



Liberty Reporter

Fall 2016

Newsletter of the American Civil Liberties Union of Utah

ACLU of Utah Continues To Press For Release Of Video Footage Showing Police Shooting

The ACLU of Utah is disappointed that Salt Lake City Police Department (SLCPD) and Salt Lake County continue to refuse to release body camera and surveillance video footage of the February 2016 shooting of then-17-year-old community member Abdi Mohamed.

In a press conference on August 8, District Attorney Sim Gill announced that his office had concluded that the shooting of Mr. Mohamed by two Salt Lake City police officers was “justified” under state law. Mr. Gill also said the county would continue to withhold from the public all body camera and surveillance video footage of the incident. In addition, Mr. Gill announced that the County is charging Mr. Mohamed with several serious crimes, including aggravated robbery, a first-degree felony that carries a potential life sentence in prison, and will attempt to prosecute him as an adult.

In July, the SLCPD and Salt Lake County District Attorney’s office refused a request for the video footage the ACLU of Utah made under the Government Records Access and Management Act (GRAMA). In doing so, the agencies argued that the footage was related to an ongoing investigation into the shooting of Mr. Mohamed. On August 8, the agencies again declined, asserting that they are now withholding the footage because of the criminal prosecution of Mr. Mohamed. On



Family and community members gather in support of Abdi Mohamed outside the SLC Police Department on March 19, 2016.

September 2, the Salt Lake City Police Civilian Review Board made a finding that the officers’ actions were not within policy. Despite the Review Board’s demonstration that narratives of the film differ, as well as further publicizing a description of the footage, the agencies continue to withhold the public records. The ACLU of Utah has appealed the initial denials and continues to press the County and SLCPD to reverse their position. The final administrative appeal will take place at an October 18th hearing at the county building.

The shooting of Mr. Mohamed highlights several issues related to law enforcement

accountability and government transparency, including: the importance of the timely and fair release of public information related to critical incidents involving violence between police and community members; the need for independent investigations of critical incidents by investigators who will not be engaged in possible future criminal prosecutions of community members injured by police; and the need for wholesale cultural reform among law enforcement more generally, including shifting from a warrior mentality to a guardian mentality.

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Protect Utahns’ Private Property

You can take action to reform civil asset forfeiture laws in Utah

Utah’s current civil asset forfeiture laws allow police to seize — and then keep or sell — any property they allege is involved in a crime. Owners need not ever be arrested or convicted of a crime for their cash, cars, or even real estate to be taken away permanently by the government.

The practice of civil asset forfeiture was originally conceived as a way to cripple large-scale criminal enterprises by diverting their resources. But data from law enforcement agencies reveal that in Utah, the vast majority of individuals who have their property seized by police are never even charged — much less convicted — of a crime. For people whose property has been seized through civil asset forfeiture, legally regaining such property is notoriously difficult and expensive, with costs often exceeding the value of the property.



The practice of asset forfeiture disproportionately affects low-income people, people of color, and immigrant and refugee communities - all populations more likely to keep and use cash in lieu of mainstream banking. When government prosecutors are allowed to keep seized property without even

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The Board's Corner



Dani Hawkes, Vice President

The last several months on the ACLU of Utah Board have been busy! We began the summer by preparing for our fearless leader's departure. Karen McCreary officially stepped down as the Executive Director in August this year. When we first heard of her retirement, many months ago, we were anxious. **We all volunteer time and money to the organization because we believe that the work is indispensable in our community.** As a queer female Utahn, the ACLU of Utah is my civil liberties watchdog. It protects my families' rights every single day. In my opinion, the work of the ACLU of Utah cannot slow down for even a day.

