



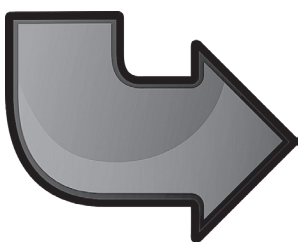
Liberty Reporter

Fall 2017

Newsletter of the American Civil Liberties Union of Utah



From the Utah Statehouse to the Utah Prison



Just like every other state in the U.S., Utah has an incarceration problem. On any given day, thousands of Utahns can be found behind bars, locked up in prison and jail facilities. In 1978, just 66.6 out of every 100,000 people in Utah were behind bars, serving time in either state prison or county jail. By 2015, the incarceration rate shot up to 216.7 per 100,000 people – that is more than triple the rate less than forty years before.

Along with those incarcerated, thousands more are on probation or parole. Tens of thousands struggle to find a stable job or safe housing, due to a criminal record.

It's important to note that over the past four decades, the rate of crime in our state has significantly and steadily declined – even as

the overall population has almost doubled. This tells us that our communities are safer than they have ever been.

And yet, we continue to see more and more people sent to jail and prison each year. The driving forces behind our country's mass incarceration epidemic are multi-faceted and difficult to deconstruct, but we can identify some individual contributors to the problem.

The ACLU of Utah's latest report, "Utah's Statehouse-to-Prison Pipeline," examines one contributor to this trend: new laws proposed (and often passed) each year that criminalize behavior and increase penalties. This approach doesn't work, and wastes millions of taxpayer dollars! The goal of this report is to help the general public, our elected officials, and their

"A generation of tougher-on-crime policies has created new challenges that it's up to our generation now to meet. We have the challenge of over-criminalization, of over-incarceration, and over-sentencing."

- U.S. Senator Mike Lee

policy partners see how, in an attempt to address complicated community issues, our state relies too heavily on over-criminalization and over-punishment.

During the 2017 Legislative Session, Utah lawmakers proposed nearly 30 bills that threatened to exacerbate Utah's mass incarceration problem. This is a bipartisan habit; lawmakers from both sides of the aisle continuously think up new crimes and devise new or hardened punishments.

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You Can't Arrest Away The Homelessness Problem

On August 14, 2017, joint agencies from Salt Lake City, Salt Lake County and the State of Utah began a collaborative effort in the downtown Salt Lake City neighborhood of Rio Grande, ostensibly to reduce crime.

Over a month into implementation of "Operation Rio Grande," the ACLU of Utah has seen very little to change our original assessment that this law-enforcement-heavy effort is "business as usual." Now, somewhere between the second and third phase of implementation, this operation appears to rely simply on more of the same ineffective attempts to control the complex social issues of poverty, substance use disorder and mental illness.

Operation Rio Grande remains primarily law-enforcement focused, with multiple law enforcement agencies involved in a dramatic



Law enforcement has begun regularly confronting the homeless as they approach the service providers around the Rio Grande district.

"clean up" of this small area of downtown Salt Lake City, at great expense to taxpayers statewide. Treatment and other supportive services have been secondary considerations in the implementation of this operation. In the

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The Director's Chair



Brittney Nystrom, Executive Director

With the start of our 60th year just around the corner, we here at the ACLU of Utah are simultaneously charging ahead in our quest for justice for all Utahns and reflecting on what has been a remarkable and unusual year.

In our office, the workload continues to expand as fierce attacks on constitutional rights and civil liberties continue unabated. Our staff are adept jugglers, resulting in a staggering workload of active litigation, public and behind-the-scenes advocacy, and flourishing community partnerships.

As you know, in addition to litigation and advocacy the ACLU of Utah pursues here in our state, we also team up with the National ACLU and other ACLU affiliates on nationwide initiatives. Since the first day of the Trump Administration, the ACLU has launched 87 (and counting!) legal actions in defense of the

Constitution and civil liberties. These include well-known lawsuits like the numerous challenges to Pres. Trump's Muslim Ban, as well as quieter Freedom of Information Act requests seeking transparency and accountability from government officials. Although challenging a President's actions is not new to the ACLU, this pace is unprecedented.

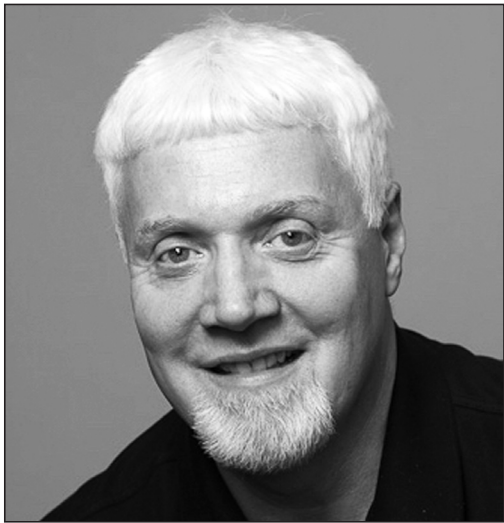
More Utahns are currently ACLU Members than ever before (nearly 8,000!), and your membership dues are being put to fantastic use. We are honored to have your confidence and support.

