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**ACLU of Utah and ACLU File Friend of Court Brief in
Prosecution Based on Egregious Breach of Medical Privacy**

Salt Lake City – UT, Today, the ACLU of Utah and ACLU filed a legal brief in support of a Utah paramedic whose Fourth Amendment rights were violated when police swept up his confidential prescription records in a dragnet search.

The United Fire Authority (UFA) is Utah's largest fire agency, with 26 fire stations in communities surrounding Salt Lake City. Last year, some UFA employees discovered that several vials of morphine in ambulances based at three fire stations had been emptied of medication. Suspecting theft, they called the police. At this point, one would expect police to interview firefighters and paramedics with access to ambulances at those three stations and try to draw up a reasonable list of suspects. But one detective had a different idea.

Soon after receiving the theft report, a detective with the Cottonwood Heights Police Department logged into the Utah Controlled Substances Database and downloaded the prescription histories of *all 480 UFA employees*. The database tracks patients' prescriptions for medications used to treat a long list of common medical conditions, and the records can reveal extremely sensitive health information. But unlike some other states, Utah doesn't require police to get a warrant before accessing this private data. The detective took advantage of this loophole and obtained a great deal of confidential information without going to a judge or demonstrating any individualized suspicion.

Even after scooping up the prescription histories of every UFA employee, the detective still couldn't figure out who might be behind the morphine theft. Instead of stopping there, however, he went on a new fishing expedition through the records, looking for anything he deemed suspicious. He read through the prescription histories of hundreds of firefighters, paramedics, and clerical staff, learning what medications they took and revealing private facts like whether they suffered from an anxiety disorder, chronic pain, insomnia, or AIDS. He identified four people whose records seemed to him to indicate dependency on opioid painkillers, and convinced a prosecutor to charge three of them with prescription fraud. One of them, paramedic Ryan Pyle, filed a motion to suppress the evidence gathered by the detective, arguing that the

warrantless search of his prescription records violated his Fourth Amendment rights. The ACLU is now weighing in on Mr. Pyle's side.

"To allow police to snoop through hundreds of people's sensitive and personal records without a court ordered warrant, much less probable cause to believe that any of them committed a crime, is an egregious violation of the Fourth Amendment," said John Mejia, Legal Director of the ACLU of Utah.

"If these are the practices that are affecting our first responders' medical records, I'm concerned about what law enforcement is doing with all of our records." Said Nathan Freed Wessler of the ACLU's Speech, Privacy, and Technology Project, "If the Fourth Amendment means anything, it means that police cannot have free rein to flagrantly violate our medical privacy rights." He continued: "Our position is strongly supported by a recent federal case in Oregon, where we helped fight off a DEA request for records to a state-maintained prescription database similar to Utah's."

To read the friend of the court brief and for a link to information about the Oregon case, please visit: <http://www.acluutah.org/legal-work/current-cases/item/789-utah-v-pyle>.

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