



Front cover: Activists with Utah Against Police Brutality gather at the Matheson Courthouse on November 29, 2014. Photo courtesy of SLUG Magazine and Megan Kennedy www.slugmag.com/photos/slc-to-ferguson-utah-against-police-brutality-rally-11-29/



ACLU OF UTAH

2014-15 ANNUAL REPORT



Karen McCreary
Executive Director

Dear Friends,

I am very pleased to present the ACLU of Utah's 2014-2015 Annual Report. In this report, you will find highlights of our work and an overview of victories that we celebrated this past year. We are so excited to share these wins with you—as members, friends, supporters and partners of the ACLU, these victories belong to you as much as they belong to us.

This year has been a remarkable one for civil liberties in Utah, from a major legislative overhaul of the criminal justice system to the passage of SB 296, landmark anti-discrimination legislation that the ACLU and many of our partners have been tirelessly working on for years. And to think that we were able to pass SB 296 in a state that, just twenty years ago, sparked a national debate when it banned all student extracurricular clubs rather than see a Gay-Straight Alliance club in a local high school—pretty incredible!

I am proud of our dedicated staff and the ways in which they have worked collaboratively to tackle some of the biggest civil liberties issues of our time. As you'll see in this report, it was often the combination of the ACLU of Utah's legal, legislative and community advocacy work that led to such impactful, sweeping change in the policies and practices that affect the liberties and freedom of each and every Utahan.

The successes we have seen in 2014 and 2015 continue to give us momentum and renewed determination as we prepare to take on new challenges and ward off new threats in 2016.

In addition to our ongoing fights for racial justice, women's rights (We Stand With Planned Parenthood!!) and LGBTQ equality, we will be starting off the year by demanding improvements to indigent defense through our "Yes on Six" campaign, reforming "Good Landlord" programs and ensuring that police body cameras improve accountability without compromising our 4th amendment rights.

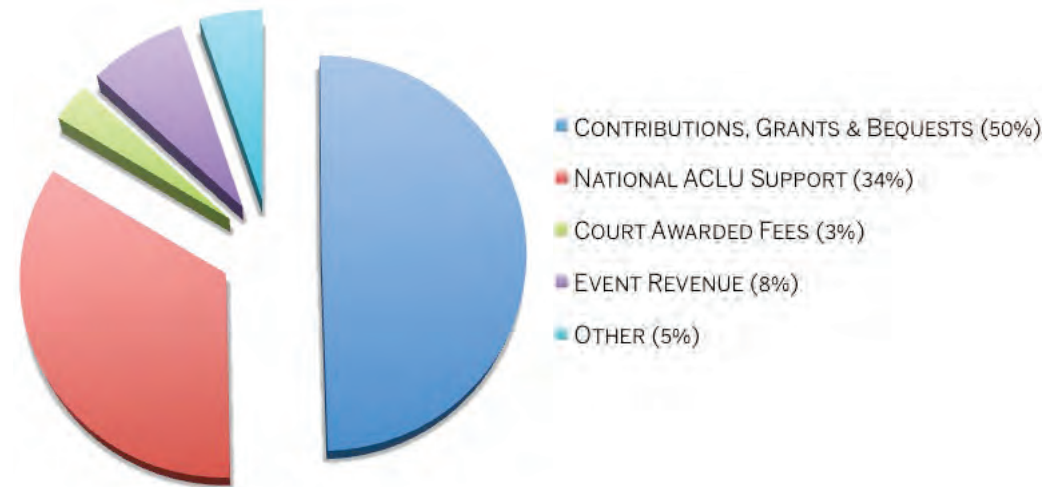
As I reflect on the many advances that we have seen here in Utah in the past year, I am reminded that these changes haven't happened overnight. It was 1998 when the ACLU of Utah sued the Utah Board of Education on behalf of the East High Gay Straight Alliance. But that's the thing about the ACLU of Utah. Our work is done over the long-term and we don't give up, no matter how many years it takes to create change. And, if history serves, even if it takes a decade, or two, we'll probably win.

And that is why we are so grateful to partners and allies like you, whose dedication and support has sustained us not just over the past year, but for the past 58 years. I am so inspired by the steadfast commitment of our hard-working staff, Board, passionate volunteers and, most of all, each and every one of you. I can't wait to see what kind of progress we can make together in 2016!

