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PRESS RELEASE

ACLU of Utah and Holland & Hart Settle Civil Rights Lawsuit on Behalf of Donna Miller

SALT LAKE CITY (July 14, 2021) – Today, the American Civil Liberties Union of Utah Foundation, Inc. (ACLU) and Holland & Hart LLP announced a settlement in a civil rights lawsuit filed against the Murray City Police Department on behalf of Donna Miller, a 62-year-old Black woman.

As part of the settlement, Ms. Miller received \$152,000 to resolve her allegations of racial bias by a Murray police officer during an August 2018 traffic stop that resulted in her arrest and subsequent charges, suspension of her license, and seizure of her vehicle due to claims that she was driving under the influence. Ms. Miller was forced to retain legal counsel to dismiss the wrongful charges, pay fines and expenses, reinstate her driver's license, and clear her record even after Murray City dropped all charges against her.

From the beginning of the lawsuit, Ms. Miller and her attorneys claimed the officer lacked probable cause to stop her, let alone arrest her, after she passed four field sobriety tests, including two breathalyzer exams which showed “.00” alcohol level in her system. Detained for three hours at the police station, she passed a battery of ten additional tests, including a blood test checking for eight illegal substances, which likewise came back negative. Despite these results and no other evidence, the arresting officer said she was a regular marijuana user to justify the DUI arrest. At the time of her traumatic arrest, Ms. Miller, a member of the Church of Jesus Christ of Latter-Day Saints, who does not consume alcohol or illicit drugs, was driving to the nursing school where she was a student.

“No one should have to experience the humiliation and degradation that I did simply because I was ‘driving while Black’,” said Donna Miller, the plaintiff in the lawsuit. “I want my example to show Murray and other cities and police departments across Utah that racism is real and convince them to train their police officers to see and stop racial bias while doing their jobs.”

Shortly after the lawsuit was filed in June 2020, Murray City announced it was increasing the frequency of implicit bias training for its police officers to an annual basis.

“It took Donna almost two years to gain the confidence to speak her truth and initiate this lawsuit,” said Kristy M. Kimball, partner at Holland & Hart LLP. “While no amount of money will truly compensate Donna for the trauma and distress she endured, she succeeded in shining a light on unconscious bias that she believes underlies racially-motivated police action.”

“I am very grateful that Donna allowed us to represent her and tell her story,” added Engels Tejada, Holland & Hart litigation partner. “Through her steadfast courage and tenacity, we were able to achieve one of the highest value settlements in Utah in like cases involving allegations of a civil rights violation during a traffic stop.”

"Sadly, cases like Ms. Miller's are all too common in Utah," said Jason Groth, Smart Justice Attorney at the ACLU of Utah. "Data shows Black people are 4.7 times more likely to be arrested in Salt Lake County for alleged possession of marijuana than white people. And based on the allegations in this case, it's easy to see how racial bias drives these numbers upward."

The ACLU of Utah and Holland & Hart, LLP filed this lawsuit in the U.S. District Court for the District of Utah. A copy of the complaint can be download from the following webpage:
<https://www.acluutah.org/millersettlement>

Holland & Hart has a longstanding tradition and national reputation as a law firm committed to providing legal pro bono services to those would otherwise go without legal help, particularly in issues of constitutional import. The firm has a longstanding partnership with the ACLU, including recent cases in Utah on a Sixth Amendment class action challenge to the State of Utah's indigent defense program, and with the ACLU of Montana in an Eighth Amendment challenge to prison conditions for inmates with serious mental illness in the Montana State Prison.

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