



Liberty Reporter

Spring 2016

Newsletter of the American Civil Liberties Union of Utah

WHEN POLICE SHOOT COMMUNITY MEMBERS: "SOMETHING HAS TO CHANGE!"

So far, 2016 has already seen several violent interactions between Utah law enforcement and the community. Two high-profile shootings have occurred in Salt Lake City alone since January (among others that have attracted less attention statewide): Palema Lautaimi, a 28-year-old Polynesian man from the west side of Salt Lake City, and Abdi Mohamed, a 17-year-old Kenyan refugee who has lived in Utah since arriving as a child ten years ago.

In Utah, as with elsewhere in the nation, shootings of community members by police have been subjected to increasing public scrutiny. The ACLU of Utah has closely tracked this phenomenon, as it is directly related to core civil liberties issues including police militarization, racial bias, transparency and accountability. Recently, we have become more closely engaged with family members of individuals shot by police and with on-the-ground community activists who share our concerns regarding law enforcement's use of force.

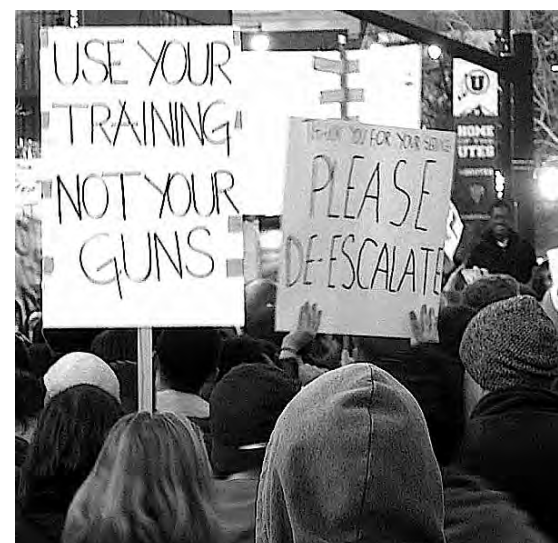
Last summer, ACLU of Utah staff members began working with local activists and advocacy groups - including Cop Watch SLC, the United Front and Utahns for Peaceful Resolution - to make positive change at both the local and state levels. As part of this ad-hoc coalition for police reform, the ACLU of Utah has been pushing for specific policy changes that we believe will result

in greater public safety, more respect for individual rights, and increasingly positive relationships between law enforcement and community members.

During the legislative session (see "ON THE HILL", page 4"), the ACLU of Utah engaged these community activists in lobbying for body camera guidelines that enhance police accountability while protecting both community members' privacy and media access. Coalition members testified about the importance of listening to those who experience law enforcement's excessive use of force - and the families of those who are killed by law enforcement - when crafting such guidelines. We supported these grassroots activists in closely tracking important legislation to reform Utah's civil asset forfeiture practices and improve "use of force" training for all Utah police officers, and kept them informed of opportunities to speak to their legislators about desired policy changes.

At the local level, our staff supported community advocates' involvement in city-convened discussions in the aftermath of the shooting of Abdi Mohamed, providing valuable policy research and legal insights to empower community participation. After the shootings of Abdi Mohamed and Palema Lautaimi, ACLU of Utah staff were in contact with family members concerned about the shooting victims' welfare. In the days following their shootings, we

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Community members gather on February 29, to protest the shooting of Abdi Mohamed.

ACLU of Utah Executive Director to Retire in 2016



Karen McCreary speaks at a rally celebrating marriage equality.

Earlier this year Karen McCreary announced that she will retire in the summer of 2016. Since becoming the organization's head in 2006, Karen has more than doubled the staff, overseen impressive fundraising growth, extended the ACLU of Utah's presence

statewide, built a vigorous legal program, and greatly expanded the ACLU of Utah's influential participation at the Utah Legislature.

Under Karen's leadership, the ACLU of Utah championed a successful legal challenge to Utah's Arizona-style anti-immigration law HB497, helped pass Utah's LGBT non-discrimination act and successfully challenged governmental impediments to full marriage equality. The ACLU also played a critical role in Utah's sweeping criminal justice reform efforts and built grassroots community coalitions to advocate for racial justice throughout the state.

A search committee of current and previous Board members is accepting applications to fill the position. The next Executive Director will take over a healthy and dynamic organization that will continue to protect civil liberties and equality for all people living and visiting Utah.

More information about the position and application process can be found on our website at www.acluutah.org.