Because Karen had the foresight to give the Board ample notice of her retirement, we have spent almost the entire last year preparing for this transition. It has been exciting and a lot of work! We were able to put together an outstanding recruitment committee of board members and community members to find our next Executive Director. Next, and because of the extraordinary work that the ACLU does in Utah, we received many inquiries from highly qualified candidates. **In the end, the committee recommended, and the Board selected, the best possible candidate from the pool, Brittney Nystrom.**

Since that time, we have worked diligently to make sure that the transition happened in a way that allowed the ACLU of Utah to carry on without missing a beat. And that is exactly

what happened. Brittney is now fully up and running and the staff never even slowed down. From supporting the Standing Rock protesters, to continuing our advocacy around the new prison in Utah, to raising the issue of civil asset forfeiture, to jumping into a little law suit called Drug Enforcement Administration v. Utah Department of Commerce - the staff of the ACLU of Utah has powered through the summer with aggressive advocacy on all fronts. And, although less sexy, the staff members who work on the organization's budget, internal policies, and logistics have kept pace. For example, internally, we just completed our annual financial audit with flying colors.

Personally, in the last several months, I have gotten to know Brittney as we have driven from event to event meeting supporters and working on issues. I am glad to report that we have made a fantastic choice! Brittney is no stranger to uphill battles. She has fought for immigrants' rights in Washington DC for over ten years. **Brittney knows what it takes to pit policy with litigation to win civil rights fights. She understands intersectionality of issues and knows that it is not enough to see any issue through one lens.** So, yes, she is a fighter, and I look forward to having her in our corners. But, she is also very personable and will work well with our amazing staff. This was important to the Board, because the staff that Karen has put together is simply incredible. We needed a new leader that would preserve and build upon what Karen has so meticulously created. Lastly, and perhaps most important, Brittney is originally from Utah. She understands the complicated dynamics of our state and she has great ideas for moving forward. Our work is immensely important to her.

In short, after months of preparation for a smooth transition, we have accomplished exactly that. The ship never even slowed down. I am proud of the work we have done. **And, as a donator of both time and money, I am confident in continuing to support this organization at the fullest level.**

Dani Hawkes is an attorney working in Salt Lake City and joined the ACLU of Utah Board in 2015.

The ACLU of Utah

The ACLU of Utah, chartered in 1958, operates through public education, legal advocacy, litigation, and lobbying at both the state and local levels to ensure the constitutional rights and freedoms of everyone living in or visiting Utah. Our work is based on those principles outlined in the Bill of Rights and our priorities include: Participatory Democracy; Racial Justice; Criminal Justice Reform; Immigration Reform; LGBTQ Equality; Women's Rights; Digital Security & Privacy; and Religious Liberty & Freedom of Belief. In addition, we continue our commitment to protect the First Amendment.

For more about the ACLU of Utah and our priorities please visit www.acluutah.org

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Support the ACLU of Utah

Help us defend basic freedoms, every day, for every Utahn.

We appreciate your support towards protecting and enhancing America's legacy of justice and equality here in Utah. Your gift is especially important as we face increasingly complex and momentous issues that require strong and sustained efforts.

Take a stand for freedom by making a gift to the ACLU of Utah. With you by our side, we will effectively and strategically confront threats to our civil liberties.

You may send your contribution in the remittance envelope included with this newsletter or online at www.acluutah.org

Thank you for standing up for liberty!



Get To Know Our New Executive Director Brittney Nystrom

On August 8, the ACLU of Utah welcomed Brittney Nystrom as its new Executive Director. We've enjoyed getting to know Brittney, and wanted our Members and supporters to do the same. We asked Brittney some questions about herself, her new position and some general nonsense – just for fun!

Can you share a little bit about your background?

I was born and raised in South Ogden and graduated from Bonneville High School. I moved out of state to attend the University of Notre Dame and then Northwestern University School of Law. Following law school, I moved to D.C. and built a career working to advance immigrant and refugee rights for more than a decade. Most recently I served as the Director for Advocacy for Lutheran Immigration and Refugee Service where I engaged Congress and the White House to implement more welcoming and just laws and policies for newcomers.

Why were you drawn to this position?

I was attracted to the real potential for progress on civil and human rights here in Utah. The opportunities to achieve meaningful reform are far more plentiful here than in our nation's capital. This has been evidenced over the past decade as, under the leadership of Karen McCreary, the talented and passionate staff at the ACLU of Utah have pushed boundaries and won critical victories on a range of social justice and civil rights issues.

How was the move from DC to SLC?

Fortunately, my mom flew out to help us pack up and fly to Utah. My husband and I each carried one of our daughters on board the airplane and my mom was responsible for making sure our very old and dazed cat fit under the seat. We were quite a scene in the airport!

