

# Sky Valley Chronicle

## **Federal Court Issues Order In Lawsuit Against Cities In Arizona and Utah, Finding Widespread Police Misconduct**

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In a report dated May 4th, the conservative research and policy think tank Cato Institute picked for the month of April the Town of Colorado City, Arizona and the City of Hildale, Utah - which are located on the Arizona-Utah border - as the "worst of the month" police misconduct story.

In April, U.S. District Judge H. Russell Holland issued an order - based on findings made by a jury - that the Colorado City Marshals Office "engaged in a long-standing pattern of abuses that included false arrests, unreasonable seizures of property, discriminatory policing on the basis of religion, and violating the Establishment Clause of the First Amendment."

According to a statement issued April 19 by the US Department of Justice, a federal judge found that, "The Town of Colorado City and the City of Hildale engaged in a decades-long pattern or practice of police misconduct and housing discrimination, and ordered expansive relief to remedy the violations and prevent further violations in the future."

U.S. District Judge H. Russell Holland's order, issued April 18, adopts findings made by a jury last year that the Colorado City Marshals Office engaged in a long-standing pattern of abuses that included false arrests, unreasonable seizures of property, discriminatory policing on the basis of religion, and violating the Establishment Clause of the First Amendment.

"The constitutional right to free exercise of religion, on the one hand, and the statutory right to housing and constitutional policing, on the other hand, are vitally important to a viable, peaceful community," U.S. District Judge Holland wrote.

"Religious discrimination threatens the Founders' vision of a society based firmly on principles of liberty and freedom of conscience," said Acting Assistant Attorney General Tom Wheeler for the Justice Department's Civil Rights Division.

"No individual in the United States should be treated differently by a town or its police officers because of his or her religion. No religious leaders should be permitted to use the power of sworn law enforