



Fiscal Year Changes for The ACLU of Utah

All ACLU affiliates and our national office are now on a new fiscal year calendar from April through March. This Annual Report includes 15 months, January 1, 2002 to March 31, 2003, reflecting the transition.

LEGAL ACTION



The ACLU of Utah litigates and provides amicus assistance in as many as 20 cases per year while we monitor, negotiate and settle many more without going to court.

The ACLU stands alone, and often against the tide of public opinion, in this battle. However, due to the extreme dedication and generosity of our cooperating attorneys, the attentiveness of our staff, and the support of our members and contributors, we have been steadily gaining ground and recently have won many important victories.

Free Speech and Separation of Church and State – Pending

Main Street Plaza - On October 9, 2002, the Tenth Circuit Court of Appeals reversed Utah's District Court decision and declared the sidewalks on the Main Street Plaza a public forum to be regulated by the city, not the Mormon Church. The case grew out of Salt Lake City's ill-advised move under a previous administration to sell one block of downtown to a private entity, the LDS Church, while retaining an easement guaranteeing public access and passage. (For more details please read the Fall 2003 Newsletter)

Criminal Libel - Case Resolution

State of Utah v. Ian Michael Lake
Deputies seized Ian Lake's computer, arrested the 16-year-old high school student, and for seven days, incarcerated him in the Iron County Youth Detention Center. His alleged crime was an Internet web site that he created at home and without the use of school resources which included parodic statements about classmates, teachers, and the principal. Lake was charged under Utah's rarely used criminal libel statute.

The ACLU of Utah and cooperating attorney Richard Van Wagoner filed a motion to dismiss Lake's criminal charges on the ground that Utah's criminal libel statute was unconstitutional on its face, overbroad and vague. In a November 15, 2002 ruling, the Utah Supreme Court unanimously declared the state's criminal libel law unconstitutional.

Commercial Speech – Ongoing

As a result of our legal action several cities in Utah, including Salt Lake City, have repealed improper ordinances that prohibited mobile advertising, specifically "For Sale" signs on cars and moving "billboards."

Lesbian and Gay Rights - Case Resolution

Citizens of Nebo School District v. Weaver – On April 4th, the Utah Supreme Court issued a unanimous ruling that brought an end to a five-year legal battle over the proper role of courts in determining whether lesbians and gay men can be fit role models and otherwise participate as full citizens in our society. (For more details please read the Fall 2003 Newsletter)

Free Speech – Case Resolution

Ogden City v. Bruce Edwards and Bruce Edwards v. Ogden – Frustrated by his inability to resolve a series of disputes with Ogden City officials, Ogden resident Bruce Edwards resorted to a different form of petitioning for redress of his grievances. He posted signs expressing criticism of the city on several vacant buildings that he owns in the downtown area. As city officials and Edwards sought to work out their differences, in December 2001, the city council enacted an ordinance that provided in part that "a vacant building and the premises shall be kept free of all interior or exterior signs, displays or graffiti," subject to limited exceptions.

Ogden City initiated a criminal prosecution against Edwards for violating the new ordinance and, in a rare move, initiated a civil action as well, seeking a court order requiring Edwards to remove his signs. On February 6 – one day before the Olympic torch was to go through Ogden – Ogden City argued that Edwards' signs detracted from the city's efforts "to present itself as a clean, safe, and desirous environment for parents to raise families and businesses to enjoy prosperity," and Second District Court Judge Parley Baldwin granted a temporary restraining order.

The ACLU filed and answer and counterclaim challenging the ordinance for prohibiting protected speech. We also argued that as applied to Edwards, the ordinance is not content-neutral, since the city's enforcement of the ordinance against Edwards reveals its intent to suppress a viewpoint with which the city disagrees.

Judge Baldwin sided with the ACLU on October 1. His ruling that stated, "The sweeping inclusion of the ban understandably would dismay the average American, who given this nation's proudly proclaimed history of special respect for individual liberty and private property, would be surprised to learn that he could not display flags, religious symbols, political placards, or even bumper stickers from the windows of his vacant building."

