



Liberty Reporter

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Newsletter of the American Civil Liberties Union of Utah

YES ON SIX: Time to Deliver On 6th Amendment Promise “Legislative and Policy Solutions Need to Happen NOW”

Four years after the release of “Failing Gideon: Utah’s Flawed County-by-County System of Public Defense,” the ACLU of Utah launched “YES ON SIX,” an education and advocacy campaign to push for significant improvements to Utah’s failing county-by-county public defense system. At a press conference on August 27, we called for a legislative remedy to be proposed and passed during the 2016 Legislative Session, and made specific requests for that remedy.

“The right to legal counsel, enshrined in the Sixth Amendment, is the keystone of our country’s understanding of justice,” said Karen McCreary, ACLU of Utah Executive Director. “It undergirds our concept of being a free people in contrast to countries that are totalitarian and repressive, where lawyers are not always independent of the government, and individuals can be imprisoned by an all-powerful state without recourse to justice.”

The YES ON SIX Campaign mobilizes community members to share their personal stories and experiences with legislators and policy leaders, through letter-writing and in-person meetings. YES ON SIX will also educate the general public about the critical importance of the Sixth Amendment’s guarantee of legal counsel.

“YES ON SIX is about helping our fellow Utahns understand why public defense is a critical issue for all of us who want Utah to be a



Karen McCreary, ACLU of Utah Executive Director, outlines the fundamentals of the YES ON SIX campaign at a press conference on August 27.

safe and just place to live, and who want our criminal justice system to be fair and common-sense,” explained Anna Brower, ACLU of Utah Strategic Communications Manager. “It is also about helping our state and local policymakers understand how this issue affects the lives of real Utahns, every day.”

Legislative advocacy will be a major component of YES ON SIX. At the campaign launch, ACLU of Utah Legislative & Policy Counsel Marina Lowe detailed several elements of a policy framework that would move Utah’s indigent defense system toward a more constitutionally adequate reality. She indicated that there appears to be legislative appetite for such reform, and that the

ACLU of Utah is ready to provide concrete recommendations to be part of any legislative remedy.

“We have had years of study and discussion to guide us toward a solution; now is the time to act,” said Lowe. “If we begin now, reform advocates and policymakers can prepare legislation for 2016 that will put us on the path to significantly improving indigent defense in Utah.”

Among the ACLU’s requirements for an acceptable legislative solution are:

- An independent, fully-funded, fully-staffed statewide public defender commission;

Continued on page 4

Activists Defeat Farmington’s Unconstitutional “Free Speech” Ordinance



Activists protest in on a public right of way in front of Lagoon in Farmington.

On September 9, the ACLU of Utah and the Utah Civil Rights & Liberties Foundation filed a complaint on behalf of the Utah Animal Rights Coalition, Jeremy Beckham, and Alexis Levitt challenging Farmington City’s “Free Speech” Ordinance. The suit alleges that on its face, the Ordinance violated the Utah and United States Constitutions because it required a permit for almost any conceivable form of public

expression and imposed criminal penalties for failing to comply.

As long-time animal rights activists, Mr. Beckham and Ms. Levitt participated in peaceful protests on the sidewalk and on a public right of way to protest the conditions of the animals at Lagoon. After the protests, they were charged with misdemeanor offenses of the Ordinance because they had not obtained a permit for those free speech and assembly activities.

As soon as the lawsuit was filed, the U.S District Court issued an unopposed order immediately halting enforcement of the Ordinance. Soon after, Farmington repealed the Ordinance and the criminal charges against Mr. Beckham and Ms. Levitt were dropped. The Utah Animal Rights Coalition now plans to continue their public protests during Lagoon’s current season, which ends

Continued on page 5

IN THIS ISSUE

2

- The President’s Corner
- We Stand with Planned Parenthood

3

- On the Hill: Looking Ahead
- Join the ACLU Legacy Challenge

4

- What Does a Failing Public Defenders System Sound Like?
- New Prison Could Reduce Use Of “Restrictive Housing”

5

- Utah Must Recognize Same-Sex Mothers’ Parentage Rights
- Court Overturns Ogden Gang Injunction Conviction

6

- Police Accountability: Demand It; Maintain It; Expect It!

7

- Back to School: Know Your Rights
- Invest in Public Education Not Prison Cultivation

8

- TAKE ACTION: Demand that the Sixth Amendment be realized in Utah!

The President's Corner



Cathleen Power, ACLU of Utah President of the Board of Directors

It is a good time to be a member and supporter of the ACLU of Utah. We have an impressive history, we are ushering in a multitude of successes today, and we are planning and strategizing to ensure civil liberties in Utah for the future. In the past 5 years, we have grown our staff, we have grown our budget, and we have grown our impact through our integrated advocacy approach that utilizes legislation, litigation, and education to positively affect change in Utah.

One example of our integrated advocacy approach is the work we did in the past year to ensure that the state's prescription database cannot be searched without a court ordered warrant (see summer newsletter "Utah Fire Fighters Victim of Fourth Amendment Violations"). We first filed a legal brief in a case brought by a paramedic whose prescription records were searched without probable cause, then followed up with public education about the problem and finally helped ensure a legislative fix to ensure that this 4th Amendment violation will not be repeated.

Because the ACLU of Utah has been successful on many fronts, we have been in a good place to think strategically about our future and to work proactively, rather than just defensively. To that end, we have created ambitious goals and objectives for the next 5 years leading up to the national ACLU's 100th birthday in 2020 as well as our own ACLU of Utah's 60th birthday in 2018!

Our goals span many issues, including:

- Pursuing further work to help fix our broken criminal justice system; just one of our initiatives is our "YES ON SIX" campaign which is pushing the state to institute a constitutionally appropriate indigent defense system;
- Continuing efforts to protect our privacy when new technologies like police body cams, drones, or DNA collection issues come into play;
- Ensuring a healthy, participatory democracy where we champion voting rights;
- Advancing LGBT equality in Utah, including non-discrimination protections in public accommodations and championing transgender people's rights to be themselves;
- Tackling immigration reform where opportunities arise, including in detention and deportation practices;
- Defending women's reproductive rights;
- Advancing racial justice.

Please know that you, our supporters and members, are what make our successes possible when it comes to defending civil liberties for all Utahns. Please consider a gift to the ACLU of Utah using the enclosed envelope or a legacy gift (see page 3 of this newsletter for details). Thank you again for your generous support!

The ACLU of Utah Stands With Planned Parenthood!



Thousands of women and families trust and rely on Planned Parenthood of Utah for affordable, accessible, high-quality healthcare and education services, including contraception, cancer screenings, and STD testing and prevention. Call Gov. Herbert's Office at (801) 538-1000 and let him know that you stand with Planned Parenthood. You can also sign an online petition at ppacutah.org/stand-with-planned-parenthood/

The ACLU of Utah

The ACLU of Utah, chartered in 1958, operates through public education, legal advocacy, litigation, and lobbying at both the state and local levels to ensure the constitutional rights and freedoms of everyone living in or visiting Utah. Our work is based on those principals outlined in the Bill of Rights and our priorities include: Participatory Democracy; Racial Justice; Criminal Justice Reform; Immigration Reform; LGBTQ Equality; Women's Rights; Digital Security & Privacy; and Religious Liberty & Freedom of Belief. In addition, we continue our commitment to protect the First Amendment.

For more about the ACLU of Utah and our priorities please visit www.acluutah.org

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ON THE HILL

Looking Ahead

The 2016 Legislative session is just around the corner, and the ACLU of Utah anticipates another fast-paced seven weeks on the Hill, safeguarding your civil liberties! Criminal justice issues are likely to dominate our agenda, including legislative proposals dealing with police body cameras, housing for people transitioning out of the criminal justice system, and reforming Utah's system of indigent defense, among others.

Body cameras

Due to high profile police encounters across the nation, the interest in police body cameras has exploded. This is true in Utah as well, as many law enforcement agencies are already using or exploring the use of on-body cameras. Cameras have the potential to be a win-win, helping protect the public against police misconduct, and at the same time helping protect police against false accusations of abuse. But there are also serious privacy considerations that must be taken into account when drafting policies to govern the use of such cameras. The ACLU of Utah worked with partners such as the Libertas Institute and the Utah Association of Criminal Defense Lawyers to draft a statewide policy for body cameras during the 2015 session. Though that bill failed to advance, the conversations surrounding the particulars of this policy have continued. This session we anticipate, and will be involved in, the introduction of legislation that addresses both the requirements law enforcement agencies must abide by in using on-body cameras, as well as the rules for retention and disclosure of video footage. We will work towards striking the right balance between accountability and transparency while preserving the privacy rights of people in their homes and in other places where an expectation of privacy exists.