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The President's Corner



Michael Weinholtz, President

Dear ACLU of Utah supporters:

Greetings! My name is Michael Weinholtz and I am honored to serve as the board president of the ACLU of Utah. I assumed this role in January, after serving on the board of directors for two years. I am the former CEO and current Chairman of CHG Healthcare Services. CHG is the largest physician-staffing company in the United States, but is equally known as a business that focuses on making a positive difference in the world through community service, medical missions, and philanthropy. My family and I moved to Salt Lake City for this business opportunity with CHG nearly 20 years ago; and we have fondly called Utah home ever since. My wife, Donna, and I are long-time members of the ACLU and committed advocates for civil rights and liberties.

As someone who has led teams and organizations for over 30 years, I have been extremely impressed and inspired by the job that Karen McCreary, our executive director,

has done in building an outstanding staff and affiliate. Over the last ten years, Karen has raised the profile of the ACLU of Utah with her tireless efforts to build community partnerships and aggressively defend civil liberties. Not only has the ACLU of Utah had numerous landmark victories under Karen's leadership, it has also become one of the most respected community organizations in our state.

As you now know, Karen will be retiring later this summer. While she will leave very big shoes to fill, the strength of the affiliate she leaves behind will ensure its sustainability. The strong board of directors she attracted, the outstanding staff she assembled, and the wide-ranging community partnerships she developed will be key in continuing Karen's remarkable legacy. These things will also be helpful in attracting an extraordinary individual to be our next executive director, as any executive would be privileged to step into a leadership role with such a well-run, highly-regarded, successful organization. Please know that our outstanding board of directors and E.D. search committee are dedicated to finding the best executive director to lead us forward into the future. Our next E.D. will benefit greatly from the strong foundation that Karen and her excellent staff have established. We will keep you updated on our search, but for now, I can only thank Karen for the nine years she has spent making the world a better place with her passionate commitment to civil liberties and community building. Karen -- thank you for your friendship, your leadership, and your inspiring example. We will miss you, but your legacy and the positive impact you have had on so many people will live on!

Fighting for You: the 2016 Board of Directors



Rear: Cathleen Power, Barry Gomberg, Rachel Heller, Michael Weinholtz, Danielle Hawkes. Front: Bill Orchow, Heidi Chamorro, Erin Castro, Forrest Crawford, Marian Edmonds-Allen, Russell Fericks, Clemens Landau, and Karen McCreary. Not pictured: Chase Clyde, Gina Cornia, Roderic Land.



LAST CHANCE:

Legacy Challenge ends June 30th

By leaving a legacy gift in your will today, **AN IMMEDIATE CASH GIFT** is given to the ACLU.

Through the Legacy Challenge, your future plans

can qualify the ACLU to receive a 20% cash matching donation today from our generous challenge donor. For simple bequest language to include in your will and for information on other gifts that qualify for the Legacy Challenge, visit www.aclu.org/legacy or call toll-free 877-867-1025. **Thanks for making us even more effective – today and tomorrow!**

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 principals 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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The Director's Chair



Karen McCreary, Executive Director

As we move into spring, we have begun a time of transition at the ACLU of Utah. I will be retiring this summer in order to have more time with my family. The board has begun the search process for a new Executive Director. This transition occurs at a time when we are a vibrant and effective organization with a strong board and a talented staff. We have a terrific group of members, supporters and community partners across our state. The ACLU of Utah is on solid footing for the future. It's a reminder that the good work we are able to do is a result of the efforts of many.

I've felt deeply privileged to work with the ACLU both here in Utah and across the country. I have been encouraged and inspired by the depth of thoughtfulness, knowledge and strategic thinking that characterizes the ACLU. The ACLU builds upon nearly 60 years of courageous and ambitious work in Utah and nearly 100 years nationally as it continues to serve as the "Guardian of Liberty". Each of you is an essential component in keeping us a vital and strong organization. Thank you for your passionate support and engagement. Because of your commitment, I'm confident that the ACLU will continue to thrive.

I've learned from so many of you who have engaged with us in our efforts to bring about transformative changes in criminal justice reform indigent defense system, immigrant rights, racial justice, LGBT equality and women's rights. I've become more aware of the ways in which so many civil liberties issues intersect with one another and that the impact of injustices are experienced and understood differently due to circumstances such as race, poverty, social class and gender.

