



ICE, Border Patrol have own rules

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SANDUSKY — For local police, there's one set of rules; for federal law enforcement agencies, there's a whole other set.

Ohio law requires sheriffs and deputies, police chiefs and all other law enforcement officers to document police actions, from the phone call asking for help in an emergency to every parking ticket, and everything on up from there. If police arrest someone suspected of a crime, they are required to document that arrest and document the steps they took leading up to that arrest. They are required to release that information to the public.

None of that applies, however, to U.S. Immigration and Customs Enforcement (ICE) officers and Border Patrol agents operating in Ohio. Whatever police actions they take and whenever they take that action is no business of the people of Ohio, who have no oversight of their actions. The agencies are not required to say who they arrested, what charges they filed, or even where a person arrested is being kept after getting handcuffed.

In other words, federal police operate in Ohio openly, but secretly.

That's what happened Tuesday when 200 ICE and Border Patrol agents — many of them heavily armed — raided two Corso's Flower and Garden Center locations in Sandusky and Castalia, arresting 114 people. A spokesman said charges against the people arrested might include aggravated identity theft and impersonation of U.S. persons.

Court documents 'sealed'

Steve Francis, special agent in charge of Homeland Security investigations, said allegations also involved harboring and hiring of "illegal aliens." But there was no followup from Francis, or anyone else involved in the raids, to provide any documentation of what charges were filed, or even the names of the people arrested.

John Corso, a vice president of the company, released a statement Thursday denying wrongdoing and saying the greenhouse and landscaping company complies with state and federal law in its hiring practices, including hiring migrant workers from other countries.

Francis told the Associated Press the investigation began eight months ago, but no investigatory records were made available. A woman arrested by Border Patrol agents in October is a "document vendor," he said, and she led investigators to Corso's. But whatever information she gave agents that led them to Corso's — which likely would be contained in the search warrants they filed in U.S. District Court — was not made available.

Search warrants, generally, also are public record and available to examine after being executed.

But the warrants that led to the raids at Corso's are under seal. No explanation has been provided for why the warrants and arrest records from Tuesday are being kept secret, other than for "privacy" reasons. Ohio's Public Records Act — which ICE and the Border Patrol ignore — was approved by state lawmakers for the exact opposite reason: To assure transparency in law enforcement and guard against abuses that can lead to false arrests or imprisonment.

Ohio's federal representatives gave what seemed like a collective shrug of their shoulders when asked about the secrecy in how ICE and the Border Patrol operates in Ohio, avoiding questions and releasing statements of positions instead.

Senators speak up, say little

U.S. Sen. Sherrod Brown, in fact, ducked out completely, refusing to respond to questions and sending an aide to offer a reply that appears to endorse both secrecy and openness.

"(The senator) believes ICE should make information available to families and representatives of anyone detained, and his office is working to help Ohioans who reach out to us track down the information they need," said Jennifer Donohue, a spokesman for Brown. "(He) also believes that the press provide critical oversight of government and ICE has a responsibility to find ways to share information with reporters while also protecting the privacy of those in custody."

But Brown's office, in reality, appears to support keeping information about ICE and Border Patrol operations secret. On Tuesday, Brown said his office interceded on behalf of one person who was falsely arrested during the raids at Corso's on Tuesday. That person was subsequently freed, Brown said, but he refused to identify the individual, and refused to answer additional questions.

It's unknown if others have claimed to be falsely arrested, or if any of the individuals suspected of being in the country unlawfully have already been deported or in in process to be deported. It's also unknown if ICE took any steps to assist the children of those arrested — likely American citizens — in making arrangements for child care.

One local agency responsible for children in such predicaments — the county Jobs and Family Services agency — said nobody had contacted them about children in need of assistance and the agency was informed that any people arrested on Tuesday who have children likely would be released from custody with an ankle-monitoring device so they could care for their families. It's unknown if that happened.