Privacy- Case Resolution

Salt Lake City v. Keith Roberts
The ACLU of Utah submitted an amicus brief on the issues of privacy and lewdness in Salt Lake City v. Roberts. In March 2003 the Utah Supreme Court rejected Salt Lake City's attempt to expand police investigatory powers in ways that would have severely infringed upon personal privacy. "Expansion of the 'plain view' doctrine would have created criminal activity where constitutionally protected intimate relations had once existed," said Janelle Eurick, ACLU of Utah Staff Attorney. "If the city had had its way, then every time consenting adults engaged in private sexual relations, they would have been susceptible to criminal charges simply because a police officer is able to peer through a window."

For more information about these and many other issues visit our website at www.acluutah.org

About the ACLU

The American Civil Liberties Union, founded in 1920, is a nationwide, nonpartisan organization dedicated to working in the courts, legislatures, and communities to defend and preserve the individual rights and liberties guaranteed to all people in this country by both the Constitution and the laws of the United States.

The American Civil Liberties Union of Utah was chartered in 1958 to work on constitutional issues that are pertinent to those living in this state. Our priorities include freedom of speech and expression, the separation of church and state, freedom of religion and association, the right to privacy, safe prison and jail conditions, and equal protection and due process of our laws.

Staff

Executive Director	Dani Eyer
Staff Attorney	Janelle Eurick
Communications Director	Reinard Knutsen
Development Director	Carol Gnade
Projects Coordinator	Stephanie Peterson
Police, Prison & Jail Intake	Cathy Endicott

Board of Directors Executive Committee

President	Laurie Wood
Vice President	Tim Chambliss
Treasurer	Robert Wood
Legal Panel Director	Lincoln Hobbs
National Board Rep.	Jill Sheinberg
At Large	Karen Denton
At Large	Lee Martinez

Board Members

Peggy Battin	Sue Marquardt
Roberto Culas	Rick Nosseir
Beverly Dalley	David Tundermann
Andrew McCullough	Marc Hoenig

Legal Panel

Dianna Cannon	Tristan Smith
Stephen Clark	Karen Stam
Andrew Deiss	Russell Hathaway
Summer Osburn	Linda Jones
Mary Woodhead	Derek Langton
Akiko Kawamura	

Cooperating Attorneys

Brian Barnard, Mark Lopez, Stephen Clark, Andrew McCullough, Richard Van Wagner

Interns and Volunteers

Lindsay Barenz, Amanda Breen, Kevin Dwyer, Maui Drabner, Matt Echohawk, Ted Reed, Paul Sacksteder, Bryan Banks, Nora Pinkas, Nikki Konesavanh, Jamie Usry, Claire Martinez, Christine Denburg, Noreen Ogden, Scott Wilson, James Hebdon

Contact Information

355 North 300 West #1
Salt Lake City, UT 84103
Phone: (801) 521-9862
Fax: (801) 532-2850
Email aclu@xmission.com
Web: www.acluutah.org

DNA Cases

During their 2002 session, the Utah State Legislature dramatically expanded the state's DNA database, and required that DNA specimens be collected from anyone who has pled guilty to or been convicted of any felony charge or class A burglary offense. Faced with the task of collecting DNA samples from all inmates, the department of Corrections stated that beginning July 1, 2002, it would begin collecting DNA samples and would charge each inmate a \$75 processing fee.

Two cases were filed challenging the charging of indigent inmates \$75 for DNA testing, in violation of state statutes. We have prevailed in one representative case while the other is pending

Nuttall v. Salt Lake County – Although we prevailed in this case, the Judge refused to grant relief to inmates charged the \$75 DNA testing fee from the date the law came into effect until the date of the court's decision. Only current and future inmates who were wrongfully charged the fee will receive relief. We filed an appeal to the Utah Supreme Court in November seeking to reverse the Judge's decision not to give relief to past inmates who had this money unlawfully removed from their inmate accounts.

Open Meetings - Case Resolution

Focus v. Child Support Guidelines

Advisory Committee - Members of the Committee were uncomfortable being videotaped in open and public meetings. FOCUS member Rick Curtis wished to record the meetings for members of their organization that could not attend the mid afternoon meetings of the committee. The Court stated that being uncomfortable on tape did not amount to an actual disruption of the meetings. Further, the Court ruled that videotaping is a valid means of recording an open meeting under Utah's Open and Public Meeting Act.

Counsel for Indigent Parents – Case Resolution

State of Utah v. Paul Johnson - On July 10, 2002, the Division of Child and Family Services (DCFS) petitioned the Juvenile Court to substantiate its investigative findings, which asserted that Paul Johnson had abused his children as defined by the Utah Code. This charge is a Class B misdemeanor and carries a penalty of up to six months imprisonment and possible termination of parental rights. The purpose of a substantiation hearing is to provide DCFS an opportunity to bring evidence against a parent to determine whether there is sufficient proof to formally charge that parent with child abuse and conduct a prosecutorial trial. Johnson has denied the accusations and requested that the court appoint him counsel to represent him during the substantiation hearing.

At the request of Third District Juvenile Court Judge Joseph W. Anderson, on October 28, we filed a memorandum in support of the motion for appointed counsel. In our brief, we argued that while the Sixth Amendment of the U.S. Constitution provides for the right to appointed counsel only at critical stages of the prosecution during adversarial proceedings, the Utah Code provides an even broader provision for the right to appointed counsel during "every stage of the proceedings." On November 26, Deputy District Attorney Brent Cameron filed the county's voluntary dismissal of its objection in the case, and concluded that the county must appoint counsel for indigent parents,

guardians, and custodians who are facing child abuse substantiation hearings in the Third District Juvenile Court. In order to qualify for appointed counsel, the court must first find that the parent or guardian is indigent.

Freedom of Religion - Pending

Clark v. Iron County - Nathan Clark is a devotee of the International Society for Krishna Consciousness, (ISKCON), a religious organization. The ISKCON faith proscribes that its devotees shall consume a specific diet, vegetarian in nature. Iron County, its Sheriffs Department and County Jail, unconstitutionally infringed on Mr. Clark's rights by refusing to provide a diet consistent with his religious beliefs during his October - November 2002 incarceration in the Iron County Jail. Under Mr. Clark's religious belief, food is a spiritual requirement, and ISKON devotees follow a strict diet. As a result of Iron County's lack of policies, procedures, practices, and rules regarding religious meals for inmates, the county violated Clark's First Amendment right to practice religion without imposing limit.

LEGAL ADVOCACY



The ACLU of Utah regularly engages in advocacy in an effort to resolve issues before they result in litigation.

Olympics

Salt Lake City hosted the Winter Olympics in February 2002. A year of preparation at the ACLU of Utah preceded the games. The ACLU of Utah worked to ensure each venue city had constitutionally acceptable free speech ordinances and where necessary, represented protesters in negotiations with the cities to secure protest locations. The staff reviewed protest ordinances and met with city officials in Salt Lake City, Park City, Summit County, Salt Lake County, Taylorsville and Farmington to revise offensive sections of their protest ordinances.

Security was also an issue during the games, and the ACLU staff met with several law enforcement agencies to determine the extent of electronic surveillance that would be used during the games. The ACLU of Utah also trained and recruited over 50 legal observers to attend Olympic protest sites to document any police misconduct at events. Through our negotiations with venue cities, protesters were allowed to protest virtually right next door to many Olympic venues, a victory considering the enhanced security climate of the country four months after the tragic events of September 11, 2001.

Traffic Checkpoints

The ACLU of Utah has received numerous complaints regarding checkpoints set up by various county Sheriff Departments around Utah over holiday weekends. We have sent letters of concern over the constitutional validity of these checkpoints.

