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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

DONNA R. MILLER.,

Plaintiff,

v.

JAROM MOHLMAN ALLRED, an individual,
and MURRAY CITY,

Defendants.

COMPLAINT AND JURY DEMAND

Case No. 2:20-cv-00468-DAO

Hon. Daphne A. Oberg

Plaintiff Donna R. Miller (“Plaintiff” or “Ms. Miller”) alleges the following against Defendants Jarom Allred (“Officer Allred”), individually, and Murray City (the “City,” and with Allred, “Defendants”).

NATURE OF THE CASE

1. This case is about what happens when a police officer with a history of behaving like an “attention hound” is allowed to engage in discriminatory, illegal, and unjust behavior, because the Murray City Police Department (“MCPD”) fails to supervise and train the officer and instead condones a custom and practice of inappropriate and unconstitutional acts.

2. At 3:00 p.m. on a hot, late-summer afternoon in Murray City, Officer Allred, with no probable cause or even reasonable suspicion, pulled over and arrested Ms. Miller, a 59-year-old black woman. Ms. Miller, who is a member of the Church of Jesus Christ of Latter-day Saints (the “Church”), had recently moved to Utah to attend nursing school.

3. Initially, Officer Allred tried to justify the stop by accusing Ms. Miller of lacking insurance. When she proved otherwise, his pretext quickly shifted, and he falsely accused Ms. Miller of driving under the influence of an illegal substance.

4. Officer Allred did not base this false accusation on any objectively reasonable fact. Instead, according to a serendipitous recording of a conversation between him and another officer, Officer Allred stopped Ms. Miller only on his self-professed sixth sense ability to “link things that most people are like, well, but there’s nothing to link.” Specifically, according to the recording, Officer Allred profiled Ms. Miller as someone he “bet [] uses cannabis regularly,” a complete falsehood based on a racial stereotype.

5. Officer Allred subjected Ms. Miller to four different tests on the side of the road, including a breathalyzer exam, all of which she passed. Officer Allred can be heard on the dashboard recording admitting to another officer that these tests showed that Ms. Miller was not intoxicated with alcohol.

6. Despite lacking a shred of evidence that Ms. Miller had committed any crime or was under the influence of any substance, and informed only by racial stereotypes against her, Officer Allred impounded her vehicle, handcuffed her, displayed her in the back of his car to passers-by in 83°F weather, and drove her to the MCPD police station.

7. At the MCPD station, Officer Allred and others needlessly subjected Ms. Miller to a battery of at least ten (10) other tests, including one where two armed officers interrogated her in a completely blacked-out room, and a blood test that checked for at least eight (8) different illegal substances.

8. Not surprisingly, because she was not under the influence of any substance, Ms. Miller's lab results show that "[a]ll test results [were] negative."

9. Aware of the fate of other black women in police custody, Ms. Miller adopted a "remain calm and polite" strategy, suppressing her humiliation and justified anger for fear that if she were to "rattle the armed tiger," she would end up facing the same outcome as countless others like Sandra Bland.

10. Eventually, Officer Allred released Ms. Miller, warning her that the MCPD "usually" just "lock-up" folks accused of DUIs, but since Ms. Miller had been "such a nice lady," he would choose to let her go.

11. Without any evidence to back up any charge against Ms. Miller, Officer Allred proceeded to seek a baseless charge of DUI against Ms. Miller and to deprive her of her civil liberties.

12. Based on this charge, Ms. Miller's car was impounded, and her driver license was suspended. She was forced her to retain counsel to fight off the bogus DUI charge because the

City initially refused to drop it in hopes she would at least plead to a lesser offense and provide an after-the-fact cover story for the City and Officer Allred's illegal behavior.

13. Ultimately, the City abandoned the charges. But by then, Defendants had caused Ms. Miller to suffer anxiety, depression, hair loss, and difficulty concentrating in school.

14. These actions by Officer Allred and the City also violated Ms. Miller's rights under the Fourth and Fourteenth Amendments to the United States Constitution, the Constitution of Utah, and 42 U.S.C. § 1983.

PARTIES, JURISDICTION AND VENUE

15. Plaintiff is a citizen of the United States of America who resides in Salt Lake County, Utah.

16. Officer Allred is an individual who, on information and belief, resides in Salt Lake County, Utah. At all times relevant thereto, Officer Allred was acting under the color of state law as a law enforcement officer for the City and the MCPD.

