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FOR IMMEDIATE RELEASE

March 17, 2016

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ACLU, Salt Lake Police and Salt Lake School District Settle Suit over “Gang Operation” at West High School

SALT LAKE CITY, UT — The Salt Lake City Police Department and the Salt Lake City School District have agreed to make broad and meaningful changes in how they treat students of color and engage in school disciplinary issues under settlements announced today by the ACLU of Utah and the ACLU Racial Justice Project.

The agreements stem from a federal lawsuit filed by the ACLU on behalf of students at West High School who were caught up in a late 2010 “gang operation” carried out by various local police departments on school grounds during a school day. During the “gang operation,” all of the students detained and documented were of Latino, African-American, or Pacific Island descent, even though students of color comprised just half the student body. They were rounded up, questioned, searched, and photographed holding signs describing alleged gang affiliation. Their information was then documented and entered into a police database, potentially subjecting them to future unwarranted police scrutiny.

“What the school and police did to me that day was wrong,” said Kaleb Winston, a plaintiff in the lawsuit who was 14 years old at the time of the ‘gang operation.’ “I am really glad there are now policies in place to make sure that no kid at school in Salt Lake will ever have to go through what I did.”

Kaleb and the two other plaintiffs were among at least 25 students detained and documented that day. They alleged that the actions of school officials and police violated their rights to, among other things, freedom from unreasonable search and seizure and equal protection.

“We’re pleased that the police and school district came to the table willing to make significant changes in the way they treat Salt Lake City school students, especially kids of color,” said Kevin Winston, Kaleb’s father. “These agreements can’t change what happened to Kaleb and the other students, but one of our main goals in this case has always been to help make things right for students in the future.”

As part of settlements announced today, the city and school district have pledged that:

- Salt Lake City police will not conduct any operations like the 2010 gang enforcement operation.
- Officers will not photograph students holding whiteboards identifying alleged gang affiliation.
- Police will not use race, color, ethnicity, or national origin in exercising discretion to conduct a stop or search of a student.
- Police will expunge records labeling plaintiffs as identified or suspected gang members or associates created during the “gang operation.”
- School administrators will only request the involvement of police officers when there is a serious and immediate threat to physical safety or to address criminal conduct of a non-student.
- Police will no longer arrest students for behavior like profanity or fighting; such instances will instead be handled administratively by school officials.
- School resource officers will receive annual in-person training that covers implicit bias, how to engage with youth, and more.
- School district employees will receive training on the appropriate role of police, adolescent development, cultural competency, conflict resolution and de-escalation.
- The school district will amend its policies regarding prohibited gang-related activity to provide clear notice to students and parents, and it will publicly post data on police arrests in school twice a year on its website.
- The school district and the police will establish an oversight committee that will review school-based arrests and other police interventions at least twice a year, meet with community stakeholders, and consider any concerns raised by community members.
- The plaintiffs will also receive over \$100,000 from the Salt Lake City Police Department and Salt Lake City School District as well as the West Valley Police Department to resolve their damage claims, as well as to cover substantial attorney fees and expenses.

“It is exciting and encouraging to see Salt Lake City police and the school district commit to policies that advance our common goal of eliminating the school to prison pipeline, where students get funneled out of the school system and into the criminal justice system,” said John Mejia, Legal Director of the ACLU of Utah. “We look forward to continuing to work with police and school leaders not just in Salt Lake, but across Utah, in continuing to make positive changes for all kids that help them not just stay in school, but to stay in a school that is supportive, safe, and protective of their rights.”

More information is at: <https://www.aclu.org/cases/winston-v-salt-lake-city-police-department-et-al>

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