Drug Courts and Testing Contamination

In early 2002, the ACLU of Utah received several serious complaints about the drug testing facility used by the Eighth District Drug Court in Uintah County. The complaints made several allegations, including cross contamination of specimen at the Uintah County Jail drug testing

laboratory, refusal of the drug court to allow participants to challenge positive test results, and refusal to consider participant's prescription medications and their effects on drug tests.

In response to our GRAMA request on behalf of several drug court participants, the Drug Court responded with new procedures implementing several policies that will alleviate some of the problems mentioned above. The new policies were formalized in writing on July 31, 2002.

To ensure those collected specimens are not cross-contaminated or tampered with by drug court personnel, the drug court implemented new policies: use of numbers, not names; Samples with tamper resistant tape; inhaling by participants; blind tests; and running daily random control tests.

The drug court also mandated the opportunity for disclosure of any prescription medication in use.

Drug court participants may also now challenge all positive test results. Any positive test result can be challenged within 90 days. The challenged specimen will be stored at the Uintah Jail facility for 90 days in a sealed container and refrigerated. Participants will be required to pay for the contested drug test.

Counsel at Misdemeanor Trial

Alabama v. Shelton: letters were sent to all courts in Utah informing them that if there is no lawyer at a misdemeanor trial the accused cannot face jail time for a later parole/probation violation.

Ten Commandments

Several cities voluntarily removed monuments from public land after receiving our letters and noting the court ruling, and costs, in other Utah cases.

Prison Procedures and Problems

The ACLU of Utah initiated a comprehensive survey and analysis on the use of the Grievance Procedures at the state prison which have revealed problems that we are attempting to address. Monthly meetings with the Department of Corrections executives have ensued and further studies are ongoing. (See the article on "Tackling Police, Jail and Prison complaints" pg. 4)

Police Civilian Review Board

Salt Lake City initiated a Police Civilian Review Board for police complaints. The ACLU of Utah served on the panel selecting the first full-time investigator who will manage the 14-member panel and investigations parallel to the police's Internal Affairs department. (See article in Fall 2003 Newsletter)





LEGISLATIVE ACTION

The decisions made during the annual session of the Utah State Legislature have a lasting impact on our communities. As new laws are created and others repealed and rewritten, we try to ensure that these changes strengthen rather than compromise our constitutional rights. During each session, the ACLU of Utah addresses a wide range of issues, and our organizing and lobbying efforts are aimed at informing lawmakers and the public about the civil liberties implications of the proposed bills.

2002 LEGISLATIVE SESSION

The 2002 Utah Legislative Session was mostly discouraging for defenders of civil liberties. Bills passed included an "In God We Trust" school mandate, a toothless resolution defining the beginning of life at conception, and a bill broadening the definition of terrorism. However, two bills we supported passed, and the Governor used his veto power to stop a bill that would have severely infringed upon access to the courts.

Database established to collect race information on police stops

HB 101 Sub 1, "Racial Profiling"; sought to move allegations of racial profiling from the anecdotal to the factual realm by creating a database tracking the race of motorists and pedestrians stopped by the police. Race data will be collected regardless of citation. By relying on race information on drivers' licenses and state identification cards, the law seeks to avoid the subjective decisions law enforcement officers are bound to make if they have to determine an individual's race. The Department of Public Safety will establish the database and the Commission on Criminal and Juvenile Justice will have access to the information for evaluation purposes. The law addresses privacy concerns by providing that those who refuse to disclose race to the Driver License Division will not be denied a drivers' license or identification card. Because race information is voluntary, is collected only over a five-year period, and because the database does not include information about out-of-state drivers, it is unclear if the evaluated data will provide a more complete picture of racial profiling.