Good Landlord Program

"Good landlord programs" are city-level programs, governed by state statute. They offer financial incentives for landlords and property owners to participate in trainings and comply with requirements such as checking the criminal background of any potential tenant; prohibiting individuals with a criminal record within the last four years from living in a rental property; and evicting any individual (as well as family members) if they are arrested by the police. Unfortunately, aspects of this program leave many people transitioning out of the criminal justice system with no where to live while trying to restart their lives in a productive fashion. During the 2015 legislative session, we teamed up with Rep. Brian King to introduce a bill that would end this practice. We ran out of time to pass the bill, but our effort gathered many supporters. We spent the summer meeting with various stakeholders, including the Department of Corrections, the Commission on Criminal and Juvenile Justice, and the League of Cities and Towns, to discuss ways in which the Good Landlord Program can be reformed to remove incentives to discriminate against those with criminal records. We are optimistic that our goal to achieve this legislation will be successful this year!



ACLU staff, interns, and allies join Governor Herbert for the signing of two bills that modify an anti-discrimination law and government employee policies to accommodate breastfeeding mothers.

Indigent Defense

The ACLU of Utah has long decried the state of indigent defense in Utah. We issued a report in 2011 documenting that Utah falls short of its constitutional obligations in providing legal counsel to those criminal defendants who cannot afford an attorney. In the four years since that report was issued, although study has been undertaken, no major policy changes have been implemented to address this pressing crisis. We expect legislation will finally be introduced in the 2016 session to address this issue, and will work with stakeholders and policy makers to urge that the legislation include proper funding and guidelines and oversight to ensure that the 6th Amendment's guarantees are realized for all people in Utah.

Join The LEGACY CHALLENGE

With a Single Sentence,

You Can Defend Freedom Now and Forever



Photo used with permission from Angie and Kami Roe.

Lucy Roe, shown here at 5 months old, helped make history. Her parents, Angie and Kami Roe, were BOTH listed on her birth certificate after the ACLU of Utah and the national ACLU LGBT Project filed a lawsuit against the State Office of Vital Records and Statistics which originally refused to recognize both as legal parents of Lucy.

Helping Lucy is just one great reason why legacy giving is so important to protecting freedom for all! And today, including a legacy gift in your planned giving can generate an IMMEDIATE CASH GIFT to the ACLU as well as leaving a legacy gift to those who come after us.

Right now, by adding the ACLU to your will, you can leave a legacy of liberty for generations to come and defend our freedom today.

Through the Legacy Challenge, simply including a gift in your future plans can qualify the ACLU to receive a 20% cash matching donation today from our generous challenge donor.

For simple bequest language to include in your will and for information on other gifts that qualify for the Legacy Challenge, visit www.aclu.org/legacy or call toll-free 877-867-1025.

YES ON SIX, continued from page 1

- Substantial state funding, so even rural counties can provide sufficient public defender services;
- An end to flat-fee contracting, which creates negative financial incentives and excessive pressure for public defenders;
- True independence for public defenders at the county level, without involvement by prosecutors in the selection or contract negotiation processes; and
- Funding and resource parity between the defense and prosecution in every county.

The launch of YES ON SIX marks the fourth anniversary of the release of “Failing Gideon: Utah’s Flawed County-by-County System Public Defender System,” an ACLU of Utah report which documented how the state is failing to fulfill its Sixth Amendment obligations.

“Every county we studied fell far short of meeting the national standards set by the American Bar Association,” recalled John

Mejia, ACLU of Utah Legal Director. “In four years since we released Failing Gideon, we have yet to see the state make any efforts to implement any substantive changes.”

Mejia and Leah Farrell, ACLU of Utah Staff Attorney, affirmed that while hopes are high that a legislative solution can be proposed and passed in 2016, eventual legal action is not precluded.

“There is a great opportunity now to find a solution without litigation,” said Farrell. “But all options remain on the table.”

As part of the YES ON SIX launch, the ACLU of Utah invites members of the public to visit acluutah.org and click on the “Take Action” link to write their legislators about this important issue. The ACLU of Utah is also interested in hearing personal stories and experiences from community members who have been impacted by Utah’s inadequate public defense system.

More information about the YES ON SIX! campaign and how to share your story or thoughts can be found at www.acluutah.org/indigent-defense



What Does a Failing Public Defenders System Sound Like?

Over the years, the ACLU of Utah has received many compelling complaints from Utahns who feel frustrated, confused, hurt, insulted and abandoned after trying to navigate the criminal justice system without the necessary resources and support. This is what it sounds like when our system of providing public defense is failing Utah residents:

“I met my lawyer in the court room at my preliminary hearing, for about two minutes, after I waited in jail for two weeks. He advised me to waive my preliminary hearing. That’s it!