We live in times when much of our national discourse gains its traction from its language of divisiveness and fear. The concerns for the viability of our democracy and for the well being of our planet are real; the immense crises facing our world at this time can feel overwhelming. And yet I've learned that each of us can move forward in ways that provide more space for productive conversations, for deeper listening, for working together to address injustices. As we do, we lose our sense of despair and paralysis. We instead become participants in creating a better world with a quality of hope that arises from living lives built upon commitments to justice, equity and fairness for others.

As you'll see in this newsletter, the ACLU of Utah works tirelessly through our legislative, legal and public policy work to protect and defend civil liberties in our state. We're excited and passionate about our work and the opportunities to shape the future here in Utah.

Please join us on May 20th at 7:45 am for our annual Bill of Rights Breakfast at Utah Cultural Celebration Center in West Valley City (see the back page for details.) Our theme, "Together We Stand," is an empowering beacon lighting the way forward.

2016 Youth Activist Scholarship Winners!

Amy Damian Ramirez and Alessandra Miranda were selected by a committee of educators and community leaders, from many outstanding applications submitted by graduating high school seniors across the state. They will each receive a \$1,500 scholarship to be used toward their first year of college and will be honored, along with other Utah civil liberties heroes, at the Bill of Rights Breakfast Celebration on May 20, 2016.



Amy Damian Ramirez, Academy for Math Engineering and Science

Amy has been a volunteer for Comunidades Unidas (CU) for four years after graduating from their Leadership Training program in 2012. During this time, she has been engaged in, and facilitated, many community projects. In 2013 Amy helped implement the Children's Environment Health and Environmental Justice project and was recognized as CU's Outstanding Youth Volunteer of the Year. Part of her work, during this time, was organizing and

conducting surveys of Glendale and Popular Grove residents to identify the issues and concerns that they faced in their neighborhoods. Amy then took a leadership role in the CU campaign "Despierta!" or "Awaken!" to inform Latino workers of their rights. This project included organizing workshops for over 3,000 community members; hosted by the Mexican and Peruvian consulates, churches and schools. Amy joined the Mestizo Art & Activism program as a senior in high school, organizing forums and discussions for high school students on social justice issues including: immigration, LGBTQ rights, and legal access to abortion. Now that she is graduating high school, Amy plans to continue her involvement as a mentor for younger students and to further her social justice activism in college.



Alessandra Miranda, Rowland Hall

As an African American and Latina youth, Alessandra has been an advocate for empowering young women through increasing educational opportunities, especially in sexual and emotional health. She joined Planned Parenthood's Teen Council during her junior year of high school and, as a Peer Health Educator, began teaching sexual education classes to middle and high school students in her community. In these classes she led discussions on topics such as contraception, STDs, and the important issue of sexual consent as well as the legal rights of those who have

suffered sexual assault. Alessandra has lobbied courageously at the Utah State Capitol on behalf sexual assault victims and for increased sexual health curriculum in schools. She was chosen to represent the Teen Council with a speech outlining its crucial work before a crowd of 3,000 during a recent rally to support Planned Parenthood. Alessandra has also been an active member of her school's Inclusion and Equity Committee, constantly striving to make her school and community more inclusive for all. Alessandra plans to continue advocating for women's rights, comprehensive health and sexual education, and equality for all as a college student.

"Something Has To Change," continued from page 1

worked with local officials to ensure that the families of Abdi and Palema were allowed to see their loved ones in the hospital.

In the days immediately following Abdi's shooting, the ACLU of Utah called for a full and prompt investigation of the tragedy - and asked that city leaders treat the Mohamed family with respect while the young man healed. We also challenged media characterizations of "rioting" at the scene of Abdi's shooting, encouraging officials to understand and respect community outcry following these frightening and frustrating events.

More information about our work on police practices can be found at www.acluutah.org/policy-practices.



Community members gather on February 29, to protest the shooting of Abdi Mohamed.

ON THE HILL: Lobbying For Liberty in 2016!



From the top left clockwise: Marina Lowe testifies in support of HB 172 Public Assistance Benefits Amendments; a coalition of community organizations prepare to lobby in support of eliminating life without parole for juveniles; a free speech activist at the Capitol; supporters of medical marijuana prepare for a committee hearing.

The Utah legislature wrapped up 45 days of fast-paced lawmaking, and the ACLU of Utah was there for it all. We tracked over 65 bills, defeated and/or neutralized many, and thankfully worked to pass legislation enhancing civil liberties as well. With serious consideration being given to issues such as repealing the death penalty, and legalizing medical marijuana, it's clear that we are moving the needle here in Utah, and that is cause for celebration!