Fortunately, our staff is also growing! We enthusiastically welcomed Maria del Mar Gonzalez, our first Community Outreach Fellow in July. I'm hoping many of you have already enjoyed interacting with her at a Pride Festival, film screening, or community meeting. Soon, we will be adding another new staff position to focus on achieving smart criminal justice reforms in Utah.

These "hellos", sadly, are mixed with two significant "goodbyes." We are bidding a very fond farewell to Board President Michael Weinholtz when his term ends in December, and to Strategic Communications Manager Anna Thomas in late October.

Thank you for standing with us in these uncertain and, frankly, scary times. With your help, we are poised to enter our 60th year of defending the civil rights and liberties of everyone in the Beehive State as a bigger and stronger ACLU of Utah.

The President's Corner



Michael Weinholtz, Board President

As I come to the end of my second - and final - year as Board President, I'd like to reflect on what the experience has meant to me. It has been my great privilege to serve with extraordinary board members to help guide this amazing organization. The Board of the ACLU of Utah is made up of diverse, intelligent, and passionate leaders who are committed to the values and mission of the organization, and its continuous fight for civil liberties for all people in Utah. The relationships we formed on the Board strengthened our commitment to each other and the to success of the ACLU of Utah.

One of the most important duties the Board performed in the last two years was to find, recruit, and hire a new Executive Director to

replace longtime E.D., Karen McCreary, who retired. Now that Brittney Nystrom has been in that role for more than a year, her outstanding performance has confirmed that we got it right. Brittney's positive leadership of the extraordinarily-talented staff ensures that the ACLU of Utah will continue to succeed for many years to come.

Danielle Hawkes, who has served as Vice President of the Board for the last two years, will become Board President when my term expires in January, following a lengthy and methodical succession-planning process designed to ensure continuity and success. I know that Dani will do a great job leading the Board and supporting Brittney and her team in taking the ACLU of Utah to the next level.

I'd like to thank all of the ACLU of Utah membership and financial contributors for your trust and support of the organization, its leadership, and its mission. Your support is well founded, and has never been more important. While I am stepping down from the Board of Directors, I will continue to support the ACLU of Utah and stand beside you, fighting the good fight to secure civil liberties for everyone in Utah.

Thank you all for the extraordinary privilege of serving as your Board President.

With profound respect and appreciation,
Michael Weinholtz

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

Staff

- Brittney Nystrom, Executive Director
- Marina Baginsky Lowe, Legislative and Policy Counsel
- John Mejia, Legal Director
- Leah Farrell, Staff Attorney
- Anna Thomas, Strategic Communications Manager
- Cassie Taylor, Development Director
- María del Mar González, Community Outreach Fellow
- Jessica Andrews, Finance and Business Manager
- Reinard Knutsen, Office Manager
- Margie Nash, Paralegal

Board of Directors

- Michael Weinholtz, President
- Danielle Hawkes, Vice President
- Bill Orchow, Treasurer
- Heidi Chamorro, Secretary
- Barry Gomberg, Affirmative Action Officer
- Roderic Land, National ACLU Board Rep.
- Gina Cornia, Roni Jo Draper,
- Forrest Crawford, Russell Fericks,
- Mary Hall, Brian King,
- Clemens Landau, Richard Van Wagoner,
- Suresh Venkatasubramanian,
- Robert Wood

Legal Panel

- Jensie Anderson, Rusty Andrade,
- Ruth-Arlene W. Howe,
- Laura Kessler, Tom Mitchell,
- Nubia Pena , Kristina Ruedas,
- David Reymann, Karen Stam,
- Aaron Tarin, Mary Woodhead

Interns and Volunteers

- Abed Alsolaiman, Camille Bailey,
- Madeleine Ballard, Nick Cockrell,
- Kelsey Falvo, Amiee Finster,
- Matthew Grow, Gabrielle Jones,
- Diane Keech, KY Lee, Monica Lunn,
- Katie Munk, Hannah Nerone,
- Jonathan Park, Katie Riley, Claire Smith,
- Rachael Sutherland, Jennifer Sweeney,
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Thank You To Our Members & Donors!



As fall blankets Utah with cooler temperatures and colorful foliage, our office has been reflecting on the whirlwind of the last twelve months.