The next time we met, he told me they were offering a plea of one second-degree felony and one third-degree felony. He never asked me for my side of the story to provide me with a vigorous defense. He never took the time to have a heart-to-heart talk about everything that happened. I would think he would need the whole story, even to negotiate a decent plea bargain.”

(Individual pled guilty to aggravated assault and possession of a deadly weapon by a restricted person; currently incarcerated at Utah State Prison).

“After being charged with two felonies (one second-degree and one third-degree), I was in jail for about two weeks before I met my lawyer in the courthouse for a couple of minutes. We met again for about twenty minutes before my arraignment hearing. He showed me what they had on me and what I should plead to.

He rushed through everything and a lot of it I didn’t understand. He was hard to get a hold of on the phone when I called. It took a long time for him to get back to me on any questions I had for him – if at all. My attorney didn’t seem very familiar with my case.”

(Individual pled guilty to one count of enticing a minor over the internet; it was his first ever arrest. He is currently serving a sentence of one-to-fifteen years at USP).

New Prison Could Reduce Use of Barbaric “Restrictive Housing”

The ACLU defines “solitary confinement” as isolation for at least 22 hours a day with, among other restrictions, extremely limited human contact, little to no natural light, and severe restrictions on participation in programming and therapeutic activities (including religious services).

Correctional staff rarely – if ever – use the term “solitary confinement.” You’re more likely to hear “restricted housing” or “administrative segregation.” Whatever you call it, we use the practice regularly in Utah. Sadly, sometimes we put prisoners in these terrible conditions because our antiquated facilities at Utah State Prison (USP) prevent us from doing any better.

About 900 Utah state inmates – out of approximately 6,750 total statewide – are held in restricted housings. That’s more than 13%. Given that the international community increasingly considers use of solitary confinement to be a type of torture, and that studies since the 1930s have indicated seriously detrimental mental and emotional outcomes from its use, this number is alarming.

Utah Department of Corrections (UDC) acknowledges that extensive use of restricted housing is not ideal. Inmates don’t do well when they are denied programming, visitation and outdoor privileges. To its credit, UDC is working to ensure that no one is released from prison directly from restricted housing, as the psychological and social impacts of solitary confinement make it essentially impossible for released inmates to transition successfully back to life in our communities.

UDC administrators are working with prisoner advocates to reform the use of restricted housing. They are updating their system of classifying prisoners for different housing units and privileges. They’ve ordered special equipment that will allow even the most



restricted prisoners to participate in classes. But there is only so much they can do, given their current facility restraints.

Restricted housing is actually less restrictive in the Central Utah Correctional Facility in Gunnison, which was built in 1995, with a therapeutic design that facilitates more autonomy and interaction for inmates. In contrast, at the USP in Draper, there is not enough safely supervisable outdoor recreation space to allow many restricted inmates out of their cells for more than three hours a week. In fact, USP doesn’t even have enough classroom space to accommodate the new classroom equipment for high-security inmates...and inmates who don’t complete therapeutic programming typically won’t ever qualify for parole.

Building a new prison from the ground up will allow UDC to completely revamp how different categories of inmates are housed. Inmates can be kept safe and under control without destroying their mental health. Their behavior can be corrected without denying them access to religious services, family visits, rehabilitation/educational programming, sunlight and exercise.

The vast majority of inmates will be released back to our shared communities. It is in the best interest of public safety to tend to their mental, emotional and social health while they are incarcerated. We must end the rampant use of restrictive housing in Utah, and a new prison could help us realize that goal.

IN THE COURTS

Utah Federal Court Rules Same-Sex Mothers' Parentage Rights Must Be Recognized



Plaintiffs Angie and Kami Roe (center) surrounded by ACLU staff and interns celebrate the court's decision.

On July 15, 2015, a Utah federal court ruled the State Office of Vital Records and Statistics must recognize a same-sex married couple as legal parents of their child under Utah's assisted reproduction and parentage statutes. In applying those laws, the Office was automatically recognizing husbands of women who conceive with donated sperm as the children's parents. But rather than immediately recognize as parents female spouses whose spouses conceived in the same way, the Office

was requiring them to go through the an expensive and time-consuming step-parent adoption process.