CRIMINAL JUSTICE

Criminal justice issues were front and center in the 2016 session, with some major ACLU priorities getting significant consideration. For example, **SB 189 Death Penalty Amendments**, would have prospectively repealed the death penalty in Utah. The bill made it just one vote shy of passage on the final night of the legislature. For this bill to have made such progress in a state that in 2015 enacted legislation permitting use of the firing squad, is a huge victory, and gives us hope for success in the 2017 legislative session.

The ACLU, along with many coalition partners, successfully supported the passing of **HB 405 Juvenile Sentencing Amendments**, to do away with life without the possibility of parole as a potential sentence for juvenile offenders. This bill is consistent with recent U.S. Supreme Court decisions, as well as the philosophy behind the recent criminal justice reforms enacted by the state of Utah.

We maintained efforts to reform our criminal justice system in Utah by supporting **SB 187 Reclassification of Misdemeanors**, which passed and reduces a list of misdemeanors to infractions. The practical effect of this legislation is that many misdemeanors which carried a sentence of possible jail time are now considered infractions, which can only be punished by fines.

We spoke in favor of **HB 388 State Job Applications Process**, the so called "ban the box" legislation. This bill would mean that state employers could no longer ask about a criminal record on an initial job application. We know that barriers to employment for those coming out of the criminal justice system is a real problem and one that contributes to recidivism. This bill would have

created greater opportunities for people to find employment regardless of prior criminal activity. Unfortunately, the bill did not make it all the way through the legislative process, but it was generally well received and hopefully will fare better in 2017.

We supported the effort to legalize medical marijuana by way of **SB 73 Medical Cannabis Act**. The ACLU believes that nobody should go to jail or prison for using marijuana, especially not those who are using it to treat the symptoms of very serious chronic illnesses. This bill was substantially watered down during the session, and ultimately failed to make it through both legislative bodies. It was however, a serious enough effort that opponents developed a competing bill, **SB 89 Cannabis-based Medicine Amendments**. We did not support SB 89 because it would not have provided meaningful access to medicine for patients. While in the end neither bill was enacted, the fact that this topic made such amazing progress in our legislature is a clear sign that this issue is not likely to go away!

Another huge ACLU priority is the reformation of our system of public defense. For years, the ACLU has been dedicated to bringing attention to our constitutionally failing system. After the release of a damning report by the 6th Amendment Center in late 2015, we expected major legislative changes. Our expectations were not entirely realized, however. We actively tracked the successful progress of **SB 155 Indigent Defense Commission**, which creates an advisory commission with the goal of eventually setting standards for the provision of indigent defense in our state, accompanied by an insufficient amount of funding. Unfortunately, the bill does nothing for those in our criminal justice system whose 6th Amendment rights are being violated today.

LAW ENFORCEMENT

Policing issues continue to be a focus, both for the ACLU of Utah and the Utah legislature. After years of work with various stakeholders, the ACLU supported **HB 300 Body-worn Cameras for Law Enforcement Officers**, a bill that creates statewide standards for the use of body cameras by law enforcement officers. The bill also establishes when body camera footage may be released to the public and the media. The bill goes a long way toward striking an appropriate balance between protecting privacy and promoting officer accountability. HB 300 passed with near unanimous support.

The ACLU also partnered with law enforcement to pass legislation targeting the school to prison pipeline. Racially Just Utah and the ACLU of Utah worked closely with legislators to draft **HB 460 School Resource Officers and School Administrators Training and Agreement**, which requires better training and contracting for police officers who work in our schools. HB 460, which passed, received broad support from community activists, education leaders and law enforcement. This bill will result in state-wide, consistent efforts to train police officers who work in Utah schools.

EQUAL TREATMENT

The ACLU always lobbies for equality and this year was no exception! We joined with the newly formed Utah Women's Coalition to run a trio of bills to promote and advance the rights of Utah women. Of these, **SB 59 Antidiscrimination and Workplace Accommodations Revisions**, was enacted into law. SB 59 requires employers to provide reasonable accommodations for pregnant and nursing employees. This bill will ensure that Utah women are not forced to choose between a job and having a family.

On a more negative note, two harmful bills were introduced this session with the aim of restricting reproductive rights. **SB 234 Protecting Unborn Children Amendments**, passed and will require the use of fetal anesthetic for a pregnancy terminated after 20 weeks. We are deeply concerned about the burden this new requirement is likely to pose for Utah women.

