

## **ACLU sues Utah jail over policy on immigrants**

*Move brought on behalf of student who was held 39 days while waiting on ICE.*

By David Montero

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A civil rights group filed a federal lawsuit Friday alleging that the Salt Lake County Jail unlawfully held an alleged undocumented immigrant for 39 days after he posted court-ordered bail.

The American Civil Liberties Union brought the suit on behalf of Enrique Uroza, a 22-year-old Weber State University student who was arrested on forgery and theft charges and was believed by authorities to be in the country illegally. His status remains undetermined, however, according to his lawyer, Kent Morgan.

Darcy Goddard, ACLU of Utah legal director, said Salt Lake County Sheriff Jim Winder's decision "effectively denies the right to bail for those inmates who are unable to prove to the satisfaction of jail officials that they are lawfully present in the United States."

Uroza, who was booked June 13, had posted a \$5,000 bond within 10 minutes on the criminal charges but jail officials began following procedures related to a U.S. Immigration and Customs Enforcement detainer that was placed on him and refused to release him.

But 48 hours later, without ICE taking him into custody, the jail refused to honor the bond and kept him in the jail.

On July 21, 3rd District Judge Bruce Lubeck ordered Uroza released on the bail that he posted. ICE took him into custody on July 22 and placed a \$2,500 bond on him. He posted bail and is currently out of jail, Morgan said.

Winder said in July while Uroza was still in custody, the department was following the requirements of SB81, a law passed by the Legislature in 2008 that requires the Sheriff's Office to make "a reasonable effort" to determine the immigration status of detainees. That bill, sponsored by Sen. Bill Hickman, R-St. George, and Rep. Mike Noel, R-Kanab, passed overwhelmingly in both the House and Senate.

But Goddard said the reasonable effort to determine legal status does not include holding Uroza for "as long as they want" to make that determination.

"What they have apparently concluded is to verify immigration status is to be able to hold the person for longer than 48 hours if they can't lawfully show within that time frame they are legally present in the United States," Goddard said.

In a prepared statement, Uroza said the lawsuit is bigger than his own case.

"I am bringing this case not just to vindicate my rights, but to protect the rights of everyone who has been or would otherwise be subjected to indefinite detention by the police," he said. "I think this case has the potential to help a lot of people."

Winder said attorneys are reviewing the case and did not want to comment.

"In all honesty, I have not seen the complaint," Winder said. "I was made aware of it, but until we get a chance to read it, we won't comment on it."

However, Winder did say the policy was "under review" but that review had nothing to do with the current lawsuit.

His office has 30 days to respond to the complaint.

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