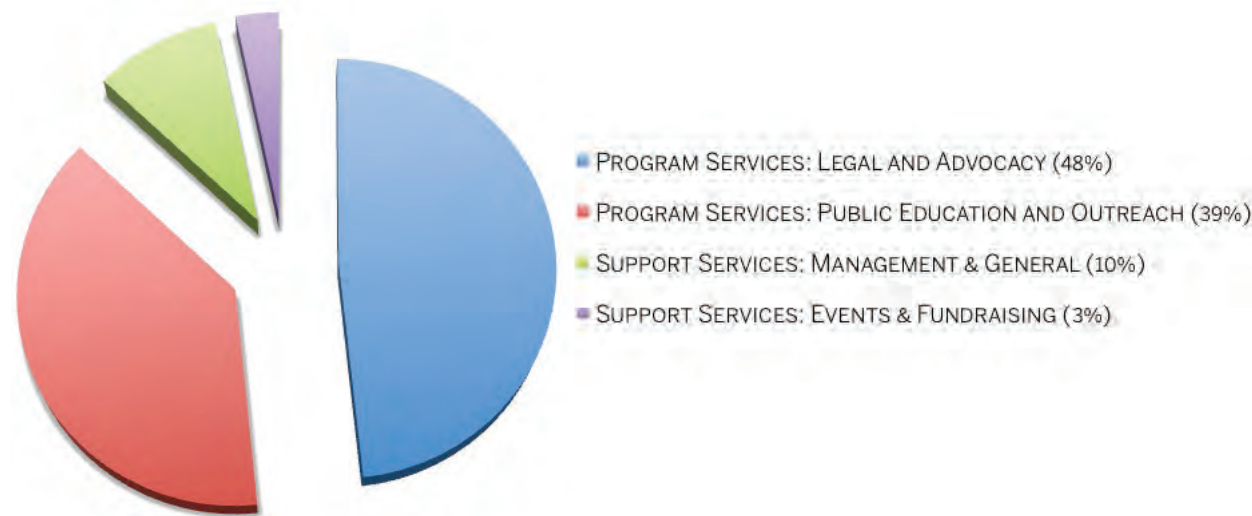
Best regards,

FINANCIAL INFORMATION
FY2014-15
 (April 1 - March 31)

Support & Revenue (Total: \$803,031)



Expenses (Total: \$923,541)



BY THE NUMBERS

2,260 UTAHANS FROM **25** DIFFERENT COUNTIES GAVE TO THE ACLU OF UTAH

ACLU STAFF & VOLUNTEERS RESPONDED TO **870** COMPLAINTS & REQUESTS FOR ASSISTANCE

TIMES THE ACLU OF UTAH WAS FEATURED IN THE LOCAL OR NATIONAL MEDIA:

2,812

1,750

PEOPLE ATTENDED THE **60** EVENTS AND PUBLIC PRESENTATIONS WE HOSTED

NUMBER OF ACLU OF UTAH SUPPORTED BILLS PASSED DURING THE LEGISLATIVE SESSION:

8

65

BILLS WERE TRACKED AND LOBBIED FOR OR AGAINST

NUMBER OF ANTI-CIVIL LIBERTIES BILLS THAT WERE STOPPED OR NEUTRALIZED:

4

28 COOPERATING AND VOLUNTEER ATTORNEYS CONTRIBUTED **THOUSANDS** OF HOURS OF LEGAL EXPERTISE AND ASSISTANCE

6 CASES IN ACTIVE LITIGATION IN THE DISTRICT OR APPEALS COURT

PRIVACY

Over the last two years, our legislative advocacy has led to Utah becoming the first state to enact laws protecting people from police monitoring their location information and the content of their electronic communications. These laws serve as a model for the rest of the country. In 2015, we continued to build statutory and legal protections for a 21st-Century Fourth Amendment that keeps up with technology, protects our privacy and keeps us free from unreasonable government surveillance.

UTAH V. PYLE

In June 2014, the ACLU of Utah and ACLU filed a friend of the court brief in support of a Utah paramedic whose prescription records were swept up in a dragnet search, arguing that his Fourth Amendment rights were violated in this sweep.