HB 442 Abortion Amendments, was also introduced and would have banned all non-surgical abortions in the state. In practice, this would essentially ban any abortion after 9 weeks. Thankfully, the bill did not even get a legislative hearing, and therefore did not advance.

We were very disappointed to see the Legislature fail to advance **SB 107 Hate Crimes Amendments**, and the accompanying **SJR 13 Joint Resolution Amending Rules of Evidence**, which would have provided meaningful tools for prosecutors to protect Utahns from hate crimes. The bills enjoyed wide support; ranging from religious and community groups to law enforcement and government officials. We expect this legislation to be reintroduced in the 2017 legislative session.

All good things must come to an end, and this is true for the Utah Legislature! But the ACLU of Utah will be working over the next several months to prepare our agenda for the 2017 session. Stay tuned!

UTAH LEGISLATURE SAYS “MEH” ON SIX

When the Sixth Amendment Center (6AC) issued its report last fall on the very sorry nature of Utah’s public defender system (corroborating the ACLU of Utah’s report from four years earlier), we thought that maybe, finally, this would do the trick.

“Each and every day, Utahns are being denied their right to legal counsel in justice and district courts throughout our state,” we exclaimed last Fall, flipping through the dismal report. “How could the state of Utah NOT take decisive action, immediately, to change this?”

We don’t know the answer to that question. But we now know that the state certainly can – and did – refrain from taking immediate, decisive action in the face of overwhelming evidence of Utah’s public defense crisis.

After years of study and plenty of evidence that Utah’s public defense system is failing on every standard measure of constitutional adequacy, the only relevant bill introduced during the 2016 legislative session was SB155, “Indigent Defense,” sponsored by Senator Todd Weiler (R-Woods Cross). This legislation creates a statewide indigent defense commission, which is empowered to...study the problem more, devise non-binding standards for the counties, and (eventually) provide small grants if counties apply.

Undoubtedly, some form of a statewide system, such as a commission or an office, will be an important part of any long-term solution to Utah’s public defense crisis. But legislation that creates an advisory commission, with crucial details to be worked out later? That response is simply not proportionate to the scale of the problem.

At the bare minimum, in the aftermath of the 6AC’s report, the state should have immediately established enforceable guidelines for counties; setting out the requirements of a constitutionally-acceptable system – and providing significant funding and technical assistance (to the tune of tens of millions of dollars) to meet those guidelines. SB155 met neither of those marks.

Senator Weiler deserves credit for sponsoring the bill at all, and for his eloquent characterization of the problems with Utah’s indigent defense system. It could be that, reading the political tea leaves, Senator Weiler concluded that the state lacks the willingness to invest the considerable amount of money needed to alleviate our crisis. We’ve come to a similar conclusion. In many of our discussions about Utah’s public defense issues, policymakers and administrators were unable or unwilling to see that it’s not just abstract constitutional principles that our system is failing, but actual people and families in Utah.

Maybe the political leaders who recognized the problem were nonetheless content to take what they could get. But we are unwilling to do so, because Utah deserves better. Our failing system is actually costing millions of dollars every year already. It is impacting the lives of vulnerable people who are not able to find justice in our courts when charged with crimes

because the state routinely denies them counsel, either by actually not providing a lawyer or by maintaining a system so adverse to public defenders that they cannot do their jobs properly.

For these reasons, when people ask the ACLU of Utah whether SB155 will avert a lawsuit

against the state of Utah, we continue to reply: “Every option is still on the table.” This legislation does not commit the state of Utah to invest the amount of money, attention and energy needed to resolve this crisis. It’s very likely that judicial relief will be necessary for the Sixth Amendment to become a reality for people living in our state.



Sue McAley moved to Utah to be closer to nature while recovering from breast cancer. She also suffered from anxiety attacks and PTSD, in response to traumas in her recent past – including an addiction to painkillers, which she had finally kicked.

In July 2014, Sue walked out of an Iron County store with a \$1.45 item in her pocket, for which she forgot to pay. She was arrested for retail theft, a Class B Misdemeanor, punishable by up to six months in jail or a fine of up to \$1,000.

Sue went to Iron County Justice Court a month later, hoping to fight the charge. Unemployed at the time (she had filed for disability because of her mental health issues), she was found to be indigent and was assigned a public defender.

“I told the public defender I wanted to fight. My medication had just been changed, that was why I had been so spacey. The lawyer said, ‘they don’t care about that...they just want your money.’ I didn’t want to plead, I didn’t want a theft on my record. But he said, ‘No, we just need to plead.’ I just wanted to get out of there, so I agreed to do it.”

