

Garfield County Case Renews Debate Over Whether Cops Should Be Protected Under Hate Crime Laws

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"You have a right to go out and [practice] freedom of speech ... It's only if you commit a crime, you can't be protected," said former state Rep. Lee Perry, R-Perry.

An alleged hate crime in Garfield County is renewing a debate over whether Utah should treat law enforcement officers as a protected class.

The case involves a woman who was charged with a hate crime for allegedly destroying a "Back the Blue" sign in front of a Garfield County Sheriff's deputy. The officer wrote in court documents the incident should be treated as a hate crime because it was an "attempt to intimidate law enforcement."

The justification for the hate crime enhancement in this case comes from a different part of state law that doesn't specify what groups are protected under the statute. But it could have been charged under a law that [does list the groups](#) and includes law enforcement officers, according to American Civil Liberties Union of Utah Legal Director John Mejía.

Either way, he said, the hate crime enhancement could chill free speech.

"The government is not supposed to be deciding what people think about the police," Mejía said. "Disagreeing with government action, disagreeing with action by government actors, petitioning for grievances — these are actually paramount in protecting our democracy."

Utah's law that lists protected classes of people was passed in 2019. Its floor sponsor, former Rep. Lee Perry, R-Perry, said he stands by the decision to include law enforcement.

"We were very clear to let people know that the whole purpose behind this bill was to say, 'We are not going to infringe upon your constitutional rights, period.'" Perry, [a former Utah Highway Patrol lieutenant](#), said. "You have a right to go out and [practice] freedom of speech ... It's only if you commit a crime, you can't be protected."

The woman accused of the hate crime faces up to a year in jail if convicted.