.org/images/ACLU_UT-PressRel-Yanez-eng.pdf

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