The ACLU of Utah and the ACLU LGBT and HIV project brought a case challenging the office's application of the laws on behalf of Angie and Kami Roe, parents of Lucy. Applying its discriminatory policy, the Office denied this family a birth certificate listing Angie as Lucy's parent. The case was argued before U.S. District Court Judge Dee Benson. The court

ruled that the Office must apply Utah's assisted reproduction and parentage statutes equally to same and different-sex spouses.

"The court's decision makes clear that Utah must provide the same benefits, protections, and obligations to married same-sex couples that it provides to every other married couple," said Joshua Block, senior staff attorney for the ACLU's Lesbian, Gay, Bisexual, Transgender and HIV Project. "Utah's assisted conception statutes were passed to ensure that children have the protection of two legal parents from the moment they are born. The state could not identify any reason at all to explain why it should be able to deny that same protection to Angie and Kami's family."

"We are overjoyed by the ruling. We are the same parents walking out of the courtroom today as we were walking in, but to no longer be discriminated against and to be recognized as my daughter's mother by the state of Utah, that's an amazing feeling," said Angie.

The court's ruling granted Angie and Kami the requested preliminary injunction so that Angie was able to immediately provide proof of her parentage rights to Lucy. This ruling affirms the U.S. Supreme Court's historic decision this summer in *Obergefell v. Hodges* that all equal protection rights stemming from marriage must be granted to same-sex couples.

More about this case can be found at www.acluutah.org/legal-work/current-cases.

Utah Court Overturns Petitioner's Convictions for Violating Ogden "Gang Injunction"



In early June, the Second District Court of Utah filed an order vacating two misdemeanor convictions against Leland McCubbin for violating the so-called Ogden "Gang Injunction." That injunction placed various restrictions on those served with it, including a curfew and a prohibition on being seen in public with other alleged gang members in Ogden. In October 2013, the Utah Supreme Court vacated the injunction due to improper service. Mr. McCubbin, represented by the ACLU of Utah and cooperating attorney Randall Richards of Richards Brown Law, later brought a petition under the state Post Conviction Remedies Act to expunge his record of his two misdemeanor convictions related to violations of that injunction.

In a comprehensive ruling granting Mr. McCubbin's petition, the Court held that the convictions should be vacated because the convictions were obtained in violation of Mr. McCubbin's rights under the state and federal constitutions, and because the Utah Supreme Court announced a new rule that applied to Mr. McCubbin.

"I am elated with the Court's order," said Mr. McCubbin. "Having these unfair convictions off my record is like a weight off my shoulders. Being wrongly subjected to the injunction was hard enough, but being convicted of breaking it added insult to injury," he continued.

"The Court's order is a big victory for the rights of all Utahns," said John Mejia, Legal Director of the ACLU of Utah. "It sends the clear message that no matter what your standing in society is, when the government does not follow the state and federal constitution in every aspect of prosecuting you, any resulting conviction will not stand," he concluded.

More about this case can be found at www.acluutah.org/legal-work/current-cases.

Farmington's "Free Speech" Ordinance, continued from page 1

October 30. They can do so with the assurance that they will not face criminal charges for not obtaining permits.

The repeal of the Ordinance is a major victory for free speech and assembly rights. The Ordinance turned all of Farmington into a place where free speech and free assembly were prohibited until the City granted those wishing to exercise those rights a permit. The permitting requirement applied to all activities in any public place, including in a traditional public forum like a sidewalk or park, and had no limits on the size of the group. City officials had absolute discretion about whether or not to issue a permit.

"When cities put speech and assembly restrictions on a traditional public forum like a sidewalk, they need to tread carefully," said John Mejia, Legal Director of the ACLU of Utah. "The First Amendment guarantees robust public discussion, and courts are very wary of laws that impose barriers to speech, particularly blanket permitting requirements."

More about this case can be found at www.acluutah.org/legal-work/current-cases.

Police Accountability Demand It; Maintain It; Expect It



Activists with Utah Against Police Brutality gather at the Matheson Courthouse on November 29, 2014. Photo courtesy of SLUG Magazine and Megan Kennedy www.slugmag.com/photos/slc-to-ferguson-utah-against-police-brutality-rally-11-29

ACLU Action on Law Enforcement Abuse of Power

The ACLU of Utah strives for a state that affords dignity, autonomy and justice to all its residents. There are very few ways in which the state so overtly wields power over us than in the form of its law enforcement agents. In the words of our colleagues in Maryland, in the aftermath of the death of Freddie Gray, “Over time, the daily injustices, the repeated instances of police brutality, the unconstitutional treatment of poor and minority people – these patterns crush people’s souls.” To assume that such problems cannot and do not happen in our own state, would reveal a dangerous blindness to the reality faced by many of our fellow Utahns.

