

ACLU OF UTAH

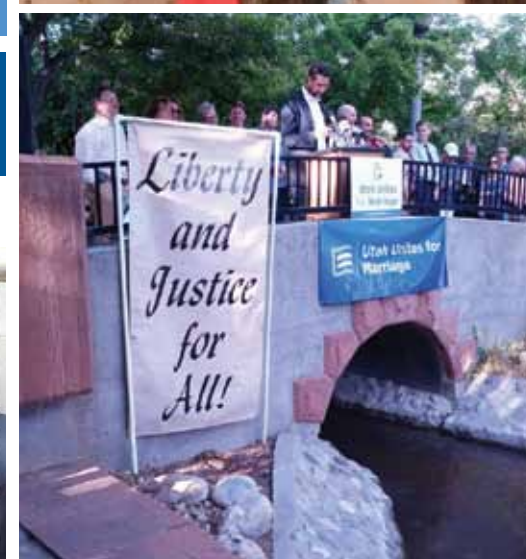


2013-2014 Annual Report



**AMERICAN CIVIL LIBERTIES UNION
of UTAH**

Protecting the bill of rights since 1958



Dear Friends,

It is with great pleasure that I present the ACLU of Utah's 2013-2014 annual report to our members, friends, supporters and partners.

Reflecting on the past year, I am amazed at what we, as a community, have accomplished. With your support, we have passed some of the most progressive voting legislation in the country. We have defended the rights of more than 1,200 married couples when the State threatened to invalidate those rights. We have made our law enforcement more accountable and our communities safer. We have made Utah the first state that protects both location information and electronic communications content from government access.

But that does not mean that we get to rest easy. There is still much to be done in our state, and so we are harnessing this momentum to tackle new challenges and shore up our defenses against new threats. We will keep on fighting for voting rights, equality, criminal justice and privacy, as well as the many other issues that are near and dear to the ACLU of Utah, such as women's reproductive rights and immigrant rights.

Many of these battles will be even bigger and more complex than those we waged this past year, and they will require the full force of our legal expertise, experience and resources. But I am confident that, with supporters like you standing behind us, 2015 will be another landmark year for civil liberties in the state of Utah.

In this report, you will find highlights of our work and an overview of victories that we celebrated this past year. We hope you will enjoy learning about the work that your contributions help to make possible. As a membership organization, these victories belong to you as much as they do to us.

I am so very grateful to our dedicated Board, hard-working staff, enthusiastic volunteers and, most of all, to each and every one of you. I hope that you will remain our partner in our fight to advance civil liberties in the year ahead.

