

# EL PASO MATTERS

## GOVERNMENT

# DPS rammed family vehicle, pointed guns in mistaken Operation Lone Star stop, El Pasoans say



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Gerardo Ayala, his wife Alejandra Lopez, and their daughter say they were mistakenly forced off the road and held at gunpoint by agents with the Texas Department of Public Safety in October. (Angela Kocherga/El Paso Matters)

An El Paso family returning from a visit to Ciudad Juárez says they were forced off the road by Texas state agents who then rushed out of their unmarked vehicles and pointed semiautomatic rifles at them.

“This was excessive, way too much force. It would have been just as easy to turn on your lights, pull us over and do an investigation” said Gerardo Ayala, 37, who was in his Chevy Cruze on Oct. 12 with his wife, 13-year-old daughter and mother-in-law.

Ayala said they were released after a Texas Department of Public Safety supervisor told them their car was similar to one being tracked in an investigation. DPS spokesperson Elizabeth Carter said only, “We’re looking into the allegation.”

The Ayalas are U.S. citizens, and the October incident underscores concerns by civil rights groups and immigrant advocates that Texas’ border enforcement efforts include ethnic profiling and civil rights abuses.

Gov. Greg Abbott and Texas Republican lawmakers have approved \$11 billion in recent years for Operation Lone Star, which floods border areas with DPS troopers and agents and National Guard soldiers in an effort to impede entry by unauthorized migrants. The increased DPS border presence has led to [more high-speed chases](#) of suspected migrant smugglers, which sometimes end in crashes with injuries and deaths.

Abbott this week signed Senate Bill 4, which was passed by the Legislature and will allow Texas police officers – including DPS troopers – to arrest people suspected of entering the country illegally, and possibly deport them to Mexico. El Paso County [filed a lawsuit](#) the next day challenging the law.

Ayala and his family were on their way to their West El Paso home at about 6:30 p.m. Oct. 12 after visiting family in Juárez. They returned via the Santa Teresa port of entry in New Mexico, just outside the El Paso city limits.

Shortly after they crossed the Texas state line on Artcraft Road, Ayala said their car was boxed in by two vehicles without law enforcement markings. He said they didn’t turn on lights and sirens during the forced stop.

“The vehicle in front kept slowing down, slowing down, slowing down. All of a sudden, this vehicle rams us from behind, pushes us into the other vehicle. The other vehicle puts his car, his truck, into reverse and actually reverses into us,” Ayala said.

At first, he and his wife say they thought there was a chain reaction pile up on busy Artcraft Road as they approached Interstate 10.

But then several men with weapons rushed their car yelling, according to Ayala and his wife. He says at least four men wearing street clothes and tactical vests quickly surrounded the car and pointed semi-automatic

rifles at them. His wife Alejandra Lopez, 36, said she feared for her family's safety.

"When they started coming out with their guns, the first thing I did was look back to my daughter and my mom," Lopez said. "I mean, they were the first thing I thought about. I saw her little face scared. I had never seen her face so scared."

Ayala said: "They came in charging. I mean, they looked like furious bulls coming at us. As soon as I opened the door and I told them this is just me and my family, their faces just changed drastically."

He said a DPS supervisor on the scene told Ayala their car was similar to one they had been tracking as part of an investigation.

"DPS approached me, they actually told me this was a mistake. But nobody there actually came up and apologized, not one single person apologized," Ayala said.

Their car had minor damage in the front and rear.

The Ayala family wants their car repaired and medical expenses covered, including the cost of X-rays at a hospital the night they were hit. Ayala says his 67-year-old mother-in-law has lingering back pain and can't afford to keep seeing a doctor. So far, Ayala says, they've spent about \$3,000 on medical bills.

And they want an apology.

The family talked about their nightmare at their Westside home with lights twinkling on their Christmas tree and the family's small black and white dog Bonita, red ribbons in her hair, at their feet.

The Ayalas say there was no probable cause to pull them over, and certainly none to ram their car and threaten them with guns.