Restraining police use of force and demanding accountability and reform for tactics that police use in our communities have been a central part of the ACLU of Utah’s work for many years.

We’ve ramped up that work in the past year in response to the tragic and disappointing spate of fatal shootings by police officers in Utah – but our activities are often behind the scenes. Through our community educational efforts, lobbying and legal advocacy, we hope to amplify the voices of community members who are most impacted by law enforcement use of force and abuse of power.

ACLU Report Finds Unsatisfactory Public Complaint Process In Utah’s Law Enforcement Agencies

The ACLU of Utah recently issued a report analyzing how Utah law enforcement handles complaints from members of the public.

The report, “**Opportunities for Trust Building: Overview and Recommendations for Law Enforcement’s Public Complaint Process,**” was prompted by numerous individuals who reached out to the ACLU of Utah to express frustration with the complaint process involving law enforcement agencies around the state.

To evaluate how well Utah law enforcement agencies handle complaints from the public, the ACLU of Utah conducted two studies. One was an in-depth telephone study of 12 law enforcement offices from across the state, and the second, was a more general written request to 106 agencies.

Unfortunately, we found some troubling trends in the way Utah law enforcement agencies handle citizen complaints. Our three main areas of concern were as follows:

- Utah agencies too often create conditions of inaccessibility, which discourages the public from complaining.
- Utah agencies marginalize some populations and restrict their ability to access the complaint process.
- Several Utah agencies provide internally inconsistent information about their public complaint processes.

We conclude that because of this lack of uniformity and failure to comply with best practices, departments miss an opportunity to gain community trust and a better community climate. Accepting, investigating, and taking action on meritorious complaints will alert agencies to problems with their own policies and practices and help them hold officers accountable for bad behavior. A complaint process that discourages, ignores, or lets valid complaints slip through the cracks, however, denies the agencies valuable information and chances to improve.

Further, an effective public complaint process both empowers the public and increases trust. On the other hand, a poorly designed or executed complaint process can be the first step in discrimination, deterrence, and intimidation of individuals who already feel wronged by police. In this way, a bad citizen complaint process can lead to distrust and a strained relationship between communities and law enforcement.

Our report concludes with suggested steps that all agencies can take to improve their processes.

To read the report and our recommendations visit our website at www.acluutah.org/police-practices.

The ACLU of Utah pledges its commitment to finding solutions to the police militarization and law enforcement overreach that has come to characterize our nation in the following ways:

1. We proactively support community oversight of our law enforcement agencies. This includes empowering community members to exercise their right to record police officers who are interacting with the community, and also developing legislation related to police body-mounted cameras. We hope to ensure that when such technology is used, it is in a manner that protects the rights and privacy of both community members and public servants. We will insist that policies governing the use of “body cams” will ensure that video is collected in a way that is fair and unbiased.

2. We aggressively pursue transparency and accountability from our law enforcement agencies statewide. We have worked hard in recent years to pass state legislation that demands local agencies report on deployments of SWAT-style teams, as well as law enforcement use of drones.

3. We believe that the state statutes defining “justified” use of police force should better serve the community. We will work with our legislative allies to improve these statutes, while also demanding more comprehensive de-escalation training for law enforcement agents.

4. As a founding member of the Racially Just Utah coalition, we support and provide information to community groups and individuals seeking to reform law enforcement practices in our communities.

5. We take legal action against unconstitutional police policies and practices, such as the so-called “gang injunction” attempted by Ogden City (and successfully challenged by the ACLU of Utah before the Utah Supreme Court).

6. We offer “Know Your Rights When Encountering Law Enforcement” workshops and “Legal Observer Trainings” to any interested community group.

If your grassroots group or community organization wants to learn more about any of these activities, or would like to schedule a training or presentation, please contact us by emailing aclu@acluutah.org or calling (801) 521-9862. You can find out more about the ACLU of Utah’s work on police accountability at our website www.acluutah.org.

Back To School Rights Don't Stop At The Classroom Door

The new school year is here! Young people not only learn about their constitutional rights in school, but they also see firsthand how those rights may be affected by the actions of school officials and others. The ACLU of Utah is dedicated to protecting the constitutional rights of students and to helping students understand their rights in the school environment.