17. The City is a municipal corporation in the State of Utah.

18. This Court has subject matter jurisdiction because this case is authorized and instituted pursuant to 28 U.S.C. § 1331. This action is authorized and instituted pursuant to 42 U.S.C. §§ 1983, 1988, and the Fourth and Fourteenth Amendment to the Constitution of the United States.

19. Venue is proper pursuant to 28 U.S.C. § 1391 because Defendants reside within Salt Lake County, and because the acts described herein were committed in Murray, Utah, and within the jurisdiction of the United States District Court for the District of Utah.

ALLEGATIONS OF FACT

A. Officer Jarom Mohlman Allred

20. Officer Allred was sworn into the MCPD on March 19, 2015.

21. In the three years between his swearing-in ceremony and his arrest of Ms. Miller, Officer Allred had developed a troubling reputation as a “glory hound” more interested in playing hero than doing the hard work of policing.

22. For example, according to his own records, in July of 2017, Officer Allred was responding to a “motorist assist” incident involving an Hispanic man when “another call came over the air of a suspicious male just southwest” of his pending assignment.

23. According to the records, “Officer Allred abandoned his call” and left alone his fellow officer so he could go after the “suspicious male . . . even though there were other [o]fficers available at the time to deal with that call.”

24. In a second example, Officer Allred was assisting a lewdness investigation. Just as another officer was about to arrest the suspect in the suspect’s apartment, Officer Allred attempted to abandon the assignment to pursue another call involving a shooting. According to the records, the other officer had to remind Officer Allred that he was needed on the lewdness assignment for safety reasons, including, for example, if the suspect resisted arrest.

25. In a third example, according to his records, Officer Allred attempted to abandon a suspect in his custody in a trespassing investigation because he wanted to participate in a “foot pursuit” of another suspect – “although there was a fence preventing Officer Allred from actually being able to help, and even though there were enough officers chasing [the runaway] suspect who was eventually apprehended.”

26. As a result of these and other incidents, Officer Allred was known for being a “glory hound.” Specifically, another officer explained that he told Officer Allred that

[Officer Allred] gives off the impression that he wants to leave a call that perhaps he doesn’t deem as a ‘hot call’ or an in progress call for one that is and therefore he might neglect the call that he is on and not take care of what he needs to do. I also told him that he comes across as perhaps being a ‘glory hound’ where he just wants to go on a call for the sake of being hailed as a hero for his own personal gratification.

27. These incidents gave the City notice that Officer Allred posed a substantial risk of violating the civil rights of people he encountered unless he received proper training and supervision. Nonetheless, and despite his repeated involvement in potentially dangerous incidents, the City allowed Officer Allred to continue patrolling the streets and seeking opportunities to be “hailed as a hero for his own personal gratification.”

28. Despite repeated involvement in potentially dangerous incidents, including exposing his fellow officers to danger to pursue “hot calls,” on information and belief, the City and MCPD only issued verbal warnings, failing or refusing to take adequate corrective measures, such as terminating Officer Allred or appropriately training and supervising him. The City and MCPD knew that Officer Allred put his own personal interests ahead of the public and his duties, but they did little, if anything, to correct such attitudes.

29. Despite his repeated involvement in potentially dangerous incidents, Officer Allred was allowed to harass and racially profile Ms. Miller while acting under the color of law.

B. Donna Rocina Miller

30. Ms. Miller is an American citizen who spent her formative years in Brooklyn, NY and lived in Northern Virginia for 24 years before moving to Utah.

31. Ms. Miller is the mother of three children, whom she raised as a single parent. Her children attended college, one of them earned a degree in English from Brigham Young University and worked in the White House under President George W. Bush.

32. While raising her children, Ms. Miller worked in various jobs, including as a contractor for the U.S. Department of Defense and the U.S. Department of Housing.

33. After her children became independent, Ms. Miller decided to pursue her long-term dream of becoming a nurse mid-wife and began researching potential colleges.

34. Ms. Miller, who had joined the Church of Jesus Christ of Latter-day Saints in 1997, began looking at schools in Utah following the Church's "I'm a Mormon" campaign, which portrayed the diversity of the faith's membership.

35. In 2017, the LDS Business College offered Ms. Miller a scholarship to attend its nursing assistant program, which would allow her to work part-time in the medical field while preparing to transfer to a full-time nursing program.

