



American Civil Liberties Union of Utah Foundation, Inc.

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February 20, 2004

Mr. K. Smith
Salt Lake Valley Detention Center
3450 South 900 West
Salt Lake City, Utah 84119
(801) 261-2060

Mr. Smith,

We have recently received a number of complaints alleging that the Detention Center failed to properly notify the parents or legal guardians of juveniles that were admitted into the center's custody. These complaints further assert that the parents were only able to ascertain the whereabouts of their children by making a missing-persons report to the police.

Section 78-3a-113 (3) (a) of the Utah Code requires that if "an officer or other person takes a minor into temporary custody, he shall without unnecessary delay notify the parents, guardian, or custodian." This requirement is reiterated in the Policy and Procedures Manual for the State of Utah Division of Youth Corrections under policy # 1.04 which states: "Law Enforcement or other authorized persons taking a youth into custody will, without unnecessary delay, notify the parents, guardian or custodian of the youth's arrest." As your facility is operated under license and authority of the Utah Division of Youth Corrections, you and your staff are bound by the statutory notification requirement.

While it is unclear whether the Detention Center is systemically failing to follow the law in this area, the complaints we have received indicate a potentially reoccurring problem. In any case, both the law and the policy clearly require proper notification to a parent or guardian whenever a youth is taken into custody. Any deviation from this policy may well constitute a violation of the detainee's civil rights.

We hope that you recognize the importance of this matter and work to ensure that all of your officers and personnel are familiar and comply with the state's notification requirement. As assurance, we respectfully request a written acknowledgment of our concerns. Also, if you have

a different understanding of the notification requirements as they apply to your facility, we would welcome your response detailing your perspective.

Sincerely,

Margaret Plane

Staff Attorney

Cc: Dan Maldonado
Divisions of Youth Corrections
120 North 200 West,
Salt Lake City, Utah, 84103

Administration
West High School
241 North 300 West
Salt Lake City, Utah 84103