Due process rights strengthened

"Taking Minor Into Protective Custody Without a Warrant" requires that a law enforcement officer or child welfare worker must have a warrant before removing a child from the home, except under limited circumstances, including imminent danger to the health or safety of the child. The law moves Utah closer to constitutional standards, which require that, absent narrowly defined exigent circumstances, a child can be removed from his or her family only when an independent judicial officer issues a warrant authorizing the removal.

Governor vetoes unconstitutional construction bill

Legislators passed SB 183 Sub 1 "Costs Assessed for Wrongfully Enjoining a State

Project." The bill would have allowed any individual or organization that reasonably disputes a government action but ultimately does not prevail in court to become liable for all costs and damages resulting from temporary injunctions on construction projects. Because there is simply no way a single Utah citizen or public interest group could assume the risk of these costs, regardless of how meritorious the claims, SB 183 would have effectively blocked a large proportion of our citizenry from access to the courts and from participation in a fundamental aspect of the democratic process. In a win for First Amendment rights, Governor Leavitt vetoed the bill.

2003 LEGISLATIVE SESSION

Because of the ACLU's new fiscal year, the scope of this report also includes Utah's 2003 Legislative session. Most significantly, the ACLU of Utah, with national ACLU support, joined with Planned Parenthood and utilized the press, along with letters to the legislature threatening litigation, to beat back two proposed abortion bills.

Partial Birth Abortion Amendments: HB 241 - Failed

HB 241 would have altered Utah's 1996 abortion ban by removing the exemption for a mother's health, and was an attempt to target a rarely performed abortion procedure that would have included criminal penalties for doctors who perform the procedure. HB 241 also contained an unconstitutionally overbroad definition of banned conduct. Although meant to target so-called partial birth abortions, it failed to narrowly target a ban of a single procedure, but instead would have banned many safe, common abortion procedures, including the most common method of abortion used in the second trimester, before fetal viability.

The ACLU of Utah delivered letters to the relevant House and Senate Committees warning that HB 241 was constitutionally flawed. The letters also encouraged the legislature to refrain from passing a bill in an attempt to prohibit almost nonexistent conduct in this state, and which would result in costly litigation. The Supreme Court struck down a nearly identical version of the same bill in Nebraska in 2000, which cost nearly \$1 million in state litigation costs.

HB 241's sponsor said although he knew his measure to outlaw partial-birth abortions might have been deemed unconstitutional, he believed it would have established an important legal precedent. "The sponsors admitted the practical effect of their bills may have been unclear even to them, but they believed it was important to try to make Utah's attitude about abortion perfectly and legally stated in statute..." (Deseret News 3/6/03)

Debate continued until midnight the last night of the legislative session when the bill died.

Prohibition for Public Funding of Abortion: HB 123 - Failed

This bill initially prohibited any public money from being spent directly or indirectly for an abortion unless the woman's life was at stake.

The ACLU of Utah submitted letters indicating that courts in Utah have held that state governments cannot prohibit public funding for abortions in cases where the state receives Medicaid funding and the mother's life is threatened or where the mother is the victim of rape or incest. The bill was amended to allow public funds to

be used for abortion in cases of rape and incest.

The bill did not include a Medicaid requirement that gives a victim of rape or incest the option of asking for a waiver of the need to file a police report before undergoing an abortion. Such an omission arguably placed Utah's federal Medicaid funds, about \$1 billion, at risk.

The bill failed to pass before time ran out in the legislative session. There were many unanswered questions about the wide-reaching fiscal ramifications.

Sentencing in Capital Cases Amendments: SB 8 - Passed

Last year the U.S. Supreme Court ruled in *Atkins v Virginia* that the execution of a mentally retarded person violates the Eighth Amendment and constitutes cruel and unusual punishment. Accordingly, state legislatures were mandated to revise death penalty statutes. During the summer of 2002, we submitted an extensive review of the Special Session proposed Amendments. Our review dealt with the definition of mental retardation, the procedural matters related to sentencing, scope of examination, a defendant's failure to cooperate, and limitations on admission of evidence. After some negotiations during the legislative session, we found Utah's final bill to be constitutional with respect to the *Atkins* decision.