36. Ms. Miller accepted the offer, liquidated her belongings and moved to Salt Lake City in the spring of 2017 excited to begin the program.

37. Ms. Miller excelled during her first semester, earning a grade point average of 3.7 out of 4.0.

38. Ms. Miller attended school full-time and worked part-time in the evenings and weekends as a patient care technician at a local hospital.

39. She had just started her third semester when Officer Allred spotted her stopped at a traffic light.

C. Officer Allred Profiles Ms. Miller

40. On August 21, 2018, Ms. Miller was heading to school in downtown Salt Lake City after stopping at Fashion Place Mall in Murray.

41. At approximately 3:00 p.m., she drove off the mall's parking lot in her white Nissan Versa, heading west on 6400 South ("Winchester Street") and came to a stop at a red light on State Street.

42. According to Officer Allred's report, at 3:02 p.m., he was traveling northbound on State Street when he "traveled through" the intersection of State Street and Winchester Street and "observed a white Nissan Versa sitting in the traffic facing west."

43. On information and belief, Officer Allred saw that Ms. Miller was in the driver's seat of her Nissan Versa and saw she was black. Although he did not report seeing anything illegal or even suspicious at this moment, he decided he was going to stop and arrest Ms. Miller, which he knew would humiliate her. His ensuing actions led to that conclusion.

44. According to his report, Officer Allred continued to watch "the vehicle for a moment and it eventually turned right and started going north on State [Street.]"

45. Ms. Miller made her way to the left lane on State Street and made a U-turn at 6100 South, heading back towards Winchester Street, planning to access the highway towards downtown Salt Lake City.

46. Officer Allred continued watching Ms. Miller and decided to make a U-turn and follow her.

47. Officer Allred alleges he then checked Ms. Miller's license plate, and he claims that "the State record showed no insurance on file" for Ms. Miller's car.

48. As Ms. Miller turned left, now heading east on Winchester Street, Officer Allred pulled her over and informed her that he stopped her car because allegedly she was not insured.

49. Surprised to hear this, Ms. Miller showed Officer Allred proof of insurance.

50. Officer Allred did not mention lack of insurance on his report again and he did not issue a citation to Ms. Miller for lack of insurance.

51. Instead, as soon as Ms. Miller proved that she had insurance, Officer Allred made up another excuse to detain Ms. Miller. He told her that he suspected she was driving under the influence of alcohol or illicit drugs and flashed a light in her eyes.

52. Ms. Miller was shocked by the allegation but remained cooperative.

D. Ms. Miller Passes All Four of Officer Allred's Field Sobriety Tests

53. Officer Allred ordered Ms. Miller to step out of the car so that he could conduct a field sobriety test on her.

54. He alleges in his Report that he told Ms. Miller that she was driving erratically.

55. When he stopped her, however, Officer Allred did not give Ms. Miller any reason for the stop other than the alleged lack of insurance.

56. Officer Allred had a body camera on his person at the time he stopped Ms. Miller, but, in violation of the City's policy, he did not turn it on. Consequently, there is no audio recording of his initial interactions with Ms. Miller.

57. However, the dash camera in Officer Allred's patrol car did activate when he began following Ms. Miller.

58. The dash camera's video recording does not show Ms. Miller committing any traffic violations, such as an improper lane change, failing to maintain a lane, swerving, sudden breaking, failing to use a signal, or any otherwise improper, illegal, or unsafe driving.

59. Officer Allred's report does not indicate that he detected any indicia of impairment or intoxication due to legal or illicit substance abuse at the time of his initial contact with Ms. Miller. For example, Officer Allred's report does not indicate that he detected an odor of alcohol or burnt or unburnt marijuana.

60. In fact, Officer Allred's report states that there was no "odor of alcoholic beverage or drug indicator."

61. Typical indicators of impairment include red, bloodshot or watery eyes; dilated or constricted pupils; eyelid tremors; slurred speech; confusion or incoherency; trouble understanding questions or nonsensical answers; failing to find identifying documents; fumbling identifying documents; and shaking, swaying, or shivering.

62. Because she was not impaired, Ms. Miller displayed none of these signs.

63. Nevertheless, Officer Allred proceeded to order Ms. Miller to take four different tests for intoxication, in the middle of a summer afternoon, and on a busy street.

64. First, Officer Allred performed a horizontal gaze nystagmus test on Ms. Miller, requiring her to maintain eye contact with his finger as he waived it in front of her face.