Does Utah provide a unique challenge/opportunity for civil liberties?

There is a perception out of state that Utah is staunchly opposed to change. I've discovered that, in reality, our politicians and lawmakers in Utah are leaders on important civil liberties issues. For example, our legislature nearly repealed the death penalty in the last legislative session and our Governor has stood up for welcoming refugees.

Utahns are known for their sweet-tooths – which dessert are you most excited to try upon your return to Utah?

It's going to be fun eating our way through Salt Lake's bakeries, but I also have a weakness for Lime Rickeys from Warren's Drive-In.

Utah boasts one of a kind nature and recreation opportunities. Which of Utah's outdoor adventures will you show your family first?

We are eagerly awaiting the ski season and the opportunity to introduce our girls to skiing in the Wasatch Mountains. There is just no comparison on the East Coast to the Rocky Mountains. In the meantime, we have been enjoying hiking the trails around Salt Lake City.

Find out more about Brittney at www.acluutah.org.



[Top] In early September, Brittney sat down with Good 4 Utah to discuss some of the current issues the ACLU of Utah is engaged in. (Left & bottom) At work as Director of Advocacy for Lutheran Immigration and Refugee Service (LIRS) in Washington D.C.



ACLU OF UTAH SUPPORTER SURVEY

Please share your thoughts with us through a quick survey on our projects, strategic work areas and methods of engagement.

Dear Supporter,

I am thrilled to be celebrating my first two months as the new Executive Director of the ACLU of Utah. It's an honor to join you in the work of protecting and advancing civil liberties in Utah.

Friends like you are the heart of the ACLU of Utah. Without your support — taking action, making financial contributions, spreading the word — we would not be able to do the hard work of protecting and expanding civil liberties in our state!

The ACLU of Utah has so many incredible community partners, committed cooperating attorneys, generous donors and passionate members. I've been lucky to meet many of these great people since returning to Utah this summer. I'm grateful for the fresh ideas and valuable feedback I have already received about the direction of our work. I'd like to hear from you, too!

Please take the short **ACLU OF UTAH SUPPORTER SURVEY** online (www.acluutah.org) or call our office (801-871-0329) and we'll mail it to you.

With your help, the ACLU can continue to have a real impact in Utah.

All my best,

Brittney Nystrom, Executive Director

Thank you for sharing your voice with us!

ON THE HILL

Looking Ahead

2017



It's Fall, so right about the time when the ACLU of Utah looks into our crystal ball to predict the focus of the upcoming legislative session. While we can't know for sure the direction our state legislature will head, we know that the ACLU of Utah will be busy in 2017 to promote legislation that will uphold YOUR constitutional rights. As with past years, criminal justice efforts are likely to dominate our legislative agenda. We also intend to work on measures to improve women's rights and to expand voting opportunities.

Criminal Justice:

The ACLU of Utah, along with various partner organizations, is committed to reforming the practice of **civil asset forfeiture** in our state. Civil asset forfeiture is the practice whereby police are given the authority to seize property believed to be used in connection with criminal activity, regardless of whether any criminal charges are ever filed. For several years now, we have worked to advance a legislative proposal to limit the ability of law enforcement to seize assets. We expect significant opposition to our bill, from both law enforcement and prosecutors, but intend to advocate vigorously for reform nonetheless. (See page 1 for more information and to learn how to take action to support asset forfeiture reform.)

The Utah State Legislature came very close to repealing the **death penalty** during the 2016 session. In 2017, we will build upon our efforts; we will continue to push for repeal, while also defending against any proposals to expand the circumstances in which the death penalty may be imposed. The ACLU of Utah is also currently involved with a group of government and other stakeholders tasked with assessing the costs associated with the death penalty in our state.

We continue to believe that state legislation is needed to improve so-called "**Good Landlord Programs**," or city-level programs that offer financial incentives for landlords and property owners to participate in trainings and comply with various requirements. The most problematic of these is the prohibition on renting to individuals with a criminal record within the last four years, and the requirement

to evict any individual (as well as family members) if they are arrested by the police. For people transitioning out of the criminal justice system, this provision can result in the inability to find stable housing while trying to restart their lives in a productive fashion. During the 2015 legislative session, we teamed up with Rep. Brian King to introduce a bill that would end this practice. We agreed to give several jurisdictions time to develop alternative programs, and so did not seek legislative change in 2016. It is very likely, however, that legislation will prove necessary to ensure that people, especially those who most need a stable living environment, can find housing.