During this time of rumination, while we can't help but be reminded of the discontent and adversity that has peppered 2017, we are determined to move forward into 2018 with a positive outlook. We are concentrating on our mission, being proud of our work, and, perhaps, most importantly, we are focusing on being grateful to all of you who have made us feel prepared, strong, and supported.

Most can agree that the 2016 Election results were... unexpected... to say the very least. Unfortunately, that was only the first of many surprises and disappointments since last November.

Protecting civil liberties has been disheartening and exhausting... again, to say the very least.

Yet, at a time in the year when Utah's scenery is at its most awe-inspiring and when a day of

thanksgiving is just around the corner, what should not be forgotten are the successes that can, and should be, celebrated by all in this state. We also recognize the immense gratitude we feel for our friends, our donors, our growing membership base, and all those in Utah who are refusing to accept uncertainty, anxiety, and anger as the new norm. We thank all of you who have stood up since last November: you have fought fiercely to protect freedoms and protested loudly to promote equality.

In the last year, we have welcomed more than 6,500 new members, more than tripling our membership! It is because of YOU, a total of more than 8,000 ACLU of Utah members and donors, that we have prevailed through ups and downs, frustrations and fatigue, and that we are able to remember that this last year has seen many victories.

The 2017 Utah Legislative Session revealed some new and somewhat unexpected allies, as well as a range of very positive bills advancing civil rights and liberties. Several ACLU of Utah legal cases moved forward in our favor, and caused our legal team to celebrate on more than one occasion. We were also able to do more community outreach and public education than ever before, including (but not limited to) connecting with almost 19,000 email subscribers (just in Utah!), presenting

57 informational or education lectures and demonstrations, and hosting a Community Lobby Training event that was live-streamed for the first time and viewed by thousands!

You have not only offered encouraging words, but you have yelled rallying cries.

You have not only extended helping hands, but you have lifted us off the ground when we needed it most.

Your small and large contributions, alike, have not only allowed our work to be continued, but have enabled our reach to be broader and our efforts more effective.

YOUR support has combatted the seemingly endless attacks on constitutional values.

YOUR involvement has defended yours, ours, and all of our mutual friends', neighbors', and community members' rights and liberties.

YOU are the reason the ACLU of Utah exists and the reason it is successful.

THANK YOU!



IT'S TIME TO CELEBRATE!

2018 marks the 60th Anniversary of the ACLU of Utah!

With your support, we have been defending civil rights and liberties in Utah for six decades. Keep your eye out for commemorative events and special acknowledgements, including our 60th Anniversary Celebration!

Scholarships Available For Utah High School Seniors Who Have Taken Action To Protect Civil Liberties

High School Seniors

Become an ACLU Youth Activist Scholar and Receive Financial Aid for College!

The ACLU of Utah is offering two \$1,500 scholarships to high school seniors who have taken a stand to protect civil liberties!

If you have stood up for:

- ☐ EQUALITY
- ☐ RACIAL JUSTICE
- ☐ FREE SPEECH
- ☐ RELIGIOUS FREEDOM
- ☐ TOLERANCE
- ☐ PRIVACY

We want to hear from you!

Look for more details and download an application form on our website www.acluutah.org or call 801-521-9862 ext 101

Deadline for applications is **MONDAY, JANUARY 22, 2018**

2018 will be the eleventh year that the ACLU of Utah will award scholarships to eligible college bound Utah high school seniors who have demonstrated a strong commitment to civil liberties through some form of activism. The \$1,500 scholarship will be applied toward their college education.

We want to hear from students who have stood up for equality, racial justice, free speech, human rights, religious freedom or other types of civil liberties in their school and or community.

For more information including an application packet, please visit <http://www.acluutah.org/resources/item/559-youth-activist-scholarship>

YOU ARE INVITED!

2017 ACLU of Utah Membership Meeting

Thursday, November 16
The Wasatch Retreat & Conference Center
75 South 200 East, SLC

Socializing: 5:30 p.m.
Program: 6:00 - 8:00 p.m.

Join us to celebrate and hear about the health and programs of the ACLU of Utah followed by a panel discussion with local organizers and advocates on the landscape of activism in Utah since the November 2016 election.

THIS IS A FREE EVENT OPEN TO ALL ACLU OF UTAH MEMBERS

RSVP by email to events@acluutah.org or call (801) 871-0329

For the up-to-date information on the event, please check our website and look for an email reminder the week before.

Can't make it to our meeting in person? Join us on Facebook for a live stream of panel at: www.facebook.com/aclu.utah/ (Barring any technical snafus, of course)

ON THE HILL: *Lobbying For Liberty in 2018!*



Top: The Utah State Capitol. Bottom: John Mejia speaks out for Utah’s #DREAMERS at a rally at Capitol on September 5, 2017.

The leaves are changing colors along the Wasatch Front, and that signals to us that it’s time to start thinking about the 2018 legislative session. The Utah Legislature is often unpredictable, but some themes are likely to emerge as priority areas for the ACLU of Utah’s legislative team. As with past years, criminal justice efforts are likely to dominate our legislative agenda. We also intend to work on measures to improve women’s rights and to expand voting opportunities. Read on for a preview of just some of the bills we’ll be pursuing in the upcoming legislative session!

Criminal Justice:

The Utah State Legislature came very close to repealing the death penalty during the 2016 session. In 2018, we will continue to push for repeal. At a time when our state is struggling to find defense attorneys willing to take on defending capital cases due to lack of funding and resources, our state should be reexamining whether having the death penalty at all makes any sense.

Justice Court judges in Utah have the power to sentence defendants to pay fines. We’ll be working with partners from across the political spectrum to move legislation allowing for defendants in justice court to opt for community service in lieu of paying a fee or a fine.

Along with a variety of partners, we’ll be exploring legislative reforms to the way our Board of Pardons and Parole (BOP) operates. Utah’s indeterminate sentencing system affords the BOP with broad discretion to

make determinations about an inmate’s actual length of stay in Utah prison, as well as the conditions of release and parole. While the State does provide some sentencing guidelines, the BOP is allowed to make decisions outside those guidelines, at any time, on a case-by-case basis. This means that inmates who were convicted of similar crimes, with similar sentencing guidelines, may receive very different decisions from the BOP regarding release, rehearings, parole requirements and overall length of stay. In 2018, we’ll be examining whether a legislative fix may help to resolve this concern.

Women’s Rights:

Working with the Utah Women’s Coalition, in 2015 and 2016 we successfully passed

legislation to improve the lives of working women in our state, focusing on protecting the rights of pregnant and nursing women in the workplace. In 2018, we will continue to seek ways to level the playing field for women in the workplace and throughout our state.

We will advocate for state legislation to expand the federal Family Medical Leave Act, which currently requires Utah employers who employ 50 or more employees to provide job-protected and unpaid leave for qualified medical and family reasons. Our bill will lower the employee threshold, so that employees at smaller businesses may also take advantage of time off in the event of pregnancy or other medical conditions, or to care for family members.

We’ll be working with lawmakers and a variety of advocacy groups to modify our state antidiscrimination statute to reduce the number of employees required before an employer must protect those same employees from unlawful employment discrimination.

Finally, 47 states already acknowledge that places of business should not expel a woman simply for breastfeeding. Surprisingly, Utah is not one of those 47! We’ll be working with lawmakers to ensure that Utah makes good on its promise to be a truly family friendly state.

Participatory Democracy:

In 2014, after many years of advocacy, the ACLU of Utah worked with Rep. Chavez-Houck to pass an Election Day Registration bill. Election day registration allows a voter to both register to vote AND cast a ballot on election day. The 2014 legislation created a 3-year, opt-in pilot program, which expired at the end of 2016. This year, we intend to work again with Rep. Chavez-Houck to make the pilot program both statewide and permanent.

We’ll also work to pass state legislation that allows for Automatic Voter Registration, the process by which a voter would be automatically registered to vote (unless they choose to opt out) when applying for a driver’s license at the DMV.

As always, the ACLU of Utah stands ready to work on legislation impacting the LGBTQ community, reproductive rights, and the right to privacy.

Keep up to date with our legislative efforts at www.acluutah.org/legislation.

ACLU of Utah Annual Board Elections

ACLU of Utah members who have paid their dues within the past 15 months are eligible to vote for our organization’s Board of Directors. Board members typically serve two terms of three years. Board members are volunteers and receive no financial remuneration for their service. Board candidates are selected by the ACLU of Utah Governance Committee.

You may find information on how to vote, including biographical information about the candidates, online at <http://www.acluutah.org/about-us/item/1375-2017-board-ballot>

This years candidates are: Chelsie Acosta, Heidi Chamorro, Forrest Crawford, Mary Hall, Danielle Hawkes, Kathryn Lindquist, and Richard Van Wagoner. You may also write-in up to two candidates.

Anna Thomas Has Changed The ACLU of Utah!

In late 2007, Anna Thomas (then Brower) joined the ACLU of Utah as our first full time Development Director. She was returning to Utah from Colorado where she had earned a degree in Journalism from the University of Denver, worked as an aide to U.S. Representative Diana DeGette, and as a community organizer for a small environmental non-profit organization.

In her decade long tenure with the ACLU of Utah she has made a powerful impact not only on our organization, which she helped grow from 5 to 10 staff, but in the political and social justice arena in Utah as well. While she started out as Development Director, she moved into other positions over the years, first as Public Policy Advocate and then Strategic Communications Manager.

When asked how the ACLU has changed since she has been involved Anna said, “It’s bigger, it’s busier and it’s increasingly impactful.” She went on to explain, “We have more partners in more cities and communities, and we have more relationships with policymakers and elected officials.”

After being hired she remembered, “I don’t think I realized how lucky I was to land at the ACLU of Utah. I had some attorney friends in Denver, where I was living before moving back to Salt Lake, who were super impressed that I would be working at the ACLU. That was my first inkling that I had stumbled into something very special.”

After moving from the Development position to Public Policy Advocate, Anna helped push the organization to develop a more explicit commitment to racial justice and inclusivity. She states, “Our community partners and our colleagues around the country have really pushed us to take a hard look at how we do things, and to learn how we can hear and lift diverse voices through our work, all to further good policy and law.

Certainly Anna has helped change the ACLU of Utah, but she reports that she has changed and grown as well. “I feel like I’ve earned a community Ph.D. in civics! I know so much more about how our government works, how it interacts with the communities it represents,



Anna Thomas (clockwise from upper left) saying goodbye, introducing the Yes on 6 campaign at a press conference, joining other staff at the Women’s March to the State Capitol on January 23, 2017, and speaking to a criminal justice reform rally.

and how it can be used both in very good AND very bad ways. I have also been able to meet and get to know hundreds of incredible people, from donors to activists to legislators to prisoners, all Utahns with unique perspectives and contributions to offer.”

“It’s exciting to meet the people who are going to change our communities for the better and play a tiny role in their realization of their potential,” Anna said reflecting on her work. “Getting to know families and activists who have been personally impacted by mass incarceration and police violence was something that will always stay with me; the emotional toll is well worth the insight and rewarding relationships.”

From the ACLU Anna joins Voices for Utah Children, another excellent local non-profit, as

Senior Policy Analyst. She said, “I am excited to learn about new issue areas, while also continuing to address juvenile justice issues. I am intrigued by the thought of working in the public sector one day - to be on the other side of the arguments I’ve participated in as part of the ACLU team! I also can definitely see myself returning to the ACLU one day. One thing I have definitely learned - the faces of civil liberties issues change, but the issues themselves never go away.”

While we will miss Anna’s energy, creativity, thoughtfulness, compassion, resourcefulness and courage, we look forward to continuing to work with her on pressing criminal justice issues in her new position.

We are grateful for her service and wish her all the best!

Lack of Transparency Compounds Tragedy of Shooting Death of Patrick Harmon



Patrick Harmon was shot and killed by Salt Lake City police on August 13, 2017. On October 4, the Salt Lake County District Attorney’s Office finally

released body camera footage of Mr. Harmon’s shooting death. The footage was made public 52 days after Mr. Harmon was shot and killed, despite on-going pressure from advocacy groups and media outlets. Prior to releasing

the body camera footage, Salt Lake County District Attorney Sim Gill announced that his office ruled the shooting death of Mr. Harmon to be “justified.”

In the body camera footage, one of the officers – not Mr. Harmon – can be heard shouting “I’ll fucking shoot you!” as Mr. Harmon ran away. When Mr. Harmon stopped and turned, he was shot by the officer.

“The shooting death of Patrick Harmon is a terrible tragedy, not just for his loved ones but for our entire community, and our elected officials must respond,” said Leah Farrell, Staff Attorney for the ACLU of Utah. “This is part of an intolerable pattern across the

United States, as deaths at the hands of law enforcement, specifically of black and brown people, are determined to be ‘justified’ and acceptable. It absolutely makes sense that people are upset.”

“This is precisely why the public has demanded that their police wear body cameras, and why the footage should be released immediately after a critical incident, especially when someone is killed,” said Marina Lowe, Legislative & Policy Counsel for the ACLU of Utah. “It is completely inappropriate for the District Attorney to protect the footage for so

Strengthening Community Connections For The ACLU of Utah: A Conversation With María del Mar González



Left: María del Mar González leads the ACLU of Utah Pride Parade contingent. Right: María del Mar González joins ACLU staff in supporting Utah's DREAMers at the Capitol.

María del Mar (Yes! It's all her first name) is filling a brand new, one-year position at the ACLU of Utah as our Community Outreach Fellow. She assists in advancing our strategic priorities at the state and local levels while strengthening community connections and supporting local coalitions.

You may have seen her on the streets at one of the many recent demonstrations or heard her speak at an event. Even after only a couple of months on the job, there is no doubt that María del Mar is making an impact on our work in Utah.

An abbreviated interview with María del Mar follows. You may find the full interview online at www.acluutah.org/resources/newsletters

What is your background?

I grew up bi-cultural, living the first years of my childhood in Columbia, Missouri, later moving to Mayagüez, Puerto Rico, where my parents and brother still remain. I attended the University of Puerto Rico at Mayagüez for undergraduate work in studio art. I then went on to attend Indiana University-Bloomington and the University of Illinois at Urbana-Champaign for my M.A. and Ph.D.

in art history, respectively. In my academic work, I focused on modern and contemporary art history specializing in the intersection of art and politics in Latin American and Latinx art. During that time, I was fortunate to have worked in institutions of higher education, art museums, and nonprofits including the California College of the Arts, University of Utah, Getty Foundation, and Smithsonian National Museum of American History—all of which are committed to the advancement of the arts through education and collaboration across communities.

My work and activism are informed by my experience as a Latina and interest in social justice, equity, and access to educational resources. As an educator and arts advocate, I focused on bridging the gap between the academic and public communities. I believe that we become stronger when we bring traditionally marginalized voices into larger conversations.

How did you first become involved with the ACLU?

I moved to Utah in September 2016. Over the course of the past year, my focus went from higher education complimented by

activism and advocacy to the reverse. This included working on voter registration drives and leadership roles in nonpartisan action groups, Utahns Acting for Change Together (UACT) and Action Utah (AU), while also collaborating with other grassroots organizations in Utah. That's how I first met ACLU of Utah's Marina Lowe (Legislative and Policy Counsel) and Anna Thomas (Strategic Communications Manager). Through my interactions with them, I began to learn more about the amazing work they were doing in the state of Utah. This led me to helping with disseminating calls to action and raising awareness about their work and eventually signing up to organize the launch of the ACLU National's new volunteer driven grassroots initiative: People Power. This past

March, I, along with Jeremy Davies, organized the launch of People Power in Salt Lake City for an audience of over 220.

What projects are you working on that you feel passionate about?

I have been meeting with partner organizations and community leaders to discuss strategic partnerships and foster connections on issues that I care about. I am excited about continuing to build networks to expand the role and accessibility of the ACLU of Utah. I am also working with a coalition on several initiatives for our local immigrant community and DREAMers. I've been planning events with several community partners, including documentary screenings and panel discussions for "Lady Valor: The Kristin Beck Story" and "13TH".

I'm also very excited to be organizing our 2017 Membership Meeting, which will include a panel of Utah activists discussing how the landscape of activism has changed since the November 2016 election. Save the date for November 16th! Finally, I'm really looking forward to the work I'll be doing with Marina Lowe during the 2018 Utah State Legislative Session.

Shooting Death of Patrick Harmon - Continued from page 4

long, and then interpret the footage for the public before letting us decide for ourselves what actually happened."

Local activists have demanded that determinations about whether a critical incident is justified be made in an independent and fair manner. The ACLU of Utah agrees. Investigations of law enforcement, by law enforcement, are not meeting the expressed needs of the public to which law enforcement is accountable. Local activists have expressed concern about Mr. Gill's ability to objectively review such incidents, and are asking to meet with the District Attorney, Chief Mike Brown of the Salt Lake City Police Department and Salt Lake City Mayor Jackie Biskupski. We encourage these public officials to honor activists' requests.

Activists also have demanded that body

camera footage be released within 24 hours of critical incidents, especially those that result in a person's death. The ACLU of Utah agrees. In the case of Mr. Harmon's death, as well as in the case of the shooting of Abdi Mohammed in 2016, there were marked differences between how the District Attorney characterized the incidents and how members of the public interpreted those same incidents based on their own viewing of the body camera footage.

In Salt Lake County, law enforcement officials have been allowed to frame a critical incident before the public can draw its own conclusions. This can prejudice the public against the victim of a critical incident, well before body camera footage is released. This threatens the interests of government transparency and accountability, and undermines public confidence in law enforcement.

Family members of Mr. Harmon have spoken publicly about the need for police to use non-deadly methods when interacting with the public. "They need to stop killing people," Mr. Harmon's sister Antoinette Harmon told Annie Knox of the Salt Lake Tribune. Mr. Harmon's nephew, Lamar Ross, told Ms. Knox, that "the officers with batons and Tasers shouldn't have resorted to using a gun." The ACLU of Utah agrees. All non-lethal options should be exhausted before an individual is met with deadly force. When individuals like Mr. Harmon are stopped for low-level traffic infractions, such as crossing lanes of traffic on a bicycle without a rear reflector light, death should not be the outcome.

The death of Patrick Harmon cannot be undone, and the very least we can do in the aftermath is to be forthright and respectful to his family and to the community, Full transparency, and a system-wide commitment to changing police culture, are both absolutely critical as we move forward.