Sincerely,

Karen McCreary

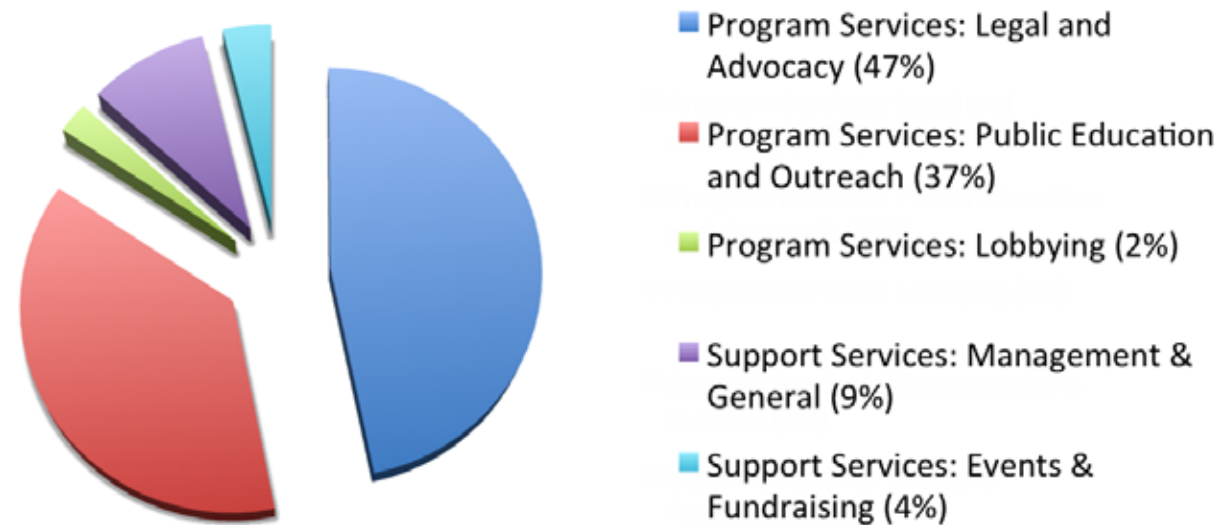


Karen McCreary, Executive Director

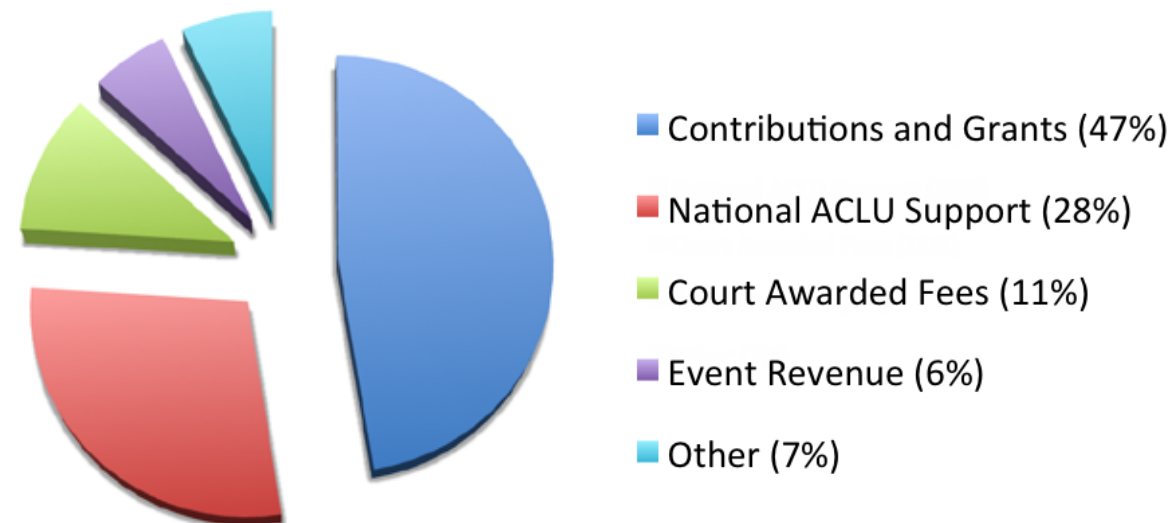
Financial Information

Fiscal Year 2013-2014: April 1, 2013—March 31, 2014

Expenses (FY14 Total \$808,058)



Support and Revenue (FY14 Total \$969,471)



By the numbers...

ACLU of Utah's Highlights from FY 2013-2014

2,155

UTAHNS FROM **14** DIFFERENT
COUNTIES GAVE TO THE ACLU
OF UTAH

ACLU STAFF RESPONDED TO
630
COMPLAINTS AND
REQUESTS FOR ASSISTANCE

TIMES THE ACLU OF UTAH WAS
FEATURED IN THE LOCAL OR NATIONAL
MEDIA:

180

1,980

PEOPLE ATTENDED THE **39** EVENTS WE HOSTED

7

CASES IN ACTIVE LITIGATION IN THE
DISTRICT OR APPEALS COURT

5

ACLU OF UTAH SUPPORTED BILLS WERE PASSED
DURING THE 2014 LEGISLATIVE SESSION

32

COOPERATING AND VOLUNTEER ATTORNEYS CONTRIBUTED THOUSANDS OF HOURS
OF LEGAL EXPERTISE AND ASSISTANCE

2014 Legislative Wins

Utah became the first state in the nation to enact legislation simultaneously protecting location information and electronic communications content from government access.

Fourth Amendment Wins

SB 167 – Regulation of Drones: Requires a warrant before law enforcement uses a drone or obtains information from a drone except in limited circumstances.

SB 46 – Administrative Subpoena Modifications: Administrative subpoenas allow law enforcement to obtain information about people with no judicial oversight. This law limits the use of administrative subpoenas by requiring law enforcement to first obtain a court order.