Other criminal justice issues we will work on in 2017 include: a bill to require annual reporting on **school resource officer** interactions with students, efforts to decriminalize **medical marijuana** for patients, a bill to reform aspects of the Utah **juvenile justice system**, and proposals to increase funding for **indigent defense**.

Women's Rights:

Working with the Utah Women's Coalition, in 2015 and 2016 we successfully passed legislation to improve the lives of working women in our state, focusing on protecting the rights of pregnant and nursing women in the workplace. In 2017, we will continue to seek ways to level the playing field for women in the workplace.

We will advocate for state legislation to expand upon the federal **Family Medical Leave Act**, which currently requires Utah employers who employ 50 or more employees to provide

job-protected and unpaid leave for qualified medical and family reasons. Our bill will lower the employee threshold, so that employees at smaller businesses may also take advantage of time off in the event of pregnancy or other medical conditions, or to care for family members.

For the past two years, the ACLU of Utah has supported legislative proposals that provide for paid time off for certain employees after the birth or adoption of a child. They say the third time's the charm, and we're certainly hoping that this will be the case for our **paid parental leave bill**. This legislation will provide for 6 weeks of paid leave for executive agency employees in the state of Utah. While this is a narrow category of employees, we're hoping that this bill will pave the way for longer and broader paid leave opportunities, so that Utah women aren't forced to choose between a career and having a family.

Participatory Democracy:

In 2014, after many years of advocacy, the ACLU of Utah worked with Rep. Chavez-Houck to pass an **Election Day Registration** bill. Election day registration allows a voter to both register to vote AND cast a ballot on election day. The 2014 legislation created a 3 year, opt in pilot program, which is due to expire at the end of 2016. This year, we intend to work again with Rep. Chavez-Houck to make the pilot program both statewide and permanent.

As always, the ACLU of Utah stands ready to work on legislation impacting the LGBT community, reproductive rights, and the right to privacy. **Keep up to date with our legislative efforts at www.acluutah.org/legislation.**

2016 Utah Voter Empowerment

Election Day is Tuesday, November 8, 2016

LET ME VOTE

2016 Utah Voter Empowerment Guide

Voting is the cornerstone of democracy. It is the fundamental right upon which all of our civil liberties rest. The ACLU doesn't endorse or oppose any candidate or party, but we believe that no civil right is more important in our democracy than the right to vote.

To support and encourage Participatory Democracy we have created our 2016 Utah Voter Empowerment Guide. This is available online (www.acluutah.org) and is designed to help you protect your own right to vote. You may print it out and take it with you to the polls on Election Day.

Election Day Registration Program

We have supported and encouraged legislators to pass Election Day Registration (EDR) since 2006. In 2014 the Utah legislature passed HB156 - Election Day Voter Registration Pilot Program allowing counties to opt in to the EDR program. Originally five counties participated and that has now grown to 8 counties representing well over 75% of all Utahns.

If you live in Salt Lake, Davis, Weber, Kane, Cache, Millard, San Juan, or Sanpete County, YOU CAN STILL VOTE on November 8 even if you didn't register in advance.

Voting Complaints

The ACLU of Utah wants to assure that each vote cast in Utah is counted accurately and equally. It is also important that election laws are applied uniformly throughout the state. If you have any problem with casting your vote or if you observed a problem at your polling place please take the time to let us know. We have an online voting complaint form that will give us the details we need to analyze the problem effectively. If you have any problems while registering or voting please contact your County Clerk's office first. If they are unable to resolve the problem, contact the Lieutenant Governor's office and then our office.

UTAH LIEUTENANT GOVERNOR: (800) 995-VOTE
www.elections.utah.gov/
ACLU OF UTAH: (801) 871-0329
www.acluutah.org/participatory-democracy
ACLU VOTING RIGHTS PROJECT (877) 523-2792
www.aclu.org/issues/voting-rights

ACLU of Utah Brings Class Action Lawsuit To Alleviate Utah's Indigent Defense Crisis



Above: Former Executive Director Karen McCreary and Legal Director John Mejia explain the indigent defense lawsuit to the press on June 21, 2016.