Schools must balance the need to provide a safe and orderly environment against students' rights to privacy, free speech, and religion. As a result, students have fewer rights in school than outside of school. But students do not leave all their rights at the schoolhouse doors. Over the years, the courts have defined which limits on student rights are constitutional and which are not. The law constantly changes, but in light of growing concerns about violence, gangs, and drugs in schools, the trend has been towards upholding more limits on student rights. Meanwhile, some rights remain strong, such as following due process in carrying out severe punishments.

While many unresolved issues muddy the

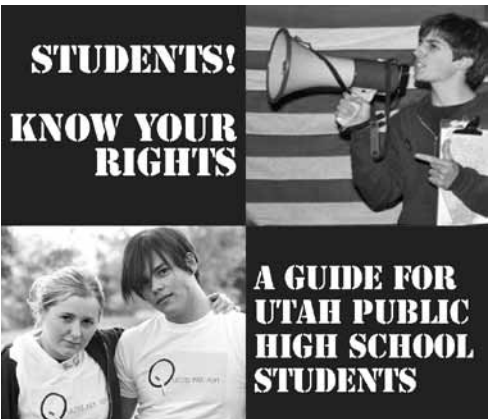
legal landscape, the ACLU of Utah's mission is clear: we are working vigorously to defend and extend the rights and protections of students in Utah.

To understand a school's policies and procedures to protect you or your student's rights in Utah's public schools, the first place to start is reading the school's policy guide or student handbook. If you do not have one already, you can get a copy from your school's office or website, or you can request one from the district.

If parents or students believe a student's rights have been violated, they should address the issue with the school administration. If the issue is not resolved, please file a complaint with us so that we may review the situation.

Our online resource "**Students! Know Your Rights: A Guide For Utah Public High School Students**" contains excellent information about:

- The right to an education
- Freedom of speech & expression
- Religious freedom
- Search and seizure of property on campus



- Religious, racial, sexual orientation and gender discrimination
- School discipline
- Student records & privacy

This resource can help answer questions like: Do your school's policies discriminate against students? Are students allowed to form LGBTQ related clubs at their public school? Can they bring a same-sex date to a school dance? If you feel that a child's rights are being trampled by a school, let us know!

Learn more about student's rights and how to request our help on our website <http://www.acluutah.org/student-rights>.

Invest in Public Education Not Prison Cultivation

The ACLU of Utah is committed to challenging the "school-to-prison pipeline," a disturbing national and state trend wherein children are funneled out of public schools and into the

juvenile and criminal justice systems. Many of these children have learning disabilities or histories of poverty, abuse, or neglect, and come from already disenfranchised communities. These kids would benefit from additional educational and counseling services. Instead, they are isolated, punished, and pushed out.

"Zero-tolerance" policies criminalize minor infractions of school rules, while cops in

schools lead to students being criminalized for behavior that should be handled inside the school. Students of color are especially over represented in push-out trends and the discriminatory application of discipline.

The ACLU of Utah believes that children should be educated, not incarcerated. We are working with our regional allies to challenge numerous policies and practices within Utah's public school systems and the juvenile justice system that contribute to the school-to-prison pipeline.

As part of our ongoing work to raise awareness

about the school-to-prison pipeline, we are participating in a national week of action on School Pushout that runs October 3-11.

During the week there will be a coordinated social media campaign to call on Utah's school districts to:

- Shift funding from school police to counselors and positive discipline.
- Use positive interventions instead of suspensions, expulsions or arrests, and end racial disparities in discipline.
- Fully implement positive alternatives such as Positive Behavior Interventions and Supports (PBIS) and Restorative Practices.
- Engage students and parents in decision-making about discipline policies.