The judge sentenced Sue to six months in jail, but agreed to suspend the sentence if she would pay a fine of \$680. She told her public defender that she didn’t have a job, that she couldn’t pay a fine like that. He assured her that she would be able to “pay what you can, a little here and there.” Sue asked to perform community service instead. The judge told her, “We don’t do that here.”

Already struggling to make ends meet, Sue began to teach martial arts and do odd jobs so she could pay her fine. But she also needed to pay for therapy and medication.

Six months later, a warrant was issued for Sue’s arrest. She had failed to “comply with the court’s order” – that is, she hadn’t kept

up with her \$25-a-month payment schedule. Because Sue was arrested on a Friday, she had to spend the weekend in jail until she could be brought before the judge on Monday. She could leave the jail, they told her, if she just paid the fine in its entirety.

When she finally appeared before the judge, Sue again explained her financial situation, saying “I can’t pay this fine.”

Sue did not have an attorney with her. Nobody advised her or argued on her behalf. She was alone before the judge, in the custody of the jail. The judge ordered her to begin making payments on her fine. He did not give her credit toward the fine for the weekend she had spent in jail.

Sue made payments, when she could, but once again was not able to keep up with the payments. Each time she went to pay down her fine, she pleaded to no avail for the opportunity to do community service instead. In July 2015, the court reviewed her case again and determined she “had not complied with the terms of probation.”

Again, Sue did not have an attorney with her in court. Nobody argued on her behalf. She tried to give the judge a letter from her therapist, who described Sue’s mental health challenges and progress. The judge refused the letter. He simply turned the case over to the Office of State Debt Collection (OSDC).

Last October, Sue received a letter from OSDC in response to her plea for a negotiation. The letter informed her that she now owed \$861 – her original fine, plus collection fees and “Court-Ordered Post Judgment Interest.” No negotiation was offered.

Sue continues to struggle with the debt, and has lost hope of finding resolution. **“Some days,” she says, “I think I would have better luck negotiating peace in the Middle East.”**

Why Race Matters: An Interview with Nubia Peña

Nubia Peña is Program Coordinator for Racially Just Utah.

Nubia will graduate from S.J. Quinney College of Law at the University of Utah in May 2016. She is also the founder and president of the Social Justice Student Initiative at the College of Law.

Formed from a series of discussions on racial issues, Racially Just Utah (RJU) has developed into a racially and ethnically diverse coalition with a mission to positively and proactively ensure racial equity in Utah. RJU is composed of organizations, service providers, students, parents, educators, attorneys, advocates, activists, and concerned community members. ACLU of Utah is proud to be a founding and supporting member.

Can you highlight what RJU accomplished in the past year?

RJU partnered with the ACLU and Salt Lake Peer Court during the National Week of Action Against School Push-Out where we hosted a school-to-prison pipeline (STPP) awareness event for youth, educators, and parents. We also partnered to coordinate the 2nd Annual Youth Activism Leadership Conference where teens ages 12-18 attended workshops facilitated by longstanding and new upcoming leaders in our community.

RJU hosted our first annual "Breaking The Pipeline" Symposium at the S.J. Quinney College of Law. The event engaged over 125 educators, administrators, judges, school resource officers, undergraduate students, and parents to understand and rethink their role in discipline.

Most recently, RJU advanced legislation that targeted the STPP through mandated training for School Resource Officers and administrators. The multi-disciplinary legislative group of advocates included the ACLU of Utah, RJU, law enforcement, researchers, Utah State Office of Education, and community members. We received so much opposition when the bill was initially introduced, but gratefully, through several meetings with stakeholders and revisions, the STPP bill passed.

What other work you do in Utah? What are you passionate about?

Beyond bringing awareness to racial and systemic oppression, I have been involved in the anti-violence movement for close to a decade. I worked as a victim advocate for law enforcement and assisted survivors of domestic violence, sexual abuse, human trafficking and exploitation, and violent crimes.

I am most passionate about working with incarcerated young women, specifically young women of color who are disproportionately disciplined and adjudicated than their white peers. After being involved in the justice system, these young women are often given

limiting damaging labels such as: criminal, delinquent, unruly, angry, and are considered unapproachable or difficult.

These labels fail to consider the significant amount of trauma these girls have been exposed to and fail to ask the right questions, which can uncover the root of the anger and misbehavior to appropriately respond with treatment instead of incarceration.

