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Man arrested at rally, deported to India sues Edison Claims 1st Amendment rights violated after police brutality allegation

Thursday, July 03, 2008

BY DIANE C. WALSH
Star-Ledger Staff

Lawyers for a man deported to India last year filed a federal lawsuit against Edison yesterday contending his First Amendment rights were violated when immigration authorities arrested him at a rally where he was protesting alleged police brutality.

Rajnikant Parikh, who has remained in India since his deportation, was initially arrested July 4, 2006, outside his apartment complex on Dayton Drive after a confrontation with Edison police officer Michael Dotro, who was dispatched to disperse a crowd watching illegal fireworks being set off.

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Parikh accused Dotro and other unidentified officers of police brutality, and the incident led to a summer of tension between Edison officials and the growing Asian-Indian community in the township. The discord culminated in a protest outside the township's municipal building in August, but Parikh was arrested by federal Immigration and Customs Enforcement, or ICE, officials at the demonstration because he was in the country illegally.

An Edison police internal affairs investigation later determined that Parikh's immigration arrest at the protest was prompted in part by contact between Dotro and his brother Sam Dotro, who is an attorney for ICE.

Parikh's 15-page lawsuit filed in federal court in Newark names the Dotro brothers and Edison Police Benevolent Association President Michael Schwarz as defendants. Neither of the Dotros nor Schwarz could be reached for comment yesterday.

"Edison cannot stand behind the actions of these officers," said Tushar Sheth, an attorney with the Asian American Legal Defense and Education Fund, which joined with Parikh's attorney to file the suit on his behalf. "If it does, the township is saying to immigrants that they will face deportation if they choose to assert their constitutionally protected rights."

Jerry Barca, a township spokesman, said there would be no comment from Edison because it is a pending lawsuit.

Parikh, who had been a liquor store clerk when he lived in Edison, is now residing in his native village in India, said his attorney Ravinder Bhalla.

"I am being punished for being outspoken about the unjust manner in which the police officers treated me," Parikh said in a written statement released by his lawyers. "My entire life has been turned upside down."

According to police reports, Parikh's initial arrest occurred after he confronted Michael Dotro as he was writing parking tickets for cars blocking the street. Parikh was accused of disregarding Dotro's instructions to stay



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back and instead, tried to persuade 10 to 15 people to join in an attack on the officer.

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The incident touched off a series of clashes among Edison officials, local police and the Asian immigrant community. The sprawling township is among the most diverse in Middlesex County. Nearly one-third of its approximately 100,000 residents are Asian-Americans.

Parikh's attorneys maintained the federal authorities learned of their client's whereabouts because Michael Dotro passed information to his brother at ICE in the hopes that an immigration arrest would silence Parikh's complaints about police brutality.

"Mr. Parikh's situation could have been prevented had Edison Township set a policy prohibiting its police from making immigration-related inquiries," said Alexander Saingchin, an attorney with the Asian defense fund.

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