Resolution Calling for Constitution Amendment Defining Marriage - Abandoned

This resolution would have urged Congress to add a Federal Marriage Amendment to the U.S. Constitution. Such an amendment has previously been sponsored by Utah Congressman Chris Cannon, and defines marriage as a union only between a man and a woman. The ACLU of Utah worked with several other coalitions holding town meetings and disseminated materials informing the public as to the horrendous potential effect of such a constitutional amendment. The resolution was abandoned.

Tax of Sexually Explicit Materials: HB 300 - Failed

This bill would have taxed sexually oriented products and businesses to raise money for tax coffers. Drawing a connection between sex materials, financial gain and state funded sex offender programs, the sponsor, a director of a nonprofit which holds several state contracts dealing with sex offenders, was hoping to shore up several state programs. There were many logistical and constitutional hurdles to the bill: taxing Internet sites, defining "sexually-explicit," and taxing industries with First Amendment protection. Levying a tax on expressive activity based upon content is impermissible. After four amendments, the bill failed to pass.



PUBLIC EDUCATION AND
CIVIL LIBERTIES ADVOCACY

The daily work of the Utah ACLU includes researching the facts surrounding complaints of civil rights abuses, mediating the resolution of many disputes, lobbying against proposed legislative bills that pose threats to the constitutional rights of Utahans, educating our community about civil rights issues, and resorting to court action to establish important legal principles for the protection of individual rights and liberties.

We try to provide resources to those that normally do not get necessary legal support, like those from ethnic minorities, gay and lesbians, low-income families, and other disenfranchised communities.

Safe and Free Advocacy

Arab, Muslims and the FBI: The ACLU of Utah made an earnest effort to contact members of the Arab, Muslim and Iraqi community to inform them of the government's attempts to detain those seeking asylum (Operation Liberty Shield) and to engage in FBI questioning based upon racial profiling. Further, through the assistance of our Utah Association of Criminal Defense Lawyers, our state Bar Association and through local immigration lawyers, we were able to provide volunteer attorneys to assist anyone having concerns about questioning and the right to counsel. In addition, we set up a meeting with representative attorneys and the local FBI office and set forth our concerns about profiling, political questioning and intimidation.

USA PATRIOT Act: We also participated on several well-attended panels at law schools and universities discussing the USA PATRIOT Act with local U.S. Attorneys, representatives from the Department of Justice, immigration and First Amendment attorneys, congressional staffers, and professors.

Further participation included speeches at Bill of Rights Defense rallies, teach-ins, and panel participation with the state's Attorney General at a banquet for over 150 Muslim professionals.

Reproductive Rights

As mentioned in the legislative section, we were able to work with the media and threaten the legislature with legal action in beating back two abortion bills that we deemed unconstitutional. We also placed an op-ed in the statewide paper on the 30th anniversary of Roe v. Wade.

Censorship

In conjunction with Banned Books Week we staffed a booth at public events like our downtown Farmer's Market. We also participated in public radio talk shows with librarians and booksellers. Further, we were invited to speak at the annual Utah Library Association on Internet censorship and related lawsuits on Internet filters and library funding.

Homeless Issues

In 2002, the ACLU of Utah worked closely with Crossroads Urban Center in a legal observer program intended to determine whether the civil rights of the homeless were being violated. The legal observers volunteered to attend food lines and parks frequented by the homeless in order to observe and document their interaction with law enforcement officers. The program also included interviews with both the homeless and the police.

Lesbian, Gay, Bi, Transgender Issues

Utah remains a crucial state in the ongoing battle for passing gay policies in the areas of marriage, adoption, school matters and hate-crimes. We constantly invoke First Amendment and Equal Protection arguments in promoting gay and lesbian rights. We are one of the only organizations in Utah that work in the courts to push for the civil rights of sexual minorities. We continue to advocate in areas of student rights, definition of marriage resolutions, and in coalition work.