65. Second, Officer Allred performed a "walk and turn" test, requiring that Ms. Miller take ten steps in both directions walking heel to toe.

66. Third, Officer Allred ordered Ms. Miller to perform a “one legged stand” test, asking her to hold her balance while raising one foot several inches off the ground and straight in front of her.

67. Fourth, Officer Allred ordered Ms. Miller to take a breathalyzer test.

68. The breathalyzer test showed a 0% alcohol reading multiple times.

69. At 59 years of age, Ms. Miller suffered from Type II diabetes. Moreover, Ms. Miller was wearing a fitted skirt that rose to just below her knees, and it was windy and just over 83°F.

70. Nevertheless, she passed all these tests, with Officer Allred noting in his report only that she had “poor balance.”

71. Although Ms. Miller passed all four tests, and although Officer Allred indicates in his report that Ms. Miller’s speech was “good,” Officer Allred told Ms. Miller that he was calling backup to conduct a blood test on Ms. Miller.

72. Ms. Miller then asked if she could call her “home teacher,” the only person she knew in Utah given that none of her family members were here.

73. Officer Allred denied Ms. Miller’s request, took her telephone away from her, and told Ms. Miller he was arresting her.

74. Officer Allred then handcuffed Ms. Miller and put her in the back of his patrol car while he called and waited for backup.

E. Officer Allred Orders Ms. Miller's Car Searched and Impounded

75. While Ms. Miller sat in the back of Officer Allred's patrol car in 83°F weather, Officer Brayd Hamatake arrived at the scene of the arrest to inspect Ms. Miller's car.

76. Officer Hamatake conducted a thorough inspection of Ms. Miller's car, going through her belongings, including her personal laundry, her purse, and study books.

77. Officer Hamatake noted in his report that he "searched the vehicle and did not locate anything illegal."

78. Officer Hamatake had his body worn camera on, and video recordings of his inspection corroborate his report, showing nothing illegal or even suspicious, such as paraphernalia that may be typically used in the consumption of illicit narcotics.

F. Officer Allred Relies on Racial Stereotypes to Arrest Ms. Miller and Continue Testing Her Without Probable Cause or Even Reasonable Suspicion

79. While Ms. Miller sat handcuffed in the back of Officer Allred's patrol car, Utah State Trooper J. Bertram, a Drug Recognition Expert ("DRE"), arrived at the scene of the arrest at Officer Allred's request.

80. Officer Allred admitted to Trooper Bertram that Ms. Miller was not driving under the influence of alcohol, stating "there's no alcohol."

81. Officer Allred nevertheless requested that Trooper Bertram test Ms. Miller further.

82. Officer Allred did not explain either on audible tape, video recording, or in his report, any reasonable suspicion or probable cause that reasonably justified further testing.

83. Instead, Officer Allred was later heard saying in a serendipitous voice recording that he suspected Ms. Miller was a habitual marijuana user despite all evidence to the contrary,

and another officer is heard commenting that Ms. Miller simply knew “exactly what to say” because of her training as a nurse.

84. The officers thus openly expressed racist stereotypes long associated with black folks – that if they are too articulate or “too smart,” then they are behaving “suspiciously”¹ or gaming the system; and that they habitually or recreationally use marijuana.

85. Despite lacking any probable cause or reasonably articulable suspicion, Officer Allred arrested Ms. Miller and drove her to the MCPD station. There, Trooper Bertram proceeded to repeat all three field sobriety tests that Officer Allred had already performed plus several others.

86. Trooper Bertram recorded Ms. Miller’s vital signs, measuring her pulse three times, her body temperature, and blood pressure.

87. He and Officer Allred then escorted Ms. Miller into dark room where he flashed a light into her eyelids while in “near total darkness” to measure the size of her pupils.

88. While detaining Ms. Miller in the dark room, the officers continued to interrogate Ms. Miller about alleged drug use and her background.

89. While detaining Ms. Miller in the dark room, the officers flashed a light into Ms. Miller’s mouth, on information and belief, purportedly looking for evidence of drug use on the assumption that if she smoked marijuana, the back of her tongue would have a green coating.

90. All of Trooper Bertram’s tests showed that Ms. Miller was not under the influence of any drugs or alcohol. Specifically, according to Trooper Bertram’s report:

¹ See *For Black Americans, Experiences of Racial Discrimination Vary by Educational Level, Gender*, Pew Research Center at <https://www.pewresearch.org/fact-tank/2019/05/02/for-black-americans-experiences-of-racial-discrimination-vary-by-education-level-gender/> (last visited June 22, 2020).

