

ACLU denounces hate crime charge over ‘Back the Blue’ sign damage

Garfield County prosecutors accused a 19-year-old of stomping on and crumpling a pro-police sign to intimidate an officer.

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<https://www.sltrib.com/news/2021/07/12/aclu-denounces-hate-crime/>

The American Civil Liberties Union of Utah said Monday that a southern Utah prosecutor’s decision to charge a 19-year-old with a hate crime for allegedly damaging a “Back the Blue” sign sends a message that the government will more harshly punish people who disagree with law enforcement.

The misdemeanor charge stems from a July 7 traffic stop in Panguitch, when Deputy Cree Carter pulled over a car that was suspected of speeding, according to a probable cause statement.

After the stop, Carter said a 19-year-old woman, who was traveling with the group, allegedly stomped on a “Back the Blue” sign, crumpled it “in a destructive manner” and threw it away, “all the while smirking in an intimidating manner towards [the officer].”

Carter didn’t believe the woman’s story about how she got the sign, and thought she had taken it from someone in the county.

The woman was booked into jail on allegations of criminal mischief and disorderly conduct. The criminal mischief charge was enhanced to a class A misdemeanor because Garfield County prosecutors filed it as a hate crime. She has since been bailed out of jail.

The Garfield County Attorney’s Office did not immediately respond to an emailed request for comment Monday evening.

Utah law defines a hate crime as when a person commits an offense and intends to “intimidate or terrorize” or reasonably believes their action would intimidate or terrorize someone. It further defines “intimidate and terrorize” as something that makes a person “fear for his physical safety or damages the property of that person or another.”

The 19-year-old woman was charged under this statute.

Another state law specifically mentions “status as a law enforcement officer” as a protected class.

While many in Utah fought for decades for the 2019 hate crimes statute that brings additional penalties for people who target victims based on personal attributes — like ancestry, disability, sexual orientation, gender identity and more — the ACLU opposed the bill and others that enhance penalties for people accused of hate crimes.

In the Monday statement, the ACLU said that these enhancements “are oftentimes used to single out unpopular groups or messages rather than provide protections for marginalized communities.”

“This case has confirmed those warnings,” the statement said.

Salt Lake County District Attorney Sim Gill, who was a proponent of the 2019 hate crimes bill, said Monday night that he couldn’t comment on this specific case in Garfield County, but he said that in general, the statute was and remains an important victory for people from communities that have been historically targeted by discrimination.

He said in using the statute, prosecutors must look at cases individually to make charging decisions.

“It is a case-specific analysis that has to be balanced between protected speech and freedom of speech that is constitutionally protected and conduct that is selectively targeting of victims based upon their status,” Gill said.

The ACLU of Utah also questioned in their statement if the charge was a good use of government resources.

“Bringing a charge against this person that could result in her spending a year in jail makes no sense both in terms of simple fairness and expending the county’s time and money,” the ACLU said.

The Utah Department of Public Safety tracks self-reported crime stats from law enforcement agencies across the state, including hate crimes. The majority of hate crimes reported were offenses that targeted someone’s race or ethnicity, followed by religion and then sexual orientation and gender identity.

Garfield County didn’t send data for the most recent 2019 report.

However, it appears prosecutors are charging people with hate crimes there. They charged a now 32-year-old man in August 2020 with another anti-police hate crime after he allegedly spray-painted the word “bisexual” over the word “blue” on a “Back the Blue” sign.

The man faced multiple misdemeanors and was convicted in January of a class A misdemeanor for criminal mischief. He was sentenced to one year in jail, but that sentence was suspended and cut down to two days. He also was ordered to pay fines and write an apology letter.

He wrote, “While I cannot change the fact that in a bigoted and un-American act, I disregarded your First Amendment rights in exchange for mine, I am deeply sorry for my actions and wish to do anything possible to help restore the damage that was done.”