In investigating a morphine theft from Unified Fire Authority (UFA) ambulances, a Cottonwood Heights Police Department detective accessed the Utah Controlled Substances Database to examine the prescription histories of every UFA employee — about 480 people. Although a search of someone's prescription records can reveal extremely sensitive health information, at the time the detective looked at the records, Utah did not expressly require police to get a warrant before accessing the database.

While no one was charged for the morphine theft, in the course of rifling through the prescription drug records, the detective identified four people whose records seemed to him to indicate prescription fraud. The detective convinced prosecutors to file charges against three of them. One of them, Ryan Pyle, filed a motion to suppress the prescription

evidence, arguing that the warrantless search of his prescription records violated his Fourth Amendment rights. The ACLU weighed in on Mr. Pyle's side. The state ultimately dismissed the charges against Mr. Pyle in late 2014.

SB 119: "PRESCRIPTION DATABASE REVISIONS"

Following our involvement in Mr. Pyle's legal case, the ACLU of Utah then teamed up with the Salt Lake County Firefighters' Local 1696 to help draft and pass SB 119 during the 2015 legislative session. SB 119 requires law enforcement to obtain a warrant before searching records in the prescription drug database.

With this law, the ACLU of Utah and the firefighters' union have ensured that the violation of privacy endured by Mr. Pyle and the other two emergency responders will not happen to any other individuals included in Utah's prescription drug database.



At right: Marina Lowe testifies before a state legislative committee alongside representatives of the Unified Fire Authority.

Below: Firemen's Union representative Jeremy Robertson accepts a special recognition from Legal Director John Mejia at the 2015 Bill of Rights Breakfast.





At left: Students celebrate at the end of the 2015 Youth Leadership Action Conference.

Below: Racial Justice Associate Kathy Abarca participates in a conference about the School-to-Prison Pipeline, held at Weber State.

RACIAL JUSTICE

Despite progress made at both the national and state levels, discrimination against racial minorities persists, leading to unequal outcomes in a broad spectrum of areas, including education, employment and incarceration. Our focus on racial justice intensified with the temporary addition of a dedicated racial justice associate to our ACLU team, and we continue to work tirelessly with our partners and the newly formed Racially Just Utah Coalition to advance racial equality.

RACE MATTERS

In partnership with Racially Just Utah, the SLC Mayor's Office of Diversity and other community organizations, the ACLU of Utah helped to organize a night of spoken word, storytelling and poetry to highlight individuals' experiences dealing with race, culture and identity in Utah. The event shone a spotlight on how honest and open dialogue can generate positive changes to policies and practices that perpetuate racial inequalities.

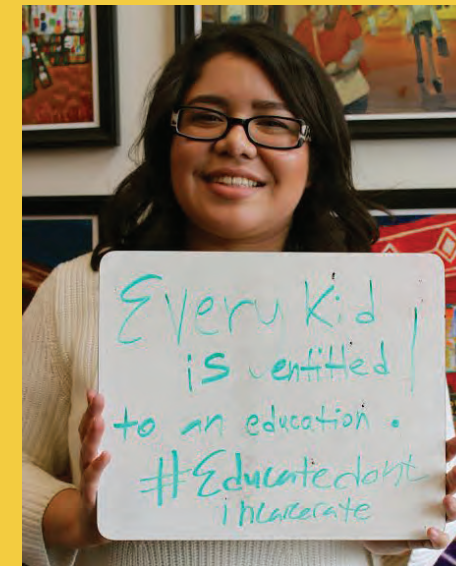
OGDEN "GANG INJUNCTION" POST-CONVICTION REMEDIES

ACLU of Utah and cooperating attorney Randall Richards of Richards Brown Law brought a state law petition on behalf of two men who were convicted of misdemeanor violations of the so-called "Gang Injunction."

That injunction was vacated in 2013 by the Utah Supreme Court, thanks to the great work of cooperating attorney David Reymann. However, while the injunction was in effect, it restricted the liberties of those served with it while in Ogden, such as imposing a curfew and banning public association with alleged gang members. In June of 2015, the state court held that the convictions should be vacated because they were obtained in violation of their rights under the state and federal constitutions.