- a. Ms. Miller “seemed upset but [c]ooperative. [She had] [n]ormal facial features, [her] speech seemed clear, and [her] coordination was ok”;
- b. Ms. Miller’s “eyes appeared to be normal[,]” “[h]er pupil reaction to light was normal[,]” and her “[m]uscle tone was normal”; and,
- c. Ms. Miller’s “[n]asal area and oral cavity appeared normal.”

91. Based on his extensive assessment and tests, Trooper Bertram concludes his report stating, “It is my opinion that [Ms.] Miller was not under the influence of any drugs.”

92. Officer Allred also required Ms. Miller to provide a blood sample for further testing.

93. Ms. Miller’s blood sample was tested for at least eight (8) illicit substances, including cocaine, methamphetamine, morphine, and THCmtb.

94. According to the lab report on Ms. Miller’s blood sample, “[a]ll test results [were] negative.”

95. Despite all the negative results, Officer Allred recommended that Ms. Miller be charged with a DUI.

96. Despite all the negative results, Officer Allred impounded Ms. Miller’s vehicle overnight, requiring Ms. Miller to pay over \$840 to have the car released back to her.

97. Despite all the negative results, Officer Allred caused Ms. Miller’s driver license to be suspended for several months pending resolution of the DUI charge. As a result of his allegations, Ms. Miller’s driving records also reflected a DUI arrest until she had to pay over \$300 and had to retain counsel to have it removed.

98. Despite all the negative results, the City falsely charged Ms. Miller with DUI.

99. Despite all the negative results, and as a result of Officer Allred's false allegations, the City threatened to take the case to trial unless Ms. Miller pleaded to a "lesser offense" of reckless driving.

100. Despite all the negative results and no evidence that Ms. Miller was driving recklessly, the City only dropped the charges when Ms. Miller retained counsel and Ms. Miller insisted that she had not done anything wrong.

101. Despite all of the negative results and no evidence that Ms. Miller was driving recklessly, Officer Allred and the MCPD arrested Ms. Miller, subjected her to repeated, needless tests during an unnecessarily prolonged detention, charged her with a DUI, caused her driver's license to be suspended and her car to be impounded, all based only on Officer Allred's racial animus towards Ms. Miller.

102. In a tape recording, Officer Allred explained the primary basis for which he arrested Ms. Miller as follows:

So more recently, most of my DUIs are more Drug DUIs since I've been to Murray for whatever reason, I dunno. But, umm, I seem to be able to, like, well, like link things that most people are like, well, but there's nothing to link. If I was to venture a guess on anything for her, I bet she uses cannabis regularly. Because looking at her eyes are just close enough to normal that you're, like, enough to doubt it, but, at the same time, I think... ya' know what I mean? Then when I started explaining to her, as an example, her [unintelligible] THC and that being in her system I think she got kinda, 'What are my rights here?' Alright, so I think more than anything it's probably cannabis.

(Emphasis added).

G. MCPD's Custom or Practice of Targeting Black People for Drug Charges Without Reasonable Suspicion or Probable Cause

103. On information and belief, Officer Allred's failure to articulate reasonable suspicion or show probable cause to arrest, prosecute and deprive Ms. Miller of her Constitutional rights is part of a custom or policy within MCPD to target black citizens with unsubstantiated claims of drug use.

104. For example, MCPD submitted charges to City prosecutors that Ms. Miller committed the offense of DUI despite knowing that they lacked any evidence that she was driving under the influence of alcohol or drugs.

105. The MCPD officer to whom Officer Allred confessed that he lacked any probable cause or even articulable, reasonable suspicion for stopping, arresting and charging Ms. Miller did not react negatively to the comments, or even appear shocked by the admission. Instead, that officer asked whether Trooper Bertram would back up Officer Allred. Officer Allred responded that he wasn't sure, but that Trooper Bertram had attended the Academy with Officer Allred's brother.

106. The other MCPD officer's reaction—not only ignoring evidence of a stop based only on racial stereotypes but actively facilitating baseless testing based on the same, along with his suspicion of Ms. Miller's intelligence—is indicative of a pattern and practice of the MCPD and the City in promoting stops and detentions based on racial animus.