On June 21, 2016, the ACLU of Utah and co-counsel Holland & Hart, LLP, filed a class action lawsuit against the state of Utah for failing to meet its Sixth Amendment obligations under the U.S. Constitution.

The lawsuit, *Remick v. Utah*, filed in Utah's Third Judicial District Court, is brought by six individual plaintiffs, who seek to represent a class of individuals seeking declaratory relief. The named plaintiffs – who are facing charges in Tooele County, Carbon County and Cache County – were discovered through jail visits and courtroom observations throughout the state. Their experience with difficulties accessing counsel is representative of problems faced by indigent defendants statewide.

The ACLU of Utah has been engaged in advocacy related to Utah's failing indigent defense system since before 2011, when the organization released "Failing Gideon," a report that illustrated the many ways in which Utah is failing to fulfill the Sixth Amendment's guarantee of access to legal counsel. A report released in 2015 by the Sixth Amendment Center, a non-partisan research organization, confirmed the dismal findings in "Failing Gideon."

By some estimates, 80% of those facing criminal charges in Utah are unable to afford an attorney while also providing for their everyday living expenses. Under the Sixth Amendment, Utah has an obligation to ensure effective legal counsel to those individuals. Instead, the state has absconded its responsibility to the counties, currently providing no funds or assistance of any kind. In 2015 the ACLU of Utah launched our "YES

ON SIX" campaign to demand legislative action in 2016, with the goal of substantial state funding and oversight of county-led indigent defense systems.

The state has known about these persistent and egregious issues with its public defense system for years. And yet, the state has continued to abdicate its responsibilities in this area, offering neither funding nor oversight to assist counties and municipalities in the provision of defense to those who cannot afford a private attorney. The legislation passed during the 2016 legislative session that created an Indigent Defense Commission is too little, too late.

Find more about this case online at www.acluutah.org/legal-work



Navajo Voters Sue San Juan County Over Voting Policy



Navajo voters protest changes to voting policies in San Juan County in 2015.

The Lawyers' Committee for Civil Rights Under Law, DLA Piper, LLP, the national American Civil Liberties Union (ACLU) and the ACLU of Utah, filed suit against San Juan County, Utah on behalf of the Navajo Nation Human Rights Commission, and seven members of the Navajo Nation in February.

The lawsuit, *Navajo Nation Human Rights Commission v. San Juan County et al.*, was filed in the United States District Court for the District of Utah and alleges that San Juan County violates provisions of the Voting Rights Act of 1965 and the Fourteenth Amendment to the United States Constitution.

The case arises from the county's decision in 2014 to close all polling places on the Navajo Nation portion of San Juan County and switch to a mail-only voting system. The county is required to provide voting materials – including voting instructions and ballots – in both English and Navajo, a primarily unwritten language. Also, the postal system in rural parts of San Juan County, where many Navajo voters reside, is unreliable and not accessible, making it difficult for many Navajo voters to receive and return their ballots on time under a mail-in electoral system.

Since the lawsuit was filed, the county has announced its intentions to open three polling

locations and other access related measures on the Navajo Nation. These steps fall short of providing full relief, however, as problems remain concerning the length of time those polling locations are open, meaningful access for Navajo language speakers, and the polling locations that remain closed, among others.

"It is very unfortunate that we have to go through another round of lawsuits to protect Navajo people's voting rights in San Juan County," said Leonard Gorman, executive director for the Navajo Nation Human Rights Commission. "Many of my Navajo relatives cannot read, speak and/or write in the English language. For this reason, San Juan County is supposed to provide language assistance to Navajo voters that are non-English readers at the polling places."

"Utah can't properly honor the democratic process if the voices of Navajo voters are excluded from that process," said Leah Farrell, ACLU of Utah staff attorney. "We must make every effort, through the voting process and through all governmental outreach, to hear the voices of all the people who live in Utah."

