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TEXAS FAIR DEFENSE PROJECT, ACLU OF TEXAS FILE LAWSUIT FOR CIVIL RIGHTS ABUSES OF IMMIGRANTS ARRESTED UNDER OPERATION LONE STAR

AUSTIN, TX – The Texas Fair Defense Project, American Civil Liberties Union of Texas, and Covington & Burling LLP [filed a lawsuit](#) Monday over the unlawful, prolonged detention of four immigrants by two counties on the Texas border in 2021 and 2022.

Migrants who were arrested for misdemeanor trespass under Operation Lone Star were incarcerated an additional 13-42 days after their charges were dropped or their sentences fully served, according to the lawsuit. Such overdetention violates the U.S. Constitution and the clear commands of Texas criminal procedures. The complaint names two county sheriffs, counties, state and county officials and a private company who collectively share and individually caused plaintiffs' overdetention.

The plaintiffs were arrested under Governor Greg Abbott's "[Operation Lone Star](#)." The lawsuit highlights one manifestation of the program's disregard for the rule of law. Arrest, detention, and overdetention—what this case is about—are happening alongside the construction of dangerous barriers, including concertina wire along the banks and waters of the Rio Grande and buoys separated by circular saws in U.S. and Mexican territories.

"Texas' cruel border politics and policies are wasteful, inflammatory, and riddled with human and civil rights abuses," said David Donatti, attorney at the ACLU of Texas. "Our clients were locked up for days and weeks after state law commanded they should be released. What's more, hundreds or thousands of others have been subjected to the same or similar disregard of their rights. Governor Abbott has manipulated unchecked executive power and Texas' criminal laws to leverage control over border communities and endanger migrants. In the United States, and in Texas, the government cannot impose criminal penalties without due process of law."

The Texas government has spent billions of dollars on OLS, including deploying state police and national guards, commandeering public parks and private property, and putting up miles of razor-wire lain in community parks, coiled along banks of the Rio Grande, and wrapped around barrels and submerged in the river's waters. We have seen injured people and families given misleading directions by authorities rather than water in triple-digit temperatures.

Despite repeated allegations of international, civil, and human rights violations, and no receipts demonstrating the system's necessity or efficacy, wasteful spending and needless violence have only escalated. During the recent Texas legislative session, lawmakers [approved billions more](#) for border policing. This lawsuit alleging overdetention highlights an important example – but not an isolated one – of the [illegal consequences](#) of Texas' anti-immigration policies.

Arrestees in the OLS system are forced into pretrial facilities unique to the program. Detained far away from where they were arrested, and with court coming from state-appointed judges via video feed, Plaintiffs recalled abhorrent conditions during their unlawful detention: They were not given an adequate amount of food, were rarely allowed to go outside, suffered from inadequate heat or clothing, and received insufficient access to medical care during their detention. They were incarcerated in these conditions for months before receiving any due process, and then continued to be incarcerated after their charges had been dismissed or their sentences had been served.

“The government cannot just grab whoever they want off the street and lock them in cages as long as they feel like it,” said Camilla Hsu, Managing Attorney for Litigation at the Texas Fair Defense Project. “To put it plainly, what happened here was that the legal process said there was no reason for our clients to be in jail, but instead of letting them go, the Defendants in this case illegally jailed them, with no authority whatsoever, for weeks. Abuses like this are horrifying, but sadly unsurprising, in the sham criminal legal system of Operation Lone Star.”

TFDP and its partners are bringing this lawsuit to seek money damages and hold those involved accountable, including:

- Kinney and Val Verde County
- Kinney County and Val Verde County sheriffs
- Wardens of Briscoe and Segovia Unit State Prison

Operation Lone Star is touted as a border policy that operates across the state to allow Department of Public Safety troopers, Texas National Guard members, and local law enforcement to use state criminal trespass charges to target and arrest migrants, many of whom are seeking asylum.

[Access the full complaint here.](#)

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About [Texas Fair Defense Project](#)

The Texas Fair Defense Project fights to end the criminalization of poverty in Texas. We envision a system of justice that upholds the dignity and civil rights of all people, regardless of income, race, or gender.