107. On information and belief, Ms. Miller's experience is typical of racial profiling in Salt Lake County and Murray City. According to a study from the ACLU, black people in Utah

are 4.9 times more likely than white people to be arrested (not convicted) for alleged possession of marijuana, and 4.7 times more likely to be arrested in Salt Lake County.²

108. Based on the foregoing and on information and belief, the City, through the MCPD, either directed Officer Allred to engage in the misconduct described above or failed to properly train and supervise Officer Allred despite notice that he would engage in behavior that would violate people's rights.

109. Based on the foregoing and on information and belief, the City, through the MCPD, had actual knowledge of Officer Allred's violation of Ms. Miller's rights and acquiesced in that violation by, among other things, failing to stop Officer Allred from detaining Ms. Miller beyond the scope of any valid stop and then pursuing the bogus charges against Ms. Miller.

110. Based on the foregoing and on information and belief, the City, through the MCPD, with deliberate indifference to the consequences, established and maintained policies, practices and/or customs which directly caused the violation of Ms. Miller's rights.

111. Based on the foregoing and on information and belief, the City and the MCPD knew or should have known that Officer Allred would racially profile Ms. Miller and that he would deprive her of her Constitutional rights.

112. Based on the foregoing and on information and belief, the City's custom or practice of allowing officers to detain citizens without reasonable suspicion and arrest them without probable cause created an unreasonable risk that Officer Allred would violate Ms.

² See *Extreme Racial Disparities Persist in Marijuana Arrests*, American Civil Liberties Union at <https://graphics.aclu.org/marijuana-arrest-report/UT> (last visited, June 22, 2020).

Miller's Constitutional rights. The City and the MCPD were aware of this risk, and were deliberately indifferent to the same, resulting in Officer Allred's violation of Ms. Miller's rights.

113. Based on the foregoing, the City and the MCPD were deliberately indifferent to the fact that a violation of the Constitutional rights described below was a highly predictable consequence of the City's or MCPD's failure to adequately train Officer Allred regarding a proper basis for stopping or arresting a citizen.

114. On information and belief, the City and the MCPD do not adequately train officers, including Officer Allred, on the impropriety of racial profiling.

115. Based on the foregoing, the City and the MCPD were deliberately indifferent to the fact that a violation of the Constitutional rights described below was a highly predictable consequence of the City's or MCPD's failure to adequately train Officer Allred regarding racial profiling.

H. Ms. Miller Sustained Significant Damages as a Result of her Unlawful Arrest

116. Officer Allred's acts or omissions, and the acts or omissions of the City and the MCPD, caused Ms. Miller significant damages, including physical and mental pain, among other injuries, monetary damages, and losses.

117. For example, Ms. Miller can be heard on tape complaining of physical pain as a result of her arrest.

118. While being interrogated in the blacked-out room, Ms. Miller felt humiliated and terrified in part because most of the staff appeared to have left the police station.

119. As a result of her unlawful arrest, Ms. Miller developed anxiety and was unable to concentrate at school.

120. As a result of her unlawful arrest, Ms. Miller began losing her hair and having issues sleeping.

121. As a result of her unlawful arrest, Ms. Miller began experiencing depression, and still experiences anxiety while driving or even when she hears a police siren while at home.

FIRST CAUSE OF ACTION
(42 U.S.C. § 1983 – Fourth Amendment Unlawful Seizure – Against all Defendants)

122. Plaintiff incorporates all other paragraphs of this Complaint.

123. On August 2, 2018, Officer Allred intentionally and knowingly violated Ms. Miller's rights under the Fourth Amendment of the United States' Constitution by, among other things:

- a. Stopping Ms. Miller without reasonable suspicion that she was committing a crime or even a traffic violation;
- b. Exceeding the scope of the initial stop without reasonable suspicion or probable cause that Ms. Miller had committed or was committing any violation of the law; and,
- c. Arresting Ms. Miller without probable cause or even reasonable suspicion that Ms. Miller was driving under the influence of any illicit drugs or alcohol, or had otherwise committed, or was otherwise committing a crime.

124. Officer Allred had no warrant authorizing, or probable cause justifying, Ms. Miller's arrest.

125. Officer Allred had no recognizable exigent circumstance that could have justified or even explained Ms. Miller's arrest.

126. Officer Allred intentionally, willfully and wantonly stopped and seized Ms. Miller, as described above, without justification and in whole or in part because of her race.