Plaintiffs have filed and argued a Motion for Preliminary Injunction, asking for the Court to put in place changes and protections for the up-coming November election and are awaiting a ruling.

Find out more about this case at www.acluutah.org/legal-work

Remember That Prison Utah is Building?



The current Utah State Prison in Draper.

Yes, there IS going to be a new prison in Utah. That's (surprisingly) not necessarily bad news. But ONLY because we are talking about a new REPLACEMENT prison - and not a new ADDITIONAL prison.

State leaders must never forget that hundreds of people work and volunteer at the Utah State Prison, and thousands more actually LIVE there. These people – as well as their families, loved ones, and advocates – have concerns about their future quality of life. Even mundane conversations about mosquito abatement and soil quality are of pressing importance to those who will spend many – or all – of the hours in each day at the new facility.

While a new state information website falls short of providing needed information, the September 19 public meeting of the Prison Development Commission (PDC) was, by comparison, very informative. In less than 90 minutes, several of local advocates' pressing fears were assuaged (for the moment). Here are five of those fears, and a bit of the new information that assuaged them.

FEAR #1: The new prison isn't really going to happen. There is a persistent concern among those who work on behalf of inmates and advocate for their humane treatment that the prison relocation/development process will somehow fall apart. It would be a massive disappointment to see inmates end up living in the same old deplorable conditions at the current Utah State Prison after all of the talk of a new prison.

RELIEF: The new prison is happening. The design and planning process is proceeding full steam ahead. The various public servants involved seem committed to the idea that Utah will open this new correctional facility sometime between 2020 and 2021. We strongly recommend that the PDC meet at least quarterly to assure the public that this project is indeed progressing.

FEAR #2: The new prison design will be as bad, or worse, than what we have now. After all the promises of something new, innovative and more humane, what if the new correctional facility is just a nasty block of windowless solitary confinement cells, or a big warehouse with no recidivism-reducing programs?

RELIEF: GSBS Architects seem genuinely committed to something different and better. Their designs thus far spring from the concept of "normalization" – making life inside the facility as similar to life outside as possible to reduce recidivism and ease re-entry. GSBS Architects, along with Department of Corrections staff, have met with several prisoners' rights groups to collect feedback and develop this vision.

FEAR #3: Even if a great design is proposed, the state will run out of money, momentum or political will...and end up building something terrible (see above).

RELIEF: According to reports at the PDC meeting, there are no cash flow problems at this time. The project is operating, for the most part, within budget. The contractors are aware of budgetary constraints, and current design proposals appear to fall within those constraints.

FEAR #4: There will be endless delays, forcing current Utah State Prison inmates to languish in facilities that are in desperate need of improvement. Currently, USP prisoners – as well as visitors, volunteers and staff! – struggle with inadequate heating and cooling systems, extremely limited space for religious and educational programming, therapeutic areas that provide insufficient privacy, and other serious facility-related challenges.

RELIEF: Complicated land selection and parcel purchasing processes have shifted projections toward a 2021 deadline but that's not too much later than predicted. However, every delay in new prison construction means more days suffered in existing prison conditions for thousands of people. There should be some urgency here.

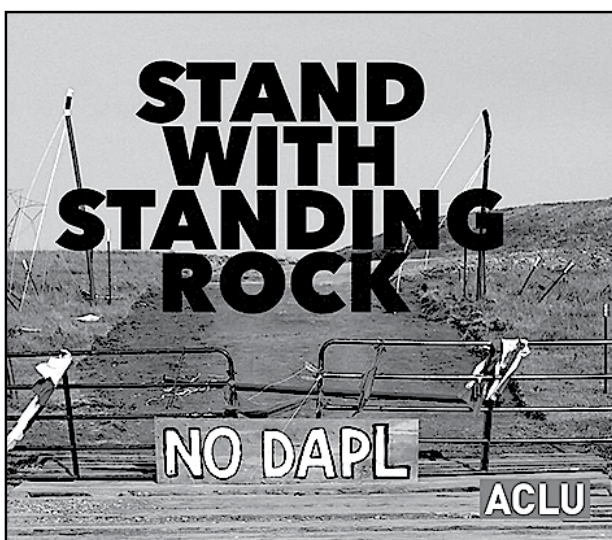
FEAR #5: Criminal justice reform efforts will stall, and Utah will continue this era of mass incarceration with an enormous new prison, full of beds we'll feel obligated to fill. The prison relocation was sold to the general public (and to advocacy groups) as part-and-parcel of a larger criminal justice effort. Our hope is that investing in a new, smaller prison will commit the state to ongoing reform efforts to keep the prison population down.

