

## Bearing Witness

### Salt Lake County D.A. says new hate crimes law will tell vulnerable communities, 'You are seen.'

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A Florida resident who assaulted a gay man earlier this year cannot be charged under Utah's new hate crimes law—it was passed after the incident occurred—but Salt Lake County District Attorney Sim Gill says the updated statute will better protect marginalized communities from future acts of violence.

In February, 22-year-old Carlo Alazo [allegedly punched](#) and pulled a knife on Sal Trejo in downtown Salt Lake City after Trejo told him he was gay. Trejo and three friends had been standing on Main Street in the wee hours of a weekend morning when Alazo started harassing them. "Really, the second we started being called faggots is when we pulled out our phones," Trejo previously told *City Weekly* of his reasoning for filming the exchange. "I think he must have perceived us as weak ... He decided to come for us."

About two weeks later, prosecutors [charged Alazo](#) with three misdemeanors—two counts of assault, and one count of threatening or using a dangerous weapon in a fight or quarrel. The latter, more-serious charge is punishable by up to 364 days in jail; Alazo could serve up to six months for the Class B assault charges.

Authorities recently issued an [arrest warrant](#) for Alazo after he told a judge he would not be able to attend his court hearing. He requested a 90-day continuance so he could make arrangements to travel back to Salt Lake City. Until then, he could be arrested on that warrant by authorities in any jurisdiction.

Salt Lake County District Attorney Sim Gill told *City Weekly* at the time Alazo was charged that prosecutors could not pursue a hate-crime enhancement because the statute on the state's books presented too high of a legal burden, making the law functionally useless. That will change on May 14, when a bill recently [signed by](#) Gov. Gary Herbert will become law. The statute gives prosecutors more leeway to seek stronger sentences for defendants accused of targeting a victim because of personal characteristics like race, religion, gender or sexual identity.

Though Alazo cannot be retroactively charged under the new edict, Gill says it allows prosecutors to better support vulnerable communities, “to say you are seen, you are heard, and here’s a measure of justice that you can count on, because you’re no longer marginalized and unseen and forgotten.”

Gill says the new law will give prosecutors the tools to proportionately punish people for targeting others because of their immutable personal attributes. “For the first time, their injury and why they were being selected and targeted for a crime is going to be articulated as such, and punished proportionately as such,” Gill says. “It lets everybody who is a victim of a hate crime to be recognized as such.”

Not all progressive groups were in favor of the potential for enhanced sentences. The ACLU of Utah released a [lengthy explanation](#) that said the group recognizes the perniciousness posed by racism and discrimination. “But even as we recognize the harm done by hate crimes and the role for some government efforts to confront them, our unvarnished view of the criminal justice system cautions us against supporting lengthier prison or jail sentences to punish hate crimes,” the statement reads. It also warns that prosecutors in other states tend to use those laws to seek lengthier sentences for defendants of color, and that, “mandating harsher punishments for hateful individuals does not fully address the root problems of hate and bias in our society.”

For his part, Gill says he’s a progressive who has long advocated for criminal-justice reform. “But I also believe in a measure of justice. And sometimes justice requires us to see and bear witness to the crime that’s occurring before us, and articulate it as such,” he says. “There was a level of injustice in our community before when we didn’t have a remedy for that.”

To Gill, the issue is separate from reforming the criminal justice system. “This is about actually seeing and bringing a measure of justice to a group of individuals who for a long time felt like they were not even worthy of that measure of justice, or seen as second-hand citizens,” he says. “For that, I don’t think we have to apologize.”