127. Officer Allred's arrest of Ms. Miller was unreasonable.

128. It would be clear to a reasonable officer that Officer Allred's conduct was unlawful and in violation of clearly established constitutional rights.

129. Officer Allred acted under the color of state law at all times relevant to his unconstitutional stop and arrest of Ms. Miller.

130. The City, through the MPCD, exonerated Officer Allred's misconduct, pursuant to municipal customs, polices or practices.

131. The MCPD and the City ratified Officer Allred's unconstitutional deprivation of Ms. Miller's rights by, among other things, prosecuting Ms. Miller for a DUI despite having no evidence at all to substantiate the charge.

132. Acting with deliberate indifference to the obvious consequences, the City and MCPD failed to adequately train Officer Allred on the impropriety of racial profiling and on the proper basis for a warrantless arrest or even a traffic stop.

133. On information and belief, Officer Allred's arrest of Ms. Miller without probable cause is part of a widespread and well-settled operating procedure within the City.

134. The MCPD's and the City's failure to properly train or supervise Officer Allred was a legal and proximate cause of Ms. Miller's injuries.

135. As a legal and proximate result of Defendants' actions, Ms. Miller has suffered and continues to suffer humiliation, emotional distress, loss of enjoyment of life, and other significant injuries, damages and losses to be proven at trial.

SECOND CAUSE OF ACTION

(42 U.S.C. § 1983 – Fourth Amendment – Unreasonable Search Against All Defendants)

136. Plaintiff incorporates all other paragraphs of this Complaint.

137. Officer Allred acted under the color of his authority as a police officer in flagrantly depriving Ms. Miller of her rights to be free from unreasonable searches when he searched her person and property on August 21, 2018.

138. Officer Allred knowingly and intentionally violated Ms. Miller's constitutional rights to be free from unreasonable searches when he searched her person.

139. It would be clear to a reasonable officer that Officer Allred's conduct was unlawful and in violation of clearly established constitutional rights.

140. Officer Allred's search of Ms. Miller and her property was unreasonable.

141. On information and belief, Officer Allred's misconduct was ratified by the City and the MCPD, and was consistent and in furtherance of, the MCPD's custom or practice of racially profiling and targeting black individuals for purposes of charging them with bogus claims.

142. Acting with deliberate indifference to the obvious consequences, the City and MCPD failed to adequately train Officer Allred on the impropriety of racial profiling and on the proper basis for a warrantless search.

143. On information and belief, Officer Allred's search of Ms. Miller's property without probable cause is part of a widespread and settled operating procedure within the City.

144. As a result of Defendants' misconduct, Ms. Miller has sustained significant injuries, including a deprivation of her constitutional rights, humiliation, emotional distress, loss of enjoyment of life and other damages to be proven at trial.

THIRD CAUSE OF ACTION

(42 U.S.C. § 1983 – Fourteenth Amendment – Denial of Equal Protection – Against all Defendants)

145. Plaintiff incorporates all other paragraphs of this Complaint.

146. Defendants were acting under color of state law in their actions and inactions as described in the foregoing paragraphs.

147. It would be clear to a reasonable officer that Officer Allred's conduct was unlawful and in violation of clearly established Constitutional rights.

148. At all times relevant hereto, Ms. Miller had the clearly established constitutional right to be free from racial discrimination in law enforcement by police officers and to enjoy equal protection of the laws of the United States.

149. Ms. Miller's race was a motivating factor in Officer Allred's decision to stop and arrest Ms. Miller and in Defendants' decision to maliciously prosecute her on false DUI charges.

150. Officer Allred's conduct was undertaken with the purpose of depriving Ms. Miller of the equal protection and benefit of the law, equal privileges and immunities under the law, and due process in violation of the Fourteenth Amendment to the Constitution of the United States.

151. Officer Allred intentionally, willfully or wantonly stopped, searched, and arrested Ms. Miller, as described above, without reasonable suspicion or probable cause that she was committing any crime or had committed any crime.

152. Officer Allred's stop, search and arrest of Ms. Miller was wholly or in part due to animus based on her race.

153. Officer Allred's actions were objectively unreasonable in light of the facts and circumstances described above.

154. On information and belief, Officer Allred was exonerated for his misconduct pursuant to the municipal customs or actual practices as described above.

155. Acting with deliberate indifference to the obvious consequences, the City and MCPD failed to adequately train Officer Allred on the impropriety of racial profiling.

