

POLICY REPORT

Notes from the frontlines of making change

IMMIGRANTS' RIGHTS

Our new approach and tactics are showing how immigration reform can be a local issue. First, we published a preview of a report detailing how Utah law enforcement agencies, including Salt Lake County's Jail, cooperate with ICE and use county resources to carry out federal immigration enforcement actions. Second, noting that ICE continues to detain, hold, and transfer Utahns between jails and facilities that have COVID-19 outbreaks is cruel and inhumane, we called on the ICE regional office and U.S. Attorney to stop the unnecessary detention and transfer of individuals suspected of violating immigration law. Third, we have amplified our advocacy to ensure language access during the pandemic. We urged the Bear River Health Department to translate public health announcements into Spanish and other commonly spoken languages as they addressed a deadly virus outbreak at a Cache County meatpacking plant.

SMART JUSTICE

Our next goal is to pass legislation that stops the revolving door at Utah jails and prisons driven by technical violations of parole and probation. This is a serious problem in Utah. In 2017, 3,035 people in Utah returned to prison for supervision violations, making up 79% of all new prison admissions. Of those, 52% were for technical violations. Our proposed legislation would end the practice of sending people back to jail or prison for minor, non-criminal, technical violations of probation and parole.

JAILS & PRISONS

After filing a Petition for Extraordinary Relief with the Utah Supreme Court in April to demand jails and prisons release incarcerated individuals vulnerable to the COVID-19 pandemic, we withdrew the lawsuit against the counties in May after many jails made substantial progress. We continue to promote aggressive decarceration efforts, while monitoring periodic virus outbreaks in Utah's jails and prisons. We are also collecting facts and statements to use in potential litigation and engaging in public advocacy and education.



Legal Docket Update

Our legal team is working overtime to defend your rights in state and federal courts



Utah State Capitol, April 10, 2019

Planned Parenthood Association of Utah (PPAU) v. Miner

Issue: Reproductive rights (14th Amendment)
Filed: April 2019
ACLU lead: Leah Farrell, Senior Staff Attorney
Co-counsel: Planned Parenthood
Background: In late 2019, our federal lawsuit against Utah's 18-week abortion ban on behalf of Planned Parenthood of Utah went on hold while the U.S. Supreme Court considered if providers could be blocked from challenging abortion restrictions in court. In June, the Court rejected that argument, allowing our lawsuit to resume.
Update: We are deposing (interviewing) expert witnesses hired by the state of Utah, which is defending the abortion ban.

Marquez Yañez v. Burdine, et al

Issue: Unreasonable and unlawful searches and seizures (4th Amendment)
Filed: January 2020
ACLU lead: John Mejia, Legal Director
Co-counsel: Covington & Burling, LLP, and Crowell & Moring LLP
Background: We sued on behalf of the Yañez family after a dozen, heavily-armed Adult Probation & Parole agents violently entered their home looking for someone who was not there. The family alleged the agents' actions violated their rights to be free from unreasonable and unlawful searches and seizures and excessive force.
Update: In September 2020, the family reached a settlement with the Defendants where the state agreed to pay a total of \$137,500 and require increased training for agents.

Disability Law Center v. Davis County

Issue: Transparency of Jail Standards and

Records (1st and 8th Amendments)

Filed: May 2018

ACLU lead: John Mejia, Legal Director

Co-counsel: Parr, Brown, Gee & Loveless, P.C.

Background: In response to a spike of troubling deaths in jails, we made public records requests to Davis County for their jail standards and audits. When the county refused to provide them, we sued in state court. Last fall, the court ruled that the audits and part of the jail standards should be released, but has yet to decide whether copyright protects certain aspects of the standards from public release.

Update: Trial date scheduled for early 2021.

Miller v. Murray City

Issue: Racial profiling (4th and 14th Amendments)

Filed: May 2020

ACLU lead: Jason Groth, Smart Justice Attorney

Co-counsel: Holland & Hart

Background: We sued Murray Police Dept. on behalf of Donna Miller, a 59-year-old Black woman and nursing student, alleging that racial profiling was behind a traffic stop and charge of driving under the influence of an illegal substance. After being stopped in her car, Ms. Miller passed four sobriety tests, two breathalyzer exams, and a battery of drug tests. Nonetheless, she was detained, handcuffed, and charged with a DUI, all based on the arresting officer's "sixth sense" that she "uses cannabis regularly."

Update: Fact discovery is currently underway.

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