We need to advocate for reform in the way we engage with youth, particularly young women with trauma, who need a community to rally behind them, encouraging them and advocating fiercely for them. This would allow youth to believe that they are not broken and disposable but that they can heal and thrive without engaging in destructive behavior.

What inspires you to do social justice work?

Very early in my career as an advocate I realized that issues relating to disenfranchised populations would often fall to the wayside if someone was not readily advocating on their behalf.

I pursued a legal career as the natural extension of my activism so that I could use my degree to give voice to those who had been silenced and invisible. My own narrative as an immigrant to this country framed my perception of invisibility and vulnerability. I am driven by the fact that if I open doors that have historically been closed for people of color, women, and marginalized communities, then I can hold that door open for the next generation of advocates that follow.

Why is it important to do social justice, particularly racial justice, work in Utah?

Living in a predominantly white community like Utah requires activism around racial justice because the unique barriers and issues faced by people of color are often times not considered, represented or discussed when policy and practices are created. We must advocate for visibility and equitable distribution



“I am driven by the fact that if I open doors that have historically been closed for people of color, women, and marginalized communities, then I can hold that door open for the next generation of advocates that follow. “

of resources and power, which implicitly involves fighting to end racism and systemic oppression.

What advice do you have for young people who are interested in becoming leaders in their communities?

- I encourage youth to first get involved to know what inspires them, moves them to action, and speaks to their activist heart.
- I urge them to take classes or participate in forums that challenge their notions of humanity, rights, freedom, liberties, and privilege so that they engage with their larger community in a more conscious manner.
- Then I suggest that they define for themselves what a leader is and take time to self-reflect what type of leader they want to become.
- They should consider if they are prepared to stand with conviction in defending what they believe is just and true.

If they begin to build their networks now and create partnerships on the frontlines, the work becomes bearable and through collective voice, change can be demanded and obtained.



GET INVOLVED WITH RACIAL JUSTICE!

Racially Just Utah's 2016 priorities include: Raising awareness and addressing the school-to-prison pipeline through policy and legislative reform; Empowering parents and youth to know their rights regarding school discipline; Advocating for reform in police practices as it relates to law enforcement interactions and race relations; Building bridges with local police departments in order to promote community healing; Engaging in and promoting community discussions on race, ethnicity, and cultural identity.

RJU is always looking for people who want to take the lead and bring awareness about racial justice issues in their communities. There are monthly public meetings near downtown Salt Lake City, an email listserv with over 170 racial justice activists, a dynamic Facebook page, and a brand new website!

For more information about how you can be involved in working for racial justice, visit www.raciallyjustutah.org

San Juan County Voting System Challenged

On February 25, the ACLU of Utah, as co-counsel with the Lawyers' Committee for Civil Rights Under Law, DLA Piper, LLP, and the ACLU Voting Rights Project, filed a federal lawsuit challenging San Juan County's mail-only voting system on behalf of the Navajo Nation Human Rights Commission and several individual plaintiffs. The suit contends that a mail-only system adversely impacts Navajo voters.

The case arises from the County's decision in 2014 to close all polling places and switch to a mail-only voting system. The County is covered by Section 203 of the Voting Rights Act and is required to provide all voting materials – including voting instructions and ballots – in both English and Navajo. Because Navajo is an unwritten language, the suit contends that the County's mail-only ballot system conflicts with the County's Section 203 obligations.

Moreover, 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-only electoral system. Although the



County is approximately half white and half Navajo, the only way a voter can vote in-person under the voting process put in place in 2014 is to travel to the County Clerk's office in the county seat of Monticello, which is 84 percent white. The mail-only system requires Navajo residents to travel, on average, more than twice as long as white residents to reach Monticello to vote in-person.

"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, on the day the suit was filed. "My office repeatedly requested that San Juan County rescind mail-in ballot elections in the near future. I have been met with

silence, other than the mail-in ballot will not be lifted for now. 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. With the all mail-in ballot elections, my grandmothers and grandfathers are especially left to cast ballots they cannot read, if they receive a ballot in the mail."

Voting is the cornerstone of democracy. It is the fundamental right upon which all of our civil liberties rest. The ACLU of Utah works to protect and expand our freedom to vote.

You can find out more about this case at www.acluutah.org/participatory-democracy

VICTORY! Salt Lake City Police and School District Settle Suit Over "Gang Operation" By Agreeing To Changes



Plaintiffs Kaleb Winston and Yesenia Arcia (center) join the ACLU of Utah legal team in celebrating this victory.