HB 185 – Law Enforcement Transparency: Requires law enforcement to produce reports on 16 different data points whenever forcible entry or SWAT teams are deployed.

HB 70 – Forcible Entry Amendments: Requires probable cause before law enforcement can forcibly enter for reasons of preventing evidence destruction. The law also requires that only reasonable and necessary force be used, and that officers must verify the residence in question prior to forcibly entering.

HB 128 – Electronic Device Location Amendments: Protects location information and electronic communications content from government access unless there is good reason to believe that it will reveal evidence of a crime, or in true emergencies. Law enforcement also has to delete data not pertaining to a warrant.

The ACLU Scores a Big Win for Voting Rights!

HB 156 – Election Day Voter Registration Pilot Program: After 7 years in the making, the ACLU of Utah is thrilled to have been a part of the passage of HB 156. This bill creates a two-year, opt-in pilot program to implement Election Day Registration (EDR), which allows an individual to register and cast a ballot on Election Day.

So far, Davis, Salt Lake, Sanpete, Kane and Weber counties have all expressed interest in participating, which means that more than 2 million Utahans now have access to EDR.

The ACLU has been supporting this legislation since 2006 and, at a time when much of the country is experiencing voter restrictions, it is particularly gratifying to see such a progressive piece of legislation pass in our state!



74%
of Utah's population will
now be able to register
and cast a ballot on
election day!



WHAT'S AT STAKE:

POPULATION GROWTH

Utah's prison population is projected to increase substantially.

37%

2024

22%

2014

Meanwhile, the national prison population continues to drop steadily

COST OF POPULATION GROWTH

Averting Utah's Prison Population Growth * Would Save

\$542
MILLION

Over 20 Years

**As projected by MGT of America, consultant to the Prison Relocation Commission*

DRUG-RELATED CRIME

25%

of Utah's prison population is incarcerated for drug-related crimes.

17%

The national average for proportion of drug-related offenders in prison.

63%

of new convictions are for non-violent crimes

RACIAL INEQUALITIES: MINORITIES ARE OVERREPRESENTED IN UTAH'S PRISONS

1.8%

DECLINE in national prison population since 2007



4.8%

4.8% of the prison population identify as Native American/Alaskan; they comprise only 1.5% of Utah's general population



6.4%

6.4% of the prison population identify as Black; they comprise only 1.3% of Utah's general population



18.4%

18.4% of the prison population identify as Hispanic; they comprise only 13.4% of Utah's general population

MOVING FORWARD TOGETHER

The ACLU of Utah has been actively engaged in state efforts to reform Utah's prison and criminal justice system. Our recommendations to the commissions overseeing this process include:

- ✓ **Uphold** public safety and fundamental fairness in the granting of parole.
- ✓ **Reduce** sentence for drug possession to a misdemeanor, rather than a felony.
- ✓ **Improve** transition support for individuals exiting the prison system so they do not cycle back into jail and prison.
- ✓ **Increase** access to mental health and substance abuse treatment to individuals statewide.
- ✓ **Create** policies that decrease the prison population.
- ✓ **Provide** alternatives to solitary confinement.
- ✓ **Ensure** that Utah's next prison facility preserves access to volunteer services, legal support, medical services, family visits and community-based transition services.

CRIMINAL JUSTICE AND PRISON REFORM



Love Wins!

On January 21, 2014, the ACLU of Utah brought a lawsuit to force the state to honor the marriages of Utah's same-sex couples. We filed the case, called *Evans v. Utah*, on behalf of four couples who were legally married in Utah in the hours and days after a federal district court struck down the ban on same sex marriage. We argued that once any couple, of same or different sex, legally marries in Utah, they gain protections that cannot retroactively be taken away under the due process clauses of the Utah and United States Constitution.

Judge Dale A. Kimball ruled in favor of the ACLU, saying that the legal limbo and state of uncertainty in which the State had placed the plaintiffs **"cause harm each day that the marriage is not recognized."**

While the state initially appealed Judge Kimball's decision, the Attorney General's Office decided to drop the appeal of *Evans v. Utah* after the U.S. Supreme Court denied review of Utah's federal case, *Kitchen v. Herbert*, making the lower court's rulings stand and requiring Utah to recognize all marriages!