Other Presentations

Our affiliate has made a tremendous effort to increase public awareness on basic civil liberty issues through dozens of panels, lectures and discussions at schools from elementary, high school, university through law school, at continuing legal education classes, at community council meetings, city council meetings, town meetings, coalition meetings, and rallies.

Press

The ACLU of Utah received continual media attention. We were quoted and written about several times each week in both statewide papers and local papers. Our clippings service showed hundreds of entries for 2002. We also received public radio attention, were invited frequently on talk shows and received consistent requests from TV news. The Main Street Plaza issue alone resulted in hundreds of articles, letters to the editor, and dozens of editorials.

ACLU Of Utah Foundation
Financial Report:
January 2002 – March 2003*

As a private, non-profit organization, the ACLU of Utah receives no government funding and never charges its clients for legal representation. Our existence depends entirely upon private donations, occasional foundation grants, court awarded legal fees and membership fees. It is no exaggeration to state that our financial and volunteer supporters have allowed us to accomplish everything that is detailed in this annual report.

Revenue	
Donations	159,025.00
Events	22,648.00
Grants	201,000.00
Legal Awards	1,800.00
Interest Earned	1,464.00
Total Revenue	385,937.00
Expenses	
Programs services	286,478.00
Management/operations	28,929.00
Fundraising	37,378.00
Total Expenses	352,785.00
Net Income	33,152.00

*Figures above are a reflection of audited financial statements combining the fiscal year 2002 and January 2003 – March 2003. This accounting is in compliance with the recent ACLU National and Affiliate change in fiscal year, now beginning on April 1st.

Special Thanks To



ACLU of Utah Tackles Law
Enforcement, Jail and Prison
Complaints

Every year, the ACLU of Utah receives many complaints from citizens who feel their civil liberties have been violated. From January 1, 2002 to present, 1,049 complaints from inmates in correctional facilities and 212 from citizens regarding law enforcement agencies have been received. These two types of complaints are handled separately from more general legal complaints, which are handled by the ACLU of Utah's staff attorney. Each prison, jail, and law enforcement complaint is individually reviewed, evaluated, and entered into a two separate databases for tracking purposes.

In order to identify larger issues and growing problems in prison and law enforcement agencies, reports are periodically generated from the databases so that statistics may be utilized when addressing issues of concern with the appropriate agencies.

Complaints from prison and jail inmates range in content from simple requests for information about the ACLU to more specific complaints about prison conditions, access to information (such as law library availability), inmate classification, commissary, discrimination, grievance procedures, harassment, legal questions, mail problems, religious discrimination, retaliation, and visitation. In addition, a large number of complaints received from inmates deal with the inadequate and/or untimely medical/mental health care in correctional facilities. The ACLU of Utah has become increasingly concerned with this issue.

We are also concerned with the recent proposal to introduce privatized health care into the prison system, the advent of which may cause even more problems for inmates in access to health care. The National ACLU shares the Utah affiliates office's concerns regarding the overwhelming need for better health care in prisons: "Growing numbers of incarcerated individuals suffer disproportionately from tuberculosis, HIV/AIDS, hepatitis, mental illness, substance addiction and many chronic diseases. Untreated patients jeopardize the health and safety of prison and jail staff, institution visitors, prisoners and the communities to which they return."



Complaints from citizens regarding law enforcement agencies are handled

similarly to those received from inmates. Law enforcement complaints are categorized according to type, ranging from discrimination/profiling, excessive force, harassment, and unlawful search and seizure. As with the prisoner complaints, the ACLU of Utah responds to each complaint and provides information and referral as necessary.

In order to gain better perspective and understanding of the civil rights issues concerning prisoners and other citizens and of the inner workings of the prison/jail systems and law enforcement agencies, the ACLU of Utah is working to increase communications with prison and law enforcement officials, representatives from activist and special interest groups and concerned citizens so that we may better identify and, if necessary, take action on matters of concern to individual civil liberties.