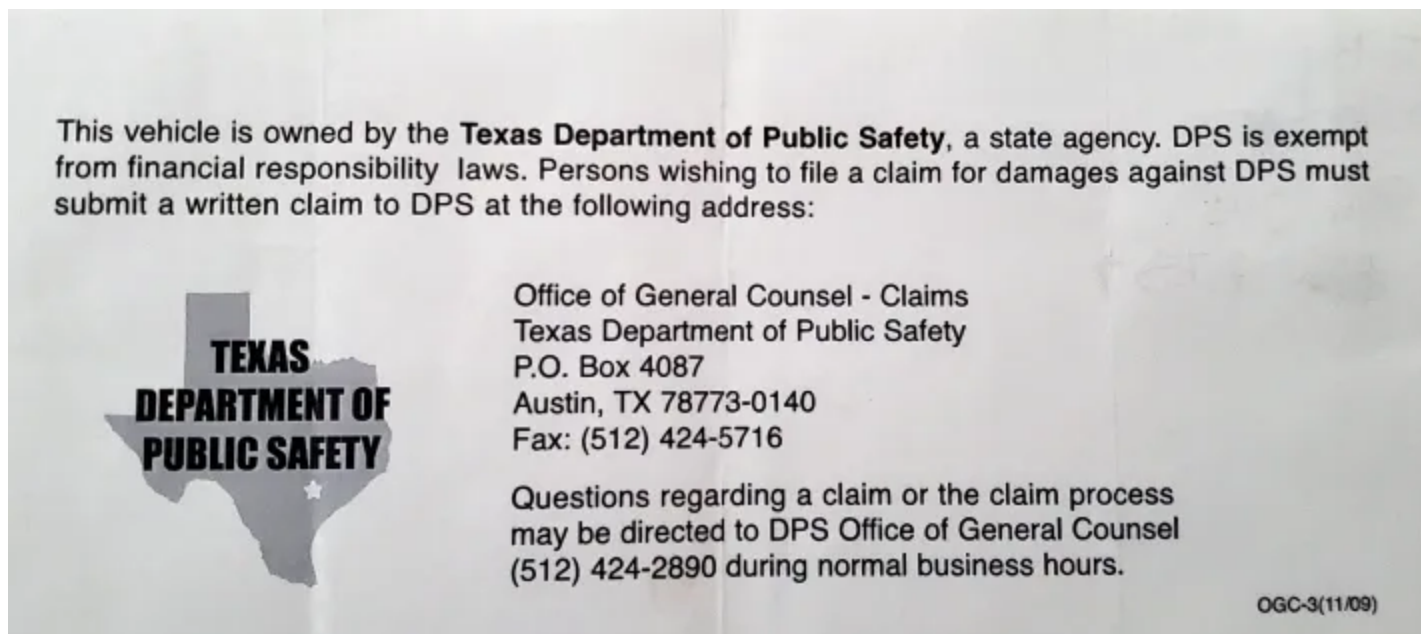
Their 13-year-old daughter says the experience has changed her view of law enforcement. "It was kind of traumatizing," Isabella Ayala said. "I don't feel safe anymore because they don't do their job correctly."

DPS said special agents in plainclothes and unmarked vehicles work in Northwest El Paso near the border, targeting smuggling rings as part of Operation Lone Star.

The area where the Ayalas were targeted has been the scene of numerous high speed chases involving Texas state troopers pursuing people suspected of transporting undocumented migrants.

Lopez says one of the law enforcement men on the scene asked her, “‘Haven’t you seen the news of everything going on?’ I took that as them excusing themselves, ‘oh it was an accident; oops.’”

The DPS supervisor handed Ayala a small slip of paper notifying him that the vehicle that hit the family is owned by the Texas Department of Public safety and “exempt from financial responsibility laws.” It included an address to file a written claim.



The Ayala family says they were given this notice by DPS agents after being mistakenly forced off the road.

Ayala says most of the law enforcement on the scene abruptly left without providing their names, including Border Patrol agents who he says told him they were not involved. Border Patrol officials referred media questions about the incident to DPS.

After getting medical attention, Ayala and his wife said they tried to document what happened, including damage to their vehicle, by filing a report with the El Paso Police Department at the Westside Regional Command Center around 11 p.m.

“They just completely refused. They said there were other (law enforcement) entities involved and they had nothing to do with it and they could not make a report. This happened on an El Paso street,” Ayala said.

Lopez told an officer she had the license plate for the vehicle that reversed into her family car.

“Whoever it was, I think it is their duty to make the report. And I did have information and even then, they didn’t want to take the report,” she said.

“We were the victims,” Lopez said.

El Paso police spokesperson Adrian Cisneros said when law enforcement uses an intentional “tactic” to stop a vehicle, police cannot take an “accident report.”

Additionally, he said El Paso police cannot “investigate other law enforcement agencies,” and for that reason the officer at the police station that night instead referred the family back to DPS.

After his experience with DPS, Ayala said he’s worried about how the new state law will affect others living in El Paso, where the vast majority of the population is Hispanic.

“I need them to be held responsible not just for our sake but for every individual in the city,” he said.

It’s not clear how often improper DPS stops happen along the border. DPS has a [complaint process](#) but does not specifically track whether they involved Operation Lone Star, according to the agency.

Fernando Garcia, executive director of the Border Network for Human Rights says the state’s border crackdown is out of control. He and others have called on state lawmakers to provide oversight.

“They need to launch an investigation on the actual consequences of Operation Lone Star, on migrants dying, on U.S. residents being abused, on wasting of money, on our taxpayer dollars,” Garcia said.

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