After months of uncertainty and upheaval, **LOVE** triumphed in Utah and we couldn't be more honored to have worked alongside so many brave couples and determined community partners to help Utah become a more just and safe state for ALL couples!

"Now Jesse can grow up knowing that the marriage of his two dads is recognized in the eyes of Utah's law and our family is valued by the community"
--Tony Milner, Plaintiff

Plaintiffs Matthew Barraza and Tony Milner at this year's pride parade with their son Jesse.

MORE LEGAL WINS!

Redmond v. Bigelow: Officers released a tear gas canister in the prison’s mental health wing to subdue a single prisoner, leaving suffering inmates to breathe the noxious gas for about 20 minutes.

Won Class Certification! This means that the ACLU of Utah can represent all prisoners of the mental health wing in their continuing legal efforts to change policies and receive compensation for the incident.

Uroza v. Salt Lake County: A Weber State student, Enrique Uroza, was held at the County jail for 39 days after his family had posted bail. He was held under an unconstitutional County policy of holding without bail individuals who could not prove their immigration status to the satisfaction of jail officials.

Win! The County permanently ended its no bail policy and paid damages and fees. A settlement with the Federal defendants was reached in October.

“I am bringing this case not just to vindicate my rights, but to protect the rights of everyone who has been or would otherwise be subjected to indefinite detention by the police”
--Plaintiff Enrique Uroza

HB 497: An Arizona-style anti-immigrant law that threatened the basic civil rights and all Utahns and unlawfully interfered with federal power and authority over immigration matters.

Win! A federal district court issued a decision preliminarily blocking several components of HB 497 and severely restricting other aspects of it, effectively gutting HB 497. The plaintiffs and state and federal defendants recently filed a settlement asking that the preliminary injunction be made permanent.



Protestors gather outside the courthouse during the HB 497 Hearing

We would like to recognize the exceptional courage and strength of our amazing plaintiffs in these cases: Marina Gomberg, Elenor Heyborne, Stacia Ireland, Jo Nell Evans, Donald Johnson, Fritz Schultz, Tony Milner, Matthew Barraza, Craig Kanfield, Timothy Redmond, Nicholas Watson, George Monfort, Daniel Lassche, Utah Coalition of La Raza, Service Employees International Union, Workers’ United Rocky Mountain Joint Board, Centro Civico Mexicano, Coalition of Utah Progressives, Latin American Chamber of Commerce, Salt Lake City Brown Berets, Davyd Morales, Milton Ivan Salazar-Gomez, Eliana Larios, Alicia Cervantes, Jane Doe, John Doe and Enrique Uroza. Thank you for all you do to protect and uphold civil liberties in the state of Utah!

ACLU UTAH STAFF

Executive Director Karen McCreary

Legal Director John Mejia

Legislative & Policy Counsel Marina Lowe

Development Director Amy O'Connor

Staff Attorney Leah Farrell

Office Manager Reinard Knutsen

Coordinator of Administration & Finance Jessica Taylor

Racial Justice Associate Kathy Abarca

Public Policy Advocate Anna Brower

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Dianna Cannon

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Alexander McDonald

Larry Stevens

Michael Weinholtz

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ACLU Board Members Russ Fericks, Rebecca Chavez-Houck and Alex McDonald with family and friends at this year's Bill of Rights Celebration

SAVE THE DATE!
Mark your calendars for
the 3rd Annual Bill of Rights
Breakfast Celebration on
May 15th, 2015
at the Rice Eccles Tower!

A Note From The President....

My second year as board president has been extraordinary, with landmark victories for marriage equality, voting rights, immigration rights, and more. I am grateful to all the dedicated people who make ACLU of Utah so effective, including our board and staff, but especially our many committed supporters, volunteers and cooperating attorneys. We could not do this work without you!

Please know that we are grateful for all support, no matter the size of the gifts. Together, we make a movement that is bringing about steady and very much needed social change on behalf of everyone's civil liberties!

Thanks for all you do,

Cathleen Power
Board President



Board President Cathleen Power



ACLU of Utah Donors and Friends at the annual Bill of Rights Breakfast Celebration



THANK YOU

For standing with us in support of Civil Liberties!

--Marina, John, Reinard, Karen, Leah, Anna, Kathy, Jessica and Amy