156. On information and belief, the City's and MCPD's failure to train or supervise Officer Allred was a legal and proximate cause of Ms. Miller's injuries.

157. The MCPD and the City ratified Officer Allred's misconduct by, among other things, prosecuting Ms. Miller for a DUI.

158. As a direct and proximate result of Defendants' actions and omissions, Ms. Miller has suffered and continues to suffer humiliation, emotional distress, loss of enjoyment of life, and other significant injuries and damages.

FOURTH CAUSE OF ACTION
(42 U.S.C. § 1983 – Fourth and Fourteenth Amendment – Malicious Prosecution – Against all Defendants)

159. Plaintiff incorporates all other paragraphs of this Complaint.

160. Defendants were acting under color of state or municipal law at all times relevant to this matter.

161. Acting without probable cause, Officer Allred initiated groundless charges against Ms. Miller to bring about her criminal and malicious prosecution for a misdemeanor DUI.

162. On information and belief, Officer Allred knowingly, maliciously, willfully and wantonly, and evincing an intent to cover-up his unlawful actions, participated in the institution of legal proceedings against Ms. Miller, including promoting the continued prosecution of Ms.

Miller with knowledge that there was no probable cause or reasonable grounds to believe that she had committed any crimes whatsoever.

163. On information and belief, by initiating and encouraging Ms. Miller's prosecution, Office Allred did not actually believe or should not have believed that the prosecution was proper.

164. Defendants acted knowingly, maliciously, willfully and wantonly by charging Ms. Miller with a criminal offense in order to justify Officer Allred's unlawful arrest and search of Ms. Miller and her property.

165. Defendants' conduct violated Ms. Miller's rights, which a reasonable officer in Officer Allred's position knew or should have known about.

166. As a result of Defendants' unlawful actions or omissions, Ms. Miller has sustained compensable injuries, including emotional distress and economic injuries in an amount to be proven at trial.

167. Defendants' unlawful actions or omissions were the proximate cause of, and moving force behind, Ms. Miller's damages.

168. The criminal proceedings ended in Ms. Miller's favor.

169. As a consequence of the charges, Ms. Miller suffered a significant deprivation of her liberty.

FIFTH CAUSE OF ACTION
(Article 1, Section 9 of the Utah Constitution)

170. Plaintiff incorporates all other paragraphs of this Complaint.

171. Officer Allred knowingly and intentionally violated Ms. Miller's constitutional rights by subjecting her to several unnecessarily rigorous, unjustified, unreasonable and

malicious tests, including, but not limited to, handcuffing her and parading her for passers-by in the back of Officer Allred's patrol car in insufferable weather, and subjecting Ms. Miller to repeated invasive and humiliating unproven "tests" for drug use.

172. Officer Allred acted under color of his authority as a police officer of the MCPD when he deprived Ms. Miller of her rights to be free from unnecessary rigor under Article I section 9 of the Utah Constitution.

173. As a result of Officer Allred's violations of Ms. Miller's rights under Utah's Constitution, Ms. Miller sustained physical, mental and emotional injuries.

SIXTH CAUSE OF ACTION
(False Imprisonment – Against Officer Allred)

174. Plaintiff incorporates all other paragraphs of this Complaint.

175. Officer Allred willfully detained Ms. Miller.

176. Ms. Miller did not voluntarily consent to Officer Allred's arrest.

177. Officer Allred's arrest of Ms. Miller was unlawful and not subject to any privilege.

178. As a result of Officer Allred's unlawful arrest, Ms. Miller has sustained damages in an amount to be proven at trial.

PRAYER FOR RELIEF AND JURY DEMAND

WHEREFORE, Plaintiff requests the following relief:

- A. For a trial by jury;
- B. For special damages in an amount to be proven at trial;
- C. For general damages in an amount to be proven at trial;
- D. For punitive damages in an amount to be proven at trial;

- E. For prejudgment interest on the special damages assessed by the verdict of the jury, as allowed by law;
- F. For an injunction requiring the City to remedy the policies, practices and/or customs that lead to the violations alleged herein;
- G. For post-judgment interest on the jury's verdict as allowed by law;
- H. For all costs and reasonable attorneys' fees incurred herein; and,
- I. For such other and further relief as the Court may deem just and proper.

Dated June 29, 2020.

HOLLAND & HART LLP

/s/ Engels J. Tejada

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