YOUTH LEADERSHIP & ADVOCACY CONFERENCE

In October 2014, the ACLU of Utah partnered with Salt Lake Peer Court and others to participate in a national week of action against the school-to-prison pipeline (STPP). Then in January 2015, we teamed up again to put on a day-long conference for local high school students. More than 50 youths spent the day learning about the STPP, meeting state legislators who are willing to work with them, and acquiring basic activist skills.



LGBT EQUALITY

Through litigation, legal advocacy, and public education, the ACLU of Utah works toward full equality for LGBTQ people. With last year's passage of *Obergefell v. Hodges* in the Supreme Court, we have been working alongside our partners to ensure that the protections granted to same-sex couples under *Obergefell* and previous Utah federal court rulings in *Kitchen v. Herbert* and *Evans v. Utah* are enforced, and to also secure freedom from discrimination based on sexual orientation and gender identity in the workplace, housing, business and in public places.

ROE V. PATTON:

In July 2015, a U.S. District Judge ruled in favor of the ACLU of Utah and the ACLU LGBT Projects' plaintiffs Angie and Kami Roe ordering Utah's Office of Vital Records and Statistics to apply Utah's assisted reproduction parentage statute equally to same and different-sex spouses. Now their beautiful daughter Lucy has both her parents listed on her birth certificate!

SB296: "ANTI-DISCRIMINATION & RELIGIOUS LIBERTY AMENDMENTS"

After seven years of lobbying our legislature for employment and housing protections for the LGBTQ community, the Utah legislature passed SB 296, which adds sexual orientation and gender identity to Utah's existing nondiscrimination law.

DEFEAT OF HB322: SO-CALLED "RELIGIOUS LIBERTY ACT"

We were also able to defeat a harmful "religious freedom" bill, HB 322, which would have allowed for discrimination in the name of religion.



At right: Kami and Angie Roe pose with their daughter, Lucy, at the 2015 Utah Pride Festival.

Below: Intern Matt Grow, Office Manager Reinard Knutsen and Legal Director John Mejia celebrate the Obergefell decisions, legalizing same-sex marriage nationwide.





At left: Governor Gary Herbert signs HB 242 and HB105 into law as Development Director Amy O'Connor and Legislative & Policy Counsel Marina Lowe look on.

WOMEN'S RIGHTS

The ACLU of Utah has long worked to defend reproductive rights for women, and this year has been no exception as we've proudly stood with Planned Parenthood to defend access to quality healthcare for women across our country. In addition, this past legislative session we also sought to advance the rights of mothers in Utah by helping to craft and pass important legislation related to **breastfeeding**.

HB 242 "STATE & LOCAL GOVERNMENT EMPLOYEE POLICIES"

HB 242 provides that state and public employers shall provide reasonable breaks, as well as access to a room in which to pump breast milk and a refrigerator in which to store the milk. The bill also requires these employers to adopt breastfeeding-friendly policies.

HB 105 "ANTIDISCRIMINATION MODIFICATIONS"

HB 105 amends the Utah nondiscrimination law to clarify that discrimination in the workplace based on breastfeeding is prohibited.

*I stand
with
Planned Parenthood*

ACLU

CRIMINAL JUSTICE REFORM

Over 2.3 million people are in American prisons – over half of these for nonviolent crimes. The ACLU of Utah is working on the front lines of criminal justice reform to decrease unnecessary incarceration, diminish the tremendous human and financial costs of excessively harsh policies and ensure that incarcerated individuals are afforded their constitutional rights. This has been a big year for criminal justice reform, and we're ramping up our education and advocacy work as we plan to push for additional legislative reform in 2016.

YES ON SIX: INDIGENT DEFENSE REFORM

On August 27, we launched "YES ON SIX," an education and advocacy campaign to push for a legislative remedy to Utah's failing county-by-county public defense system.

YES ON SIX will mobilize community members to share their stories and experiences with legislators and policy leaders, and will educate the public about the critical importance of the Sixth Amendment's guarantee of legal counsel, regardless of an individual's ability to pay.

The ACLU of Utah's requirements for an acceptable legislative solution to our failing public defense system include: independent state oversight; fully funded, including funding for rural counties; elimination of flat-fee contracting; true independence for public defenders, without involvement by prosecutors in the selection or

contract negotiation processes; and funding and resource parity between the defense and prosecution.