Operation Rio Grande: You Can't Arrest Away The Homeless Problem - Continued from page 1



A closed street in the Rio Grande district.

rush to launch Operation Rio Grande, several critical constitutional concerns appear to have been either overlooked or disregarded. Specifically, Operation Rio Grande leaders touted over 1,400 arrests in the area in seven weeks. This influx of defendants and new criminal charges has created significant pressure on the Salt Lake County Legal Defender Association (LDA) causing a spike in caseloads for Salt Lake County public defenders to levels recognized by the American Bar Association as constitutionally problematic.

The Salt Lake County LDA is arguably the best-funded and most professionalized county-based public defender system in the state of Utah (which has consistently rated at the bottom of the barrel, nationally, for funding and oversight of public defense). To cope with the deluge of new cases initiated under this operation, Salt Lake County LDA requested a \$368,000 grant from the state's Indigent Defense Commission. This grant was approved on September 8, 2017, several weeks into Operation Rio Grande, and we anticipate that several more weeks will pass before additional defense attorneys will be hired.

The Sixth Amendment right to counsel has been compromised for hundreds of individuals arrested during these initial weeks of Operation Rio Grande.

We are also concerned that funding appropriated primarily to support struggling, rural county public defender systems has instead been spent defending new prosecutions in Salt Lake County that previously had not been public safety priorities.

We are heartened to see new treatment beds funded by the state, and are supportive of the additional Drug Court established within Salt Lake County. We sincerely hope that both efforts will persist beyond the life of Operation Rio Grande, as the need is great. The agencies engaged in Operation Rio Grande have made good faith efforts to establish treatment options for some individuals arrested as part of the operation. We are troubled, however, that to create space at the Salt Lake County

Jail, the in-jail treatment protocol of many incarcerated individuals was disrupted, as participants in the CATS substance abuse treatment program were moved mid-treatment to other county jails with questionable continuity of treatment.

A small portion of Rio Grande Street, about one-half block between homeless service provider buildings, has been closed on a short-term basis for stated public safety purposes. The ID card proposal linked to this street closure continues to cause much concern for the ACLU of Utah. The state's Department of Workforce Services is currently administering a "voluntary" assessment to individuals who visit the Community Connections Center and those who exit the Salt Lake County Jail after being booked for an Operation Rio Grande-related arrest. Individuals who are administered this assessment sign a consent form, with the understanding that their information will be collected in a state database and that consent will enable them to access various homeless services. At the time of the assessment, a photo is taken for identification and fingerprints are collected. These individuals are told that they will eventually be given an ID card that features their photo and, possibly, their fingerprints.

Residents of nearby neighborhoods have noted that some individuals experiencing homelessness have merely moved from the Rio Grande area and are now camping in surrounding areas. From a constitutional perspective, the diffusion of this vulnerable population is less problematic than the large-scale incarceration, caused by simply relocating this population to the Salt Lake County Jail. Nonetheless, it appears that individuals who are camping in other areas are experiencing similar levels of law enforcement interaction as has been customary in the Rio Grande neighborhood since Operation Rio Grande began. These individuals are also now located farther from services designed to assist them. This distance could become life-threatening as temperatures begin to fall.

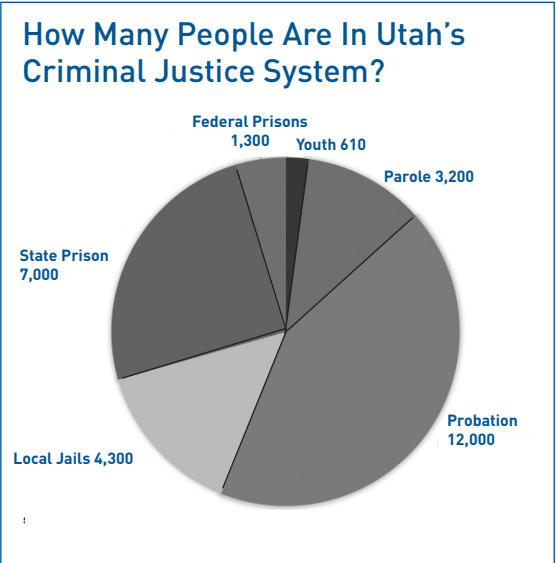
We will continue to monitor the developing situation with Operation Rio Grande and review complaints about perceived law enforcement harassment in the Rio Grande area from residents, visitors and even service providers who report being continually asked by officers to justify their presence in the area.

From the Utah Statehouse to the Utah Prison

- Continued from page 1

Taken individually, each of these bills can seem like a good idea. The problems that lawmakers are trying to address are serious, and their intentions in addressing those problems are generally good. But when taken all together, and over multiple years, these bills result in a very problematic pattern.