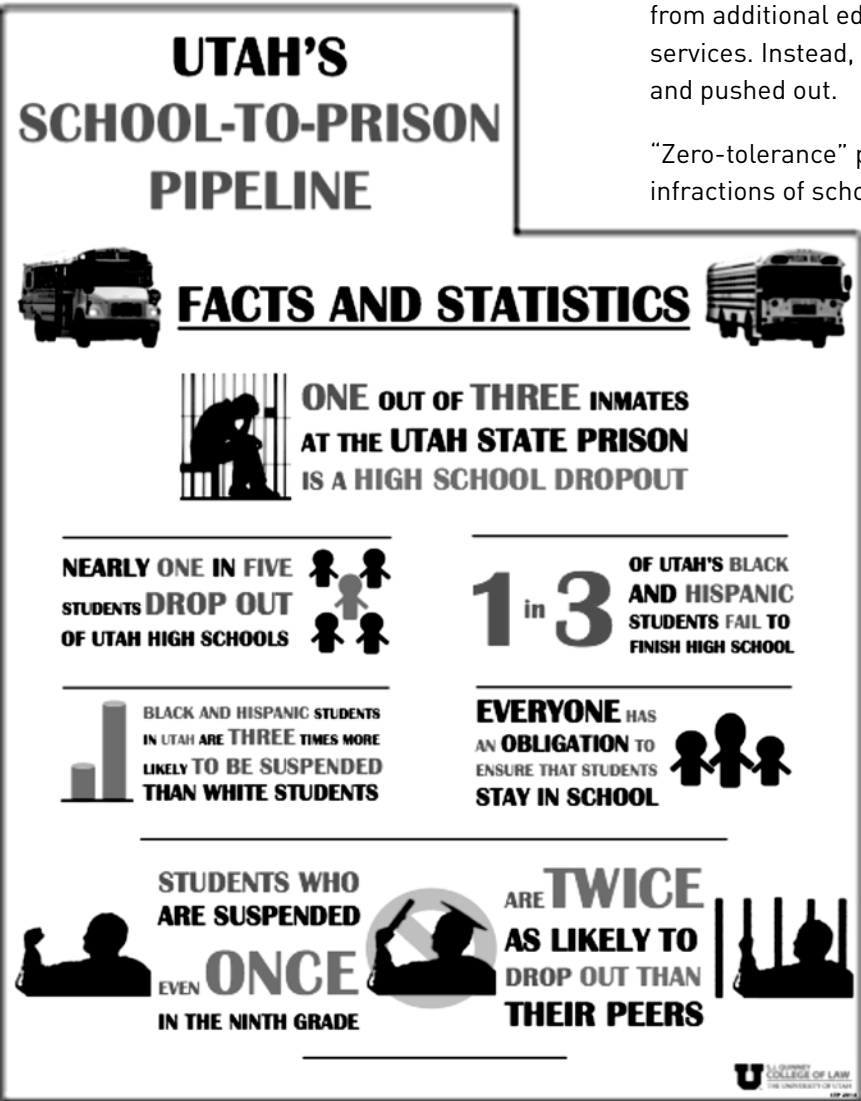
The ACLU of Utah has teamed up with the Salt Lake Peer Court, Racially Just Utah, Teen Council, Planned Parenthood Association of Utah and Spyhop, to hold a free community event on October 7. This event will provide a provocative discussion and space for all voices to be heard in the Salt Lake area. It is open and free to all students, parents, and community members.

Speak Up and Speak Out!

October 7, 5:30 - 8:00 pm
Law & Justice Center
645 South 200 East, Salt Lake City

Community Discussion about
Utah's School-To-Prison Pipeline

More info at www.acluutah.org



From a presentation prepared by the Public Policy Clinic at S.J. Quinney College of Law to accompany the release of the report "From Fingerprint to Fingerprints: Utah's School-to-Prison Pipeline"



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TAKE ACTION **YES ON SIX!**

Demand that the Sixth Amendment be realized in Utah



The Sixth Amendment of the U.S. Constitution guarantees that you have the right to legal counsel. It doesn't matter how rich or how poor you are. Everyone is supposed to have a strong, supportive attorney at their side when the government threatens to take away their liberty or life.

But in Utah, our system of public defense is failing to deliver on the Sixth Amendment. We are one of just two states in the entire country with no state oversight of county-based public defenders, and no state funding to ensure that public defenders have the resources they need to stand up for the rights of the accused.

Call or write your state legislator

Four years ago the ACLU of Utah released "Failing Gideon," a report about Utah's woefully inadequate system of public defense. Despite repeated promises, there has been little to no improvement since.

Tell your state legislator how the overburdened and underfunded public defense system failed you or someone you know, who couldn't afford her or his own private attorney.

NOW is the time for change. Join us in demanding that the Sixth Amendment be realized in Utah. Share your story with your state legislators.

The ACLU of Utah launched our "YES ON SIX" campaign to demand legislative action in 2016, with the goal of substantial state funding and oversight of county-led indigent defense systems. Legislation must offer a solution that meets all the criteria of the American Bar Association's 10 Principles for Effective Indigent Defense.

It is up to us to take action in our communities by contacting our legislators and pressing for the state to take responsibility – through funding and oversight – for our failing public defender system.

YES ON SIX is committed to a solution that responds to the needs of all Utahns. Be part of the solution by sharing your experiences with your state-level elected officials. Help your elected officials understand the seriousness and pervasiveness of this problem!

Find out more and take action online at
www.acluutah.org/indigent-defense