

Woman claims officer profiled her in DUI arrest because she is Black, lawsuit states

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MURRAY — A Black woman wrongly arrested by a Murray police officer who believed she was driving under the influence has filed a civil rights lawsuit against the city and the officer claiming she was racially profiled.

Donna Rocina Miller, 60, filed her complaint in federal court on Monday against the city of Murray and officer Jarom Mohlman Allred.

But attorney Heather White, who is representing the city and Allred, said the traffic stop and the officer's actions were absolutely not racially motivated.

On Aug. 21, 2018, as Miller was driving near Fashion Place mall, she was pulled over by Allred after he ran her license plate and allegedly discovered she was not insured, according to the lawsuit.

Miller proved to the officer she did have insurance. But Allred then "made up another excuse to detain Ms. Miller. He told her that he suspected she was driving under the influence of alcohol or illicit drugs," the lawsuit states, even though he later noted in his own report there was no "odor of alcoholic beverage or drug indicator."

White, however, said Tuesday that Miller was weaving between lanes, seemed confused about what time it was and admitted she had taken medication earlier.

According to the lawsuit, Miller passed all of the field sobriety tests she was asked to perform despite Allred noting in his report she had "poor balance," and her "Breathalyzer test showed a 0% alcohol reading multiple times."

Nevertheless, Miller was handcuffed and placed in the back of Allred's patrol car while he waited for backup to draw Miller's blood for additional tests, the lawsuit states.

But White argued that Miller did not successfully complete the sobriety tests. She failed to follow the officer's instructions on some of the tests and showed "very poor balance" on another, White said. Because of that, White said at that point Allred had "probable cause to arrest her" which was "based nothing on her race."

Attorneys for Miller disagree.

"Officer Allred did not explain either on audible tape, video recording, or in his report, any reasonable suspicion or probable cause that reasonably justified further testing. Instead, officer Allred was later heard saying in a serendipitous voice recording that he suspected Ms. Miller was a habitual marijuana user despite all evidence to the contrary, and another officer is heard commenting that Ms. Miller simply knew 'exactly what to say' because of her training as a nurse," according to the lawsuit.

The lawsuit does not state where the alleged recording came from. But attorneys noted that Allred's statements "openly expressed racist stereotypes long associated with Black folks – that if they are too articulate or 'too smart,' then they are behaving 'suspiciously' ... and that they habitually or recreationally use marijuana," the lawsuit states.

Miller's blood test came back negative. Still, she was arrested for investigation of DUI, her car was impounded and her license suspended. She had to pay more than \$840 to get both her car and license back.

On Aug. 22, 2018, Miller was formally charged in Murray Justice Court with DUI, a class B misdemeanor. But on Oct. 26, 2018, Murray Prosecutor Andrew Stoddard filed a motion to dismiss the case “for evidentiary reasons,” according to court records.

Now, the American Civil Liberties Union is acting as co-counsel in Miller’s lawsuit against the city. “Even if you are innocent of all charges, as Ms. Miller was proved to be, the criminal justice system can still punish you,” Jason Groth, an attorney with the ACLU of Utah, said in a prepared statement. “She lost her car and her driver’s license, paying hundreds of dollars to get them back, and was fortunate to find an attorney to get the DUI charges dropped. The fact that people of color like Ms. Miller are subjected to more of these humiliating and costly violations of their civil rights than other people is not a mistake — it’s a sign that police agencies need to do more to root out racial bias from their officers and their policies.”

The lawsuit contends that Allred has “developed a troubling reputation as a ‘glory hound,’ more interested in playing hero than doing the hard work of policing.”

White called the statement inflammatory, unfounded and inappropriate.

“I think it’s unfortunate that the plaintiff has resorted to name calling in a case that has demonstrated the officer was kind and calm and concerned and measured with her,” White said.

White said as more evidence from the case is released, the public will see in videos that the interaction between Allred and Miller was very cordial, and both parties were very polite to each other.

Still, attorney Kristy M. Kimball with Holland & Hart LLP, said, “This case, and many others, are appalling on both a human and a legal level, where decades of persistent racial bias and racial profiling in police departments have led to wrongful convictions of Black Americans falsely accused of a crime.”

Miller’s story prompted a friend of hers, Randy Shumway, to [submit an op-ed about her experience for the Deseret News in 2019.](#)