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Inside Sources: One traffic stop, two stories regarding the arrest of a Black woman in Utah

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Audio clip #1: https://www.acluutah.org/images/pdfs-doc/20-07-20-KSLNewsRadio-Howell_Love-DonnaMiller-Part1-low.mp3

Audio clip #2: https://www.acluutah.org/images/pdfs-doc/20-07-21-KSLNewsRadio-Howell_Love-DonnaMiller-Part2.mp3

A Utah woman is seeking \$300,000 in damages, claiming her employer -- a protein bar manufacturer Built Bar -- recklessly exposed employees to the coronavirus. (PHOTO: stock photo)
(SALT LAKE CITY) — What happened during a traffic stop on August 21, 2018, is currently the subject of a lawsuit filed against the city of Murray, Utah, and in particular, against police officer Jarad Allred.

The stop was also the subject of several recent episodes of KSL Newsradio's Inside Sources. Guest hosts Mia Love and Scott Howell spoke with three parties involved with the stop, the subsequent arrest, and the civil suit filed against Murray City; Donna Miller, the woman pulled over by Murray City police officer Jarad Allred, Miller's attorney, Jason Groth, with the American Civil Liberties Union (ACLU); and Heather White who represented the office of the Murray City Attorney.

It was one traffic stop. But there are two stories. And each is told in the lingering atmosphere of another story — that of 2020's global protests against police brutality targeting Black people.

Donna Miller

In August 2018, Donna Miller had just moved to Utah from Virginia. Her children were grown and at age 59, Miller had come to Utah to attend LDS Business College with the hopes of becoming a nurse-midwife.

On August 21, 2018, Miller said she was driving out of the Fashion Place Mall when she was pulled over by a Murray police officer.

The officer told Miller he pulled her over for two reasons; because his check of her license plate indicated she did not have insurance on the vehicle, and that he had probable cause to believe that Miller was driving under the influence. Miller provided proof of insurance to Officer Allred.

Miller said she was subjected to multiple field sobriety tests, during which time officers of the Utah Highway Patrol joined the Murray officer on the side of the road. They conducted a search of her vehicle.

Meanwhile, the roadside sobriety tests continued for approximately one hour.

“One of the things he said to me was ‘your eyes look dilated, you’re not focusing,’” Miller told Inside Sources. “That’s what he kept saying to me.”

After passing four field sobriety test on the spot, Officer Allred eventually arrested Miller. She was handcuffed and taken to the police station where more sobriety tests were conducted.

“I was petrified”

Miller was taken to a police station where she was held, she said, for about three hours. One of the tests was conducted in what Donna called a “darkroom.” This room is part of a test used by officers so that they can determine if and how a suspect’s eyes are dilating.

“They asked me to open my mouth. As we were doing that, the other officer was telling me to confess to doing marijuana, or any drugs,” Miller said.

“I was petrified,” she told Inside Sources, about being taken into that room.

“I felt like it was me and these two officers in the police station, and they had guns on them,” Miller said. She feared she would never again hear the voices of her children.

“All I could think of was Sandra Bland. Here I am in a police station that was empty with two cops obviously not rooting [for] me.”

Three years prior to Miller’s arrest, in July of 2015, Sandra Bland was found hanged in a jail cell in Waller County, Texas. She was a 28-year old Black woman who’d been arrested during a traffic stop. Her death was later ruled a suicide.

After 10 sobriety tests, according to the legal complaint filed by Miller’s lawyers, she was released. Miller told Inside Sources Officer Allred let her go because she “was such a nice lady.”

Although Miller passed multiple sobriety tests, she was still charged with a DUI. Her car being impounded and her license was suspended.

“My goal is to make sure that no one else has to experience that kind of humiliation and trauma,” Miller told Inside Sources. “I would like the Murray Police Department to participate in some kind of mandatory department-wide bias training, conducted by a third party.”

Heather White: “She failed the field sobriety tests”

Heather White, the attorney representing Murray City in the civil suit, joined Inside Sources to provide answers about the arrest and why the city plans to refute the case.

“She was sitting westbound in the middle of State Street in the lane running northbound,” White said. “It appeared that she was confused and that’s what caught his [Officer Allred’s] eye.”

“She was sitting, really, in the middle of the road.” Then as she tried to travel to a portion of the roadway that allowed her to turn left, White said Miller was straddling in and out of the lane of travel.

“That is one sign of impaired driving,” White said. Based on what the officer saw, and upon running her license plates and finding no insurance attached to the vehicle, Allred pulled Miller over.

White disclosed Miller admitted to Officer Allred she had taken some medication that day, but she wasn’t impaired and he could test her. The medication Miller was taking was for her diabetes, which she told Officer Allred.

Officer Allred gave Miller a breathalyzer test, and she passed. Although Officer Allred ruled out the possibility of alcohol, “there’s still the impairment and medication issue,” stated White.

According to White, Officer Allred was concerned Miller did not know what time she took her medication.

“Her driving pattern and her confusion about not knowing what time of day it was,” led to a series of field sobriety tests, to which she failed, according to White. “She [Miller] demonstrated she had nystagmus, which is a sign of someone being on a substance.”

Miller was then arrested and taken to the station.

Why the darkroom?

It was when Officer Allred took Donna Miller into a darkroom for more testing that Miller became frightened.

“She was taken into the darkroom,” White said “so that a specialized drug recognition expert from the Utah Highway Patrol could conduct further tests,” that had to be done without light.

“He also indicated that he believed Donna was impaired,” White said. Authorities administered a blood test, which Miller also passed.

However, “blood tests only screen for a limited number of medications it screens for,” explained White. “Just because a toxicology report comes back negative does not mean there’s no drug in the system,” said White.

White does not believe that Officer Allred’s actions were prompted by racial bias. And stated Murray City already conducts training, “particularly and especially,” she told Inside Sources, “racial bias training.”

“It will become clear to the public that this was not racially motivated. The officers did exactly what they were supposed to do. The justice system will sort it through,” said White.

Jason Groth: Miller’s Attorney

“Any defense attorney reviewing the facts of this case would be incensed at how this [traffic] stop occurred,” Jason Groth told Inside Sources guest hosts Mia Love and Scott Howell.

“If you read the officer’s police report, when he first sees Donna, there’s no mention of Donna appearing confused or that she’s the wrong way in traffic.

“The only thing you can infer is that he saw Donna at a stoplight, not moving, and based on the color of her skin decided ‘maybe I’ll check this out,’” Groth said.

According to an ACLU study, Utah has the 11th worst disparity rate in the nation for marijuana possession arrests. And the study found in Utah, a Black person is 4.9 times more likely to be arrested for marijuana possession than their white counterpart.

The excuse of a blood test not screening for every drug when the officers knew Miller was on diabetes medication, “just doesn’t make any sense,” said Groth.

Groth argued if officers were trained on how to treat diabetics, they would differentiate an impaired driver from a diabetic issue.

“The result of low blood sugar is a medical emergency,” said Groth, and not the time to conduct “a bunch of tests to try and find a reason to arrest somebody.”

“The issue,” Groth said, “is policing. We need to have better training, better DUI training, better training on how people with diabetes are treated during these stops, better training on implicit bias.”