RELIEF: For the moment, the plan is still to design and build a correctional facility with slightly fewer than 4,000 beds. That is smaller – though not by much – than the current facility in Draper. The current plans do leave room for future expansion. However, based on comments made at the September 19th meeting, legislators on the Prison Development Commission seem committed to never having to conduct another site selection process for additional prisons. That may be where the political will for reform comes from in the end!

Find more about our criminal justice and prison reform work at www.acluutah.org/criminal-justice

ACLU of Utah Stands with Standing Rock Sioux

The ACLU of Utah has long been committed to supporting and defending the rights of indigenous people and communities.



Of particular importance to the ACLU of Utah is that all communities, especially those that have been long marginalized by the government, can freely and actively engage in the democratic process without government interference.

That is why we are working with Native American voters in San Juan County to protect Navajo access to the ballot box.

That is why we stood up for the right of indigenous people to advocate for, or against, a Bears Ears National Monument, free from government investigation and scrutiny.

And that is why we stand in solidarity with the Standing Rock Sioux tribe of North Dakota.

Police Video Footage Continued from page 1

The ACLU of Utah is committed to continuing its multi-faceted work on these issues. This includes on-going efforts with the Salt Lake City Police Department to improve law enforcement conduct directed toward, and in collaboration with, community members. We will also continue to push for state-level policy improvements that increase transparency, accountability and fairness in police practices throughout Utah.

Find out about this and other law enforcement issues at www.acluutah.org/police-practices

Special thanks to XMission for their generous donation of internet services



Protect Utahns' Private Property Continued from page 1

charging the property owners with a crime, it can lead to fraying of the relationship between communities and police.

Since the 2015 legislative session we have been working with other civil liberties proponents to reform Utah's loose asset forfeiture laws. For the first time, this year (thanks to past ACLU of Utah legislative work), Utah law enforcement agencies were required to report – incident by incident – whenever they seized a community member's property under current asset forfeiture laws. The information, compiled by the Commission on Criminal and Juvenile Justice, unfortunately confirms our suspicions about how asset forfeiture is actually being used in Utah - in contrast to the government's stated goals.

The Utah report shows that property seized by police in our state is typically:

- cash (86.4% of all seizures),
- small amounts (average amount of cash seized is \$1,324),
- related to an alleged drug offense (97.5% of forfeitures), and
- from an enforcement stop (only about one-third are the result of arrests, searches or other non-enforcement stop actions).

If we want to improve community trust in our police officers, we must reform how civil asset forfeiture is practiced in Utah.

The ACLU is not the only entity that finds this cycle of seizing and spending by affiliated government agencies troublesome. We are joined by...oh, most of the general public.

In 2000, Utah voters overwhelmingly passed a state ballot initiative called the Utah Property Protection Act (UPPA). This was even before asset forfeiture became a hot topic nationally, as law enforcement accountability and transparency have come to the fore!

Utah voters were clearly concerned with any government practice that could deprive community members of their property without appropriate due process, and voters didn't want law enforcement agencies using the assets they had seized for their own programs, or to close agency budget gaps. The perverse incentives were pretty clear to the average person on the street.

These concerns are why the UPPA prohibited the use of any funds from forfeiture by law enforcement. In fact, the UPPA mandated that all liquidated assets from forfeitures be given directly to the Utah Uniform School Fund. But

ever since the UPPA passed, law enforcement lobbyists have been chipping away at those important reforms.

To protect the reputation of our police officers and restore community trust in law enforcement, we believe it is time to restore and build upon the reforms in the UPPA. Police and prosecutors should not be able to seize and keep property from community members who are not convicted of a crime. Additionally, there must be uniform reporting for asset forfeitures (including the racial and demographic information of targeted property owners).