Change is possible, though. State legislators can - and do! - also pass positive bills that reform our criminal justice system and help to heal our communities from the devastating impacts of mass incarceration. As we ramp up for the 2018 legislative session, just three months away, we hope you'll use this report to learn how we to avoid old policy traps that threaten to keep us stuck in an age of mass incarceration.



Read the full report "Utah's Statehouse-to-Prison Pipeline," on our website at <http://www.acluutah.org/criminal-justice>



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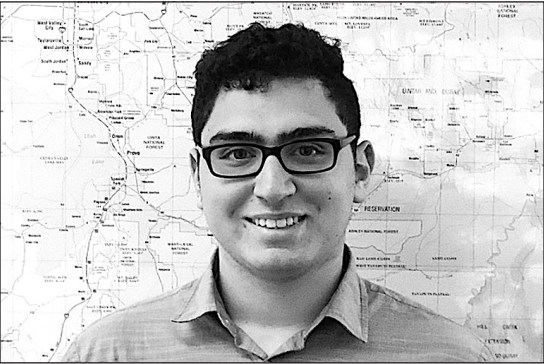


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Refugees Are Survivors, Not Threats

By Abed Alsolaiman



As the U.S. Supreme Court considers President Trump’s Muslim Travel Ban, ACLU of Utah intern **Abed Alsolaiman** shares his personal reflections on the anti-Muslim, anti-refugee sentiment that underlies the travel bans. Abed is a senior at Rowland Hall-Saint Marks.

The Arab Spring that started in 2010 precipitated a refugee crisis of massive proportions. My country of origin, Syria, was struck hardest. The Syrian revolution and ensuing civil war have brought a seemingly never-ending torrent of bad news to my family, and to the millions of others affected.

I definitely experienced the pain and loss of the war with family in Aleppo. I also got the opportunity to experience the refugee crisis up close. My family moved from the U.S. to Gaziantep, Turkey for about a year and a half, after the refugee crisis exploded. Gaziantep is a city not far from the Syrian border that has received a massive influx of displaced Syrian people in the last few years. The city is truly a melting pot of cultures; Syrians and Turks live side-by-side as the latest arrivals work to establish new lives.

The impact of the war was undeniable; it hung over all of our heads to some degree. However, the Syrian students were anything but helpless victims. They learned to work hard and roll with the punches, out of necessity. Even after escaping a war zone, refugees faced a precarious situation in Gaziantep. The resilience I saw among the Syrians was astounding. These refugees forged new lives out of almost nothing, while maintaining their own individuality.

However, the political atmosphere in America remained largely indifferent or hostile to this population of people, forced out of their homes by no fault of their own. Some media outlets cast them as subversive invaders, with the various threats posed by the refugees varying by the source of the news. They could rape, dilute the gene pool, or commit acts of terror. The underlying point was simple: Muslim refugees are dangerous. The fact that Muslim refugees have never committed an act of terror in the U.S. seemed to have no bearing on large segments of public opinion.

You can imagine how frustrating this situation was, and still is, for Syrian, Arab, and Muslim-Americans. People with family who had lived in America for large portions of their lives and had bought the concept of an “American Dream” – like my own family – were met with vitriol. When we spoke, we were ignored... and then bigots would blame us for not “speaking up” in response to acts of terrorism. An increasingly unstable situation in the Middle East allowed pundits to point fingers at people who had nothing to do with the situation. All of this coincided with constant bad news and fear for our families abroad.

It should not come as a surprise that consistently toxic public discourse paved the way for the populist, nationalist surge of now-President Donald Trump.

He campaigned on an openly anti-Muslim platform. My point is that a very specific set of circumstances and public opinion against Muslims made President Trump and his subsequent Muslim Bans our reality.

I would love to end this with a solution, but that is essentially impossible with such a deep-seated and complicated issue. Instead, I will offer an anecdote:

My mother and I lived in Albany, New York, in the immediate aftermath of the 9/11 attacks. She is an obviously Muslim woman, dressed in the traditional headscarf. As a medical student, she felt that her classmates viewed her with suspicion, and she faced verbal discrimination in other places.

One day, as she was finishing her business at the local post office, an elderly Caucasian man approached her. Given the circumstances, she initially felt on edge. But the man kindly asked her whether she had faced any problems with bigotry and whether he could help her in any way. This small gesture struck with my mother more deeply than any hurt she experienced.

I share this story to show the power of allyship in difficult settings. Even as we advocate for reform at an institutional level, we must also do our work at the interpersonal, grassroots level. This is where much of the worst hatred begins. In our daily lives, we can cut bigotry off at its source, conversation by conversation. It’s the least we can do, and it goes a long way.