The Salt Lake City Police Department and the Salt Lake City School District have agreed to make broad and meaningful changes in how they treat students of color and engage in school disciplinary issues under the settlement with the ACLU of Utah and the ACLU Racial Justice Project announced on February 26, 2016.

The agreements stem from a federal lawsuit filed by the ACLU on behalf of students at West High School who were caught up in a late 2010 "gang operation" carried out by various local police departments on school grounds during the school day. During the "gang operation," all of the students detained and documented were of Latino, African-American, or Pacific Island descent, even though students of color comprised just half the student body. They were rounded up, questioned, searched, and photographed holding signs describing

alleged gang affiliation. Their information was then documented and entered into a police database, potentially subjecting them to future unwarranted police scrutiny.

As part of settlement, the city and school district have pledged that:

- Salt Lake City police will not conduct any operations like the 2010 gang enforcement operation.
- Officers will not photograph students holding whiteboards identifying alleged gang affiliation.
- Police will not use race, color, ethnicity, or national origin in exercising discretion to conduct a stop or search of a student.
- Police will expunge records labeling plaintiffs as identified or suspected gang members or associates created during the 2010 "gang operation."
- School administrators will only request

the involvement of police officers when there is a serious and immediate threat to physical safety or to address criminal conduct of a non-student.

- Police will no longer arrest students for behavior like profanity or arguing; such instances will instead be handled administratively by school officials.
- School resource officers will receive annual in-person training that covers implicit bias, how to engage with youth, and more.
- School district employees will receive training on the appropriate role of police, adolescent development, cultural competency, conflict resolution and de-escalation.
- The school district will amend its policies regarding prohibited gang-related activity to provide clear notice to students and parents, and it will publicly post data on police arrests in school twice a year on its website.
- The school district and the police will establish an oversight committee that will review school-based arrests and other police interventions at least twice a year, meet with community stakeholders, and consider any concerns raised by community members.

It is exciting and encouraging to see Salt Lake City police and the school district commit to policies that advance the common goal of eliminating the school-to-prison pipeline, where students get funneled out of the school system and into the criminal justice system.

More information about this case can be found at www.acluutah.org/legal-work/resolved-cases



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2016 Bill of Rights Breakfast Celebration

Friday, May 20 • Utah Cultural Celebration Center • West Valley City

Breakfast & Socializing: 7:45am • Program: 8:30 - 9:30am



Join us as we celebrate the incredible community of advocates, allies and supporters who stand together to protect and defend civil liberties in Utah!

OUR BREAKFAST CELEBRATION IS FREE

(and so are the Mimosas and Bloody Marys!)

The beautiful new location at 1355 West 3100 South, West Valley City, is right off of I-15!

RSVP BY MAY 6

This year's speakers and awardees include:

Mickey Duncan Award - for excellence in civil liberties legal advocacy:

Aaron Tarin

Aaron is the son of Mexican immigrants and is a passionate Utah attorney who is acknowledged by his colleagues as one of the leading lawyers in the complex legal world that arises when immigration and criminal laws collide.

Torch of Freedom Award - for advancing civil liberties:

Senator Stephen Urquhart

Senator Urquhart (R) has represented the 29th Senate district in Washington County since 2009. Sen. Urquhart has been a strong partner with the ACLU of Utah on several important pieces of legislation focused on increasing anti-discrimination protections for the LGBTQ community in employment & housing; repealing the death penalty; and strengthening Utah's hate crimes laws.

Keynote Speakers: Kaleb, Kevin & Lisa Winston (Plaintiffs in *Winston V. SLCPD*)

Kaleb and his courageous family sued the Salt Lake City Police, Salt Lake City School District and West Valley City Police department, over a 2010 gang sweep at West High School.

The lawsuit was recently settled and the law enforcement agencies and school district have agreed to make broad and meaningful changes in how they treat students of color and engage in school disciplinary issues.

Youth Activist Scholarship Awards: Amy Damian Ramirez and Alessandra Miranda

Amy and Alessandra were chosen for their strong commitment to protecting and enhancing civil liberties in their schools and communities through their work for educational equity, comprehensive sexual health curriculum, immigrant rights and social justice.

If you would like to be a SPONSOR or a TABLE CAPTAIN, or to RSVP, please contact Rose Maizner at rmaizner@acluutah.org.

More details can be found at www.acluutah.org