

# ACLU, Ogden settle lawsuit over gang injunctions

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BY BEN WINSLOW

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SALT LAKE CITY — The ACLU and Ogden have reached a settlement in a long-running lawsuit over restraining orders served against members of a street gang, prohibiting them from associating with each other in public throughout the entire city.

In a statement released Wednesday, the ACLU said it and its plaintiffs, Leland McCubbin and Daniel Lucero, reached a settlement that ended a federal lawsuit.

“As part of that settlement, Plaintiffs and Ogden City have agreed to terms that mutually resolve disputes about the application of the prior gang injunction in a manner favorable to both Plaintiffs and Ogden City. This settlement resolves all issues between Plaintiffs and Ogden City in the matter, including all appeals,” the ACLU said. “The case remains pending against the Weber County defendants.”

The lawsuit was filed shortly after Ogden police began a novel approach to cracking down on gang crime. The restraining orders were served as a part of a crackdown by Ogden police in 2010 on members of the Ogden Trece gang, prohibiting alleged members from associating with each other within city limits. It also set a curfew for them to be off the streets. Ogden police insisted the injunctions helped cut crime.

The alleged gang members claimed the injunctions violated their First Amendment right to free association. The Utah Supreme Court overturned the injunctions in 2013. The ACLU of Utah sued on behalf of those arrested and sought to have the case expanded to a class action lawsuit.

Terms of the settlement were not immediately disclosed.