During the 2017 legislative session, the ACLU of Utah and its partners will make civil asset forfeiture reform a top policy priority - and we will need your help to realize this reform!

TAKE ACTION!

Send an email to your state legislator today from our action page at www.acluutah.org

Ask for substantive civil asset forfeiture reform in 2017!

In school, young people not only learn about their constitutional rights, but they also see firsthand how those rights may be affected by the actions of others. The ACLU of Utah is dedicated to protecting the constitutional rights of students and to helping students understand their rights in school.

Find out more at www.acluutah.org/student-rights

Get Involved!

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High School Seniors

Become an ACLU Youth Activist Scholar and Receive Financial Aid for College!

The ACLU of Utah is offering two **\$1,500** scholarships to high school seniors who have taken a stand to protect civil liberties!

If you have stood up for:

- EQUALITY
- RACIAL JUSTICE
- FREE SPEECH
- RELIGIOUS FREEDOM
- TOLERANCE
- PRIVACY

We want to hear from you!

ACLU
AMERICAN CIVIL LIBERTIES UNION of UTAH

Look for more details and download an application form on our website www.acluutah.org or call 801-521-9862 ext 101
Deadline for applications is MONDAY, JANUARY 23, 2017



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ACLU Membership Meeting & Reception

2016 Election Results: What it means for Utah and the future of civil liberties

Thursday, November 10, 2016 5:00 - 7:30 p.m.

Wasatch Retreat and Conference Center: 75 South 200 East, Salt Lake City

Join us for our ACLU of Utah membership reception & meeting featuring keynote speaker Professor Tim Chambless on the 2016 Election Results: What it means for Utah and the future of civil liberties.

This is an exclusive free event for ACLU of Utah members. RSVP is required.

5:00 - 5:45 Registration and reception

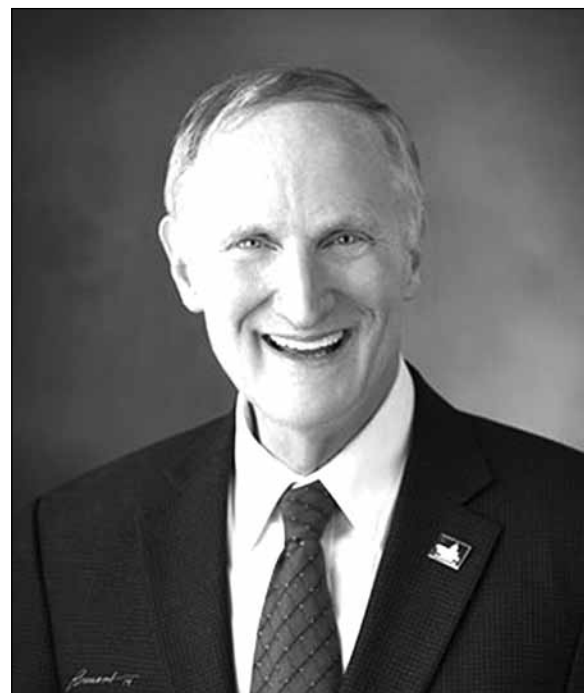
Enjoy snacks and drinks as you chat with ACLU of Utah staff, Board Members, and other like-minded civil libertarians.

5:45 - 6:30 Membership meeting

Short presentations on the financial, organizational and programmatic health of the ACLU of Utah, including a rundown of our current campaigns and exciting recent victories!

6:30 - 7:30 Keynote speaker

Professor Tim Chambless, 2016 Election Results: what it means for Utah and the future of civil liberties. Tim Chambless is an Associate Professor in the Political Science Department of the University of Utah. He teaches American National Government, Political Parties, Constitutional Law, Law and Politics, Mass Communication Law, and Controversial Legal Issues/Post 9/11 Terrorism, and an annual one-week seminar in Washington, D.C. Prior to joining the University of Utah's Political Science Department, Tim worked for Salt Lake City Mayor Ted Wilson and Utah Governor Scott Matheson.



ACLU ELECTION 2016

You can become a member or renew your membership online or at the door the evening of the event. RSVP online at www.acluutah.org, by email to aclu@acluutah.org, or call 801-521-9862 ext. 101.

We can't wait to see you at this special event!