

MONTEREY HERALD

Couple sue after mistaken SWAT raid; target at large

Target of Salinas operation still at large because of clerical error

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POSTED: 07/15/2014 07:56:22 PM PDT 5 COMMENTS | UPDATED: ABOUT 9 HOURS AGO

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Omar Ramirez

SALINAS >> An elderly couple mistakenly detained in a vast SWAT operation last year have filed suit against the city of Salinas, while the reputed violent drug dealer police actually sought has disappeared due to a clerical error, officials said.

Omar Ramirez, 26, has been missing since March 18, Monterey County prosecutor Rolando Mazariegos said, after Ramirez was convicted by a jury of conspiring to sell methamphetamine, possessing methamphetamine for sale and street terrorism.

Mazariegos said Ramirez was scheduled to be sentenced to up to 24 years in prison when his bail was supposed to be set at \$300,000. Instead, it was mistakenly recorded as \$3,000.

A year earlier, the day police thought they were bringing him in as part of Operation Snake Eyes, Ramirez was nowhere near the couple's house on Park Street.

He was already in jail for an alleged parole violation.

The sun had barely risen the morning of May 23, 2013, when more than 200 heavily armed officers descended upon Salinas.

Alberto and Martha Alvarado and their 14-year-old granddaughter had no idea they'd be among the targets of Operation Snake Eyes, which netted 25 arrests that day at 20 locations around the county.

Officers believed Ramirez was at that address, according to a search warrant, and expected him to be armed with illegal weapons. They also expected to find methamphetamine, heroin, cocaine and drug sales paraphernalia, the search warrant says.

But Ramirez lived at the house next door, the Alvarados' attorney Michael Haddad said.

Of course, he wasn't there either, as officials later learned.

According to the lawsuit's complaint, police carrying assault weapons arrived at the house around 7:15 a.m. The Alvarados stepped outside.

Police then "held (the Alvarados) at gunpoint and ordered them to lie prone, face down, on the driveway," where they were handcuffed.

The complaint says the couple were "totally compliant," though Martha Alvarado pleaded with officers to let her husband get up off the pavement.

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She said he "was very sick and on dialysis, and cannot be put on the ground because he could get an infection" around his catheter tube.

But police "continued to hold them at gunpoint for several minutes, including after they were handcuffed in the prone position," the complaint says. The couple were only moved and allowed to sit in chairs after officers noticed the home's video surveillance camera, the complaint says.

Meanwhile, the Alvarado's 14-year-old granddaughter was inside when police entered the house.

She, too, was ordered to lie on the floor. Crying, she asked where her grandparents were and was told if she didn't tell police the truth about where a man named Omar was, "It will be a lot worse for you."

The complaint alleges that while officers searched the house, the Alvarados were kept outside for two hours, "long after (police) knew or should have known that they had raided the wrong residence."

The suit is asking for damages for alleged unlawful search and seizure, invasion of property, hospital and medical expenses and violation of constitutional rights.

It also asked for orders prohibiting police from engaging in "excessive SWAT raid operations."

That's a point Haddad stressed on Tuesday.

"This is a trend we're seeing with the militarization of domestic police," he said. "This family was treated like they're foreign combatants."

Also Tuesday, the publication Trends Journal, published by the Trends Research Institute of Kingston, New York, decried the increasing militarization of police.

In "Cops Gone Wild," self-proclaimed "law and order conservative" Paul Craig Roberts writes that police SWAT teams "have become ubiquitous," armed with tanks, mine-resistant armored fighting vehicles and more. "These military vehicles are in routine use, and the SWAT team breaking down your door has replaced the policeman knocking to present a summons."

He said police agencies have transferred much of the danger implicit in their jobs to the public.

"Today no level of risk is acceptable for police," he wrote. "Therefore, all risk has been shifted to the public any time members of the public have encounters, mistaken or not, with the police."

The American Civil Liberties Union last month issued a report estimating there are an average of 124 SWAT raids a day across the U.S.

Non-existent before the 1960s, SWAT raids are today used only 7 percent of the time "for their original purposes: hostage and barricade situations," the ACLU said.

According to a number of police historians, the first SWAT operations were staged by Delano police in response to demonstrations by Cesar Chavez and the farmworkers' union.

Today, the ACLU reports, SWAT units are used 80 percent of the time to make arrests.

Haddad said the Alvarados were the "collateral damage" of this trend.

But Mazariegos said Ramirez has violent felonies in his past, including strikes under California's three-strikes law.

Besides dealing drugs, he also was in charge of collecting "taxes" from other drug dealers to deliver to his superiors in the gang.

Mazariegos said Ramirez should be considered armed and dangerous by any law enforcement officers now seeking him.

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