Like Brown, U.S. Sen. Rob Portman also refused to take any questions about the raids and how ICE and the Border Patrol operates in Ohio.

"We're gathering more information about the raids and potential crimes committed," said Emmalee Kalmbach, a spokeswoman for Portman. "Our office has not been contacted by anyone directly involved."

It's not known if Portman or Brown, or other federal representatives, have been provided more information about the raids and who was arrested than the general public, or why they would be privy to information the public is barred from knowing.

Kaptur fired up

U.S. Rep. Marcy Kaptur, D-Toledo, whose 9th District includes Sandusky, also issued a statement in response to the Register's questions, but she appears to have taken a clear stand against the "privacy" argument for secrecy.

"We are in direct contact with U.S. Immigration and Customs Enforcement officials as well as local advocates in regards to the 114 people who were questioned and in some cases detained, in Tuesday's raid," Kaptur said. "My office is working to get as much information as possible and we encourage transparency from ICE officials as this process unfolds."

"We want to make sure everything about this action is above board and that individuals are being treated with dignity and respect. I know many Ohioans are upset and alarmed by these actions by the government and I share their concern."

Kaptur said she intended to "share more information as it becomes available," and she urged anyone needing assistance to contact her regional office at its toll-free line, 1-800-964-4699.

"The tragic reality is agricultural workers are vulnerable and targets for those looking to exploit them. Congress must regulate the seasonal and migrant labor flow across the Americas and we must end modern-day indentured servitude that is all too commonplace."

Steve Kraus, the Republican House candidate from Sandusky opposing Kaptur in November, released a statement criticizing Kaptur.

"The recent illegal immigration sting illustrates that our immigration process is broken and in need of reform. It further demonstrates that our border is broken and needs to be fixed," Kraus said. "These people would never have been put into this position if Marcy Kaptur and the rest of Congress would have done their jobs 30 years ago and secured the border under then-President Reagan and reformed our immigration system."

He said people should trust ICE and not worry whether it's operating under the radar.

"We should support our law enforcement and ICE officials and have confidence they are doing their jobs correctly before questioning the validity of the raid. I suspect in the coming days and months there will be more raids and more illegal immigrants deported."

Fellow Republican U.S. Rep. Jim Jordan, whose 4th U.S. House District includes portions of Huron County and Norwalk, also issued a statement on the raid in response to the Register's questions.

"America is a nation of immigrants. Those immigrants helped to form the most compassionate nation on Earth, but they also formed a nation built on the rule of law," Jordan said, avoiding the question about Ohio law requiring police agencies to disclose information about arrests, search warrants and charges filed.

"We will keep working to find solutions that secure our borders, provide a permanent fix to the DACA issue, and improve our immigration system to make it fairer for those who want to come here legally," Jordan said.

Where are the children?

Cherry pickers

It's not known — because it has not been disclosed — if any of the 114 people arrested have been charged with anything.

Alex Nowrasteh, an immigration specialist at the Cato Institute in Washington, D.C., said state law governing arrests applies only to state agencies and local law enforcement agencies. Federal agencies are governed by federal law, he said.

Nowrasteh said federal officials will eventually release how many of the 114 arrested on Tuesday were actually charged with a crime and how many were convicted. But in making an initial announcement, “they basically cherry pick the examples they want to give. They usually pick the worst examples possible and put that out in a press release,” he said.

If the Corso raids turn out to be typical, the vast majority of the people arrested are guilty only of unlawful presence in the U.S. That is a civil offense, not a crime, and the only recourse of the government is to deport them, Nowrasteh said.

Many of the federal law enforcement agents wore camouflage and carried military-style rifles when they conducted Tuesday's operation. A helicopter circled overhead as if no precaution was too great in raiding a family-owned flower shop and landscaping business.

“This is a prime example of ICE pretending they are in a war zone like they are in Baghdad rather than Ohio,” Nowrasteh said.

If the federal government really thought the employees were dangerous, they would have arrested them in small groups in their homes, he said.