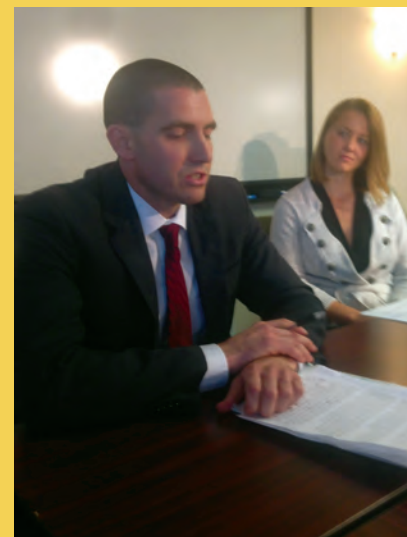
HB 348: "CRIMINAL JUSTICE PROGRAMS & AMENDMENTS"

The enactment of criminal justice reform legislation in 2015 represented months of study and negotiations by stakeholders across Utah, including the ACLU. Among the reforms included are: reduction of penalties for drug possession; creation of higher standards for treatment programs for justice-involved people; adjustment of sentencing guidelines for some low-level non-violent offenses; and new reporting requirements for Parole Board and other entities.

We are hopeful that this legislation will live up to its promise to avert up to 95% of the projected prison population growth in Utah by 2033.

At right: People gather at the State Capitol for a Rally for Criminal Justice Reform, planned by the ACLU of Utah, the Utah Prisoner Advocate Network, Utah Support Advocates for Recovery Awareness, and others.

Below: Current BYU law student (and former federal inmate) Ben Aldana reads a statement about the urgent need for prison reform at a press event for the People Not Prisons Coalition, of which the ACLU of Utah is a founding member.





At left: Friends of Dillon Taylor at a local rally display a T-shirt based on an ACLU social media campaign.

Below: Strategic Communications Manager Anna Brower shares remarks about law enforcement accountability at “No More Tears,” a rally for those whose loved ones have been killed by police.



FAIR & JUST POLICING

Restraining use of force and demanding accountability and transparency from our law enforcement agencies has been a central part of the ACLU of Utah’s work for many years. We’ve ramped up that work in response to the tragic spate of fatal shootings by Utah police officers and an increase in practices that violate the Fourth Amendment. Through education, advocacy and legislative work, we amplify the voices of community members who are most impacted by law enforcement abuse of power.

POLICE COMPLAINT PROCESS REPORT

Following a state-wide study, we issued a report called “Opportunities for Trust Building: Overview and Recommendations for Law Enforcement’s Public Complaint Process.” In analyzing how Utah law enforcement offices around the state receive and address complaints from members of the public, this report identifies some troubling trends.

We found pervasive conditions of inaccessibility that discourage the public from complaining, and discovered that agencies provide internally inconsistent information about their public complaint processes. In addition, our investigation revealed that agency complaint processes tended to marginalize certain populations, hampering their ability to voice concerns.

SB52: “ASSET FORFEITURE AMENDMENTS”

We helped bring transparency to Utah’s asset forfeiture program with SB 52, which requires law enforcement to submit an annual report of assets

seized from people suspected of involvement in crime, as well as information including whether the owners were ultimately charged with wrongdoing.

SB82: “FORCIBLE ENTRY AMENDMENTS”

This bill built on our previous success raising the standards for law enforcement when engaging in the highly dangerous practice of forcible entry. SB 82 prohibits use of forcible entry for drug possession in the absence of other allegations and requires police to be conspicuously identified when forcibly entering a residence or building.

SB226: “SEARCH & SEIZURE AMENDMENTS”

Governor Herbert signed into law ACLU-backed legislation that requires police to have a warrant to use infrared devices to scan the exterior of homes and buildings, devices that essentially allow officers to see through walls; this legislation affirms that the Fourth Amendment applies to this new technology.



THANK YOU!

TO OUR AMAZING TEAM

Top: Interns and staff await the Supreme Court's ruling on same-sex marriage. *Middle:* ACLU of Utah Board of Directors. *Bottom:* ACLU of Utah staff and interns at the 2015 Bill of Rights Celebration.

INTERNS AND VOLUNTEERS

Taylor Burton, B. Scott Allen, Annaleigh Curtis, April Dessenberger, Ankita Gupta, Virginia Halden, Jacob Lauritzen, Heidi Moore, Leigh Morgan, Margie Nash, Carra Nicholes, Sara Parker, Madeline Rebol, Herta Teitelbaum, Jeffrey Ulrich, Ariana Barusch, Bronwen Dromey, Matt Grow, Chris Harelson, Olga Hernandez-Favela, Erica Janicki, Gabrielle Jones, Diane Keech, Sasha Maart, Austin Martineau, Liz Rowley-Hilst, Madeline Rebol, Ali Sadler, Josh Scheuerman, Robert Starling, Matthew Stern, Delaney Woodfield, Kendall & Cara Robins.

BOARD OF DIRECTORS

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Affirmative Action Officer Barry Gomberg

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Alexander McDonald	Jill Sheinberg	Larry Stevens
Michael Weinholtz		

ACLU STAFF

Executive Director Karen McCreary
Legal Director John Mejia
Legislative & Policy Counsel Marina Lowe
Development Director Amy O'Connor
Staff Attorney Leah Farrell
Racial Justice Associate Kathy Abarca
Coordinator of Administration & Finance Jessica Andrews
Office Manager Reinard Knutsen
Strategic Communications Manager Anna Brower

Top: Cooperating attorney and Mickey Duncan Awardee Randy Richards addresses the crowd at the 2014 Bill of Rights Celebration.

Middle: Josh Block, staff attorney with the National ACLU's Lesbian Gay Bisexual Transgender & AIDS Project, poses with ACLU staff and plaintiffs Angie and Kami Roe.

Bottom: Legal Director John Mejia presents the Mickey Duncan Award to Karra Porter at the 2015 Bill of Rights Celebration.

LEGAL PANEL

Jensie Anderson, Rusty Andrade, Emily Chiang, Laura Kessler, Clemens Landau, Tom Mitchell, Kristina Ruedas, Tyson Snow, Karen Stam, Aaron Tarin, Mary Woodhead

COOPERATING ATTORNEYS

Michael S. Anderson, *Parr, Brown, Gee & Loveless*
 Troy L. Booher, *Zimmerman, Jones & Booher*
 Taylor Burton
 Doyle Byers, *Holland & Hart*
 Emily Chiang, *S.J. Quinney School of Law, University of Utah*
 Rita M. Cornish, *Parr, Brown, Gee & Loveless*
 Chad Derum, *Manning Curtis Bradshaw & Bednar*
 Alan Devlin, *Latham & Watkins*
 Stewart Gollan, *Utah Legal Clinic*
 Eric K. Jenkins, *Christensen & Jensen*
 Kathryn "Kass" Harstad, *Strindberg & Scholnick*
 John Harrington, *Holland & Hart*
 Cheylynn Hayman, *Christensen & Jensen*
 Danielle A. Kendrick, *Latham & Watkins*
 Beth E. Kennedy, *Zimmerman, Jones & Booher*
 Clemens A. Landau, *Zimmerman, Jones & Booher*
 Julie J. Nielson, *Zimmerman, Jones & Booher*
 Randall W. Richards, *Richards & Brown*
 Kent Morgan, *Morgan, Nish & Associates*
 Al Pfeiffer, *Latham & Watkins*
 Karra J Porter, *Christensen & Jensen*
 David C. Reymann, *Parr Brown, Gee & Loveless*
 Austin J. Riter, *Parr, Brown, Gee & Loveless*
 Lauren I. Scholnick, *Strindberg & Scholnick*
 LaShel Shaw, *Parr, Brown, Gee & Loveless*
 Erik Strindberg, *Strindberg & Scholnick*
 Noella A. Sudbury, *Zimmerman, Jones & Booher*
 Aaron Tarin, *Immigrant Defenders, PLLC*
 Charles Taylor, *Latham & Watkins*
 Jonathan K. Thorne, *Strindberg & Scholnick*
 Kyle A. Virgien, *Latham & Watkins*
 Nina Wolf

Michael Zimmerman, *Zimmerman, Jones & Booher*



THANK YOU FOR STANDING WITH US TO PROTECT AND ADVANCE CIVIL LIBERTIES!



Anna, Amy, Jessica, Reinard, Karen, Margie, Leah, John and Marina



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