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## **PRESS RELEASE**

### **ACLU of Utah and Holland & Hart File Complaint Defending Civil Rights of Black Woman Arrested Without Evidence**

SALT LAKE CITY (June 29, 2020) – The American Civil Liberties Union of Utah Foundation, Inc. (ACLU) and Holland & Hart LLP today filed a lawsuit against the City of Murray and Jarom Mohlman Allred concerning the unlawful arrest and prosecution of a 59-year-old Black woman accused of driving under the influence of an illegal substance on August 21, 2018.

The plaintiff, Donna R. Miller, is a 20+ year member of the Church of Jesus Christ of Latter-Day Saints. Ms. Miller moved to Salt Lake County, Utah in 2017 to attend a part-time nursing school program at LDS Business College. Ms. Miller was in the third semester of this program, while also working part-time as a patient care technician at a local hospital, when the racially-motivated, traumatic stop, seizure, and arrest incident occurred.

According to the lawsuit, a white policeman recognized by his fellow officers as an “attention hound” who engages in improper, often dangerous, misconduct, engaged in blatant and illegal racial profiling that violated Ms. Miller’s civil and constitutional rights. As detailed in the complaint, the officer initially stopped Ms. Miller on the pretext that she had no car insurance on file, which she quickly rebutted by showing the officer her proof of insurance. Without probable cause or even reasonable suspicion, the officer then accused her of driving under the influence of an illegal substance, which she strongly and consistently denied.

After passing four sobriety tests, including two breathalyzer exams which showed “0.0” alcohol level in her system, the officer persisted in his harassment of Ms. Miller: handcuffing her; detaining her in the back of his police car in 80°F degree heat; illegally searching her car and personal belongings, including her purse, laundry, and school books; and transporting her to the Murray City Police Department. At the station, the officer subjected her to a battery of ten additional tests, including a blood test checking for eight illegal substances; and prolonged interrogation in a blacked-out room. All of the additional tests, like the prior ones, came back negative.

Despite a complete lack of evidence, the officer charged Ms. Miller with a DUI, impounded her car, and her license was suspended. Ms. Miller was forced to retain legal counsel to remove the wrongful charges and clear her record. She incurred fines and expenses to reinstate her driver’s license, and those were eventually refunded with the help of an attorney.

“Even if you are innocent of all charges, as Ms. Miller was proved to be, the criminal justice system can still punish you,” said Jason Groth, Smart Justice Attorney at the ACLU of Utah. “She lost her car and her driver’s license, paying hundreds of dollars to get them back, and was fortunate to find an attorney to get the DUI charges dropped. The fact that people of color like Ms. Miller are subjected to more of these humiliating and costly violations of their civil rights than other people is not a mistake—it’s a sign that police agencies need to do more to root out racial bias from their officers and their policies.”

“This case, and many others, are appalling on both a human and a legal level, where decades of persistent racial bias and racial profiling in police departments have led to wrongful convictions of Black Americans falsely accused of a crime,” said Kristy M. Kimball, partner at Holland & Hart LLP. “Ms. Miller was lucky that she had personal connections and resources to fight this injustice. Most people simply don’t. In the same scenario, most people would have ended up with a criminal record and likely, without a car or driving privileges. This leads to significant harm not only in the short-term, but over a lifetime. Holland & Hart is proud to assist the ACLU of Utah on this case, utilizing our resources for social justice and equality for all of Utah’s citizens.”

Among other things, the Complaint alleges:

- The officer initially detained Ms. Miller not because of probable cause, or even reasonable articulable suspicion, but because he had a “sixth sense” and profiled her as someone he “bet uses cannabis regularly.”
- In the three years between the officer’s swearing-in ceremony and his arrest of Ms. Miller, he had developed a reputation as a “glory hound” more interested in playing hero than doing the hard work of policing.
- Despite this officer’s repeated involvement in potentially dangerous incidents, the City and Murray City Police Department failed or refused to take adequate corrective measures beyond verbal warnings. Instead, this officer was allowed to continue patrolling the streets of the city and seeking opportunities to be “hailed as a hero for his own personal gratification.”
- The humiliating, traumatic experience deprived Ms. Miller of her civil rights and property. Ms. Miller suffered anxiety, depression, hair loss, and had difficulty concentrating in her final semester of nursing school.

The lawsuit asserts violation of plaintiffs’ constitutional rights, privileges, and immunities secured by the Fourth Amendment and Fourteenth Amendment of the U.S. Constitution, the Constitution of Utah, and 42 U.S.C. § 1983. It alleges that defendants’ actions were in violation of Plaintiff’s clearly-established, constitutionally-guaranteed rights to be free from unreasonable and unlawful searches and seizures.

The ACLU of Utah Foundation, Inc. and Holland & Hart, LLP filed this lawsuit in the U.S. District Court for the District of Utah. A copy of the complaint can be download from the following webpage: <https://www.smartjusticeutah.org/litigation.html>

Holland & Hart has a longstanding tradition and national reputation as a law firm committed to providing legal pro bono services to those would otherwise go without legal help, particularly in issues of constitutional import. The firm has a longstanding partnership with the ACLU, including recent cases in Utah on a Sixth amendment class action challenge to the State of Utah’s indigent defense program, and with the ACLU of Montana in an Eighth amendment challenge to prison conditions for inmates with serious mental illness in the Montana State Prison.

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