

## **Cincinnati Enquirer**

# **Family disputes immigration group's findings**

**By Mark Curnutte**

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Federal immigration officials say an internal investigation of 12 incidents of alleged abuse and illegal conduct - including one in which a Cincinnati family claims its Fourth Amendment rights were violated - clears its agents of any wrongdoing.

Still, leaders of the Detroit office of Immigration and Customs Enforcement (ICE), which has jurisdiction in Ohio, said the local case and 11 others that took place between February and May in Michigan provide an opportunity to explain proper enforcement guidelines to its agents and officers. Among them is "corroborated 4th Amendment training," defined as searches and seizures supported with evidence.

Andres Lopez and his family, as well as their advocates in Cincinnati and advocates for families in the Detroit area, disagree with ICE's findings.

"ICE's failed investigation is what happens when the fox is charged with watching the hen house," Art Reyes, a member of the Hispanic and Latino Commission of Michigan, said in response to ICE findings during a news conference last week in Detroit.

The Enquirer asked ICE about the Lopez case. Lopez, a 26-year-old father of two U.S.-citizen children, including a 3-year-old son with cerebral palsy, said he heard two sets of knocks at his apartment door on Saturday afternoon, Feb. 12.

The first time, he said he saw no one through the peephole, so he sat back down. The second time, he couldn't see through the peephole - a neighbor kid liked to cover it with his finger - so he opened his apartment door a few inches to see who was outside.

Three men wearing black vests and carrying pistols pushed their way inside. Lopez said he did not give them permission to enter, they did not produce a search warrant or identify themselves, though he figured out minutes later when they arrested him that they were agents with ICE.

A review of events of Feb. 12 in Cincinnati found that officers "did not engage in any abuse or professional misconduct," ICE Director of Public Affairs Brian P. Hale told the Enquirer.

Lopez said agents handcuffed him and ran him 10 feet across the living room, slamming him into a wall. The 3-foot crack and collapsed drywall remain, covered now by a calendar.

"I felt like they didn't respect me," Lopez, 26 and a native of Guatemala, told The Enquirer through a Spanish-speaking interpreter.

The Lopez case attracted the attention of local immigrant rights advocates, who've come to the family's aid. The incident became joined with 11 other alleged examples of abuses and legal violations by Detroit-based ICE agents and officers.

ICE investigated the 12 complaints brought to its attention by U.S. Rep. John Conyers Jr., D-Detroit. In each case, investigations by ICE's internal Office of Professional Responsibility found the allegations to be unfounded or unsubstantiated, according to an internal ICE document obtained by The Enquirer.

Other complaints of alleged ICE abuses in Michigan involve:

- A strip search of an Eastern European immigrant in front of her son.
- Failure to allow medication to be given to a pregnant woman in its custody.
- The arrest of an immigrant parent at his child's school.
- The surrounding of another school by ICE and Border Patrol agents at the hour parents picked up their children.

According to a report by ICE officials in Detroit, that office "drafted a new policy that more clearly defines enforcement activities at or near sensitive locations."

"These events have provided the agency an additional opportunity to reiterate its policies governing (enforcement and removal operations) ... that addresses community concerns and is appropriate under the law," Hale said.

ICE's response has not satisfied its critics.

"They barged in and made the assumption he wasn't documented," said Don Sherman, executive director of Cincinnati Interfaith Workers Center, which is helping the family.

Sherman and the Rev. Jorge Ochoa, pastor of San Carlos Catholic Church, Carthage, plan to meet with U.S. Rep. Steve Chabot, the Westwood Republican, and Ohio Democrat Sen. Sherrod Brown to bring alleged ICE abuses to their attention and to advocate for Lopez. He is seeking hardship cancellation of removal - in other words, the couple claims the special medical needs of their disabled U.S. citizen son, Henry Lopez-Diaz, could not be met in Guatemala - and has a date in federal immigration court in Cleveland in 2013.

It's unlikely Lopez would be detained again or deported before then if he doesn't commit a crime, Sherman said. In the meantime, advocates are trying to help Lopez find work so he can support his family. He is now essentially documented and can work legally.

The family receives a monthly Social Security check for Henry, who has cerebral palsy and undergoes treatment at Cincinnati Children's Hospital Medical Center. The young boy cried and screamed as he watched ICE agents man-handle his father, his parents said.

"They showed us a picture of a Latino man and asked us if we knew him," Lopez said. "We told them we did not know him and that he was not here."

Beatriz Diaz, Lopez's fiancée and mother of the children, tried to call a social worker on her cell phone during the altercation with federal agents. She said her phone was taken aggressively from her hand by an agent, who threw it onto a couch near where Henry sat.

"They took it," Beatriz Diaz said of her phone. "They took my (fiancé's) Guatemalan passport. They have not given them back."

Officers arrested and handcuffed Lopez as an "illegal alien," according to the ICE investigation report. His resistance was the reason Lopez "was subsequently guided into a wall by the officers," the report read.

With his hands cuffed behind his back, Lopez said his chest and stomach slammed into the wall, cracking it. He said he chipped a tooth on a nail from which a calendar hung.

Lopez was led to an unmarked black SUV and driven to the federal holding cell at the Butler County Jail in Hamilton. Lopez said he was held at the jail for two weeks. His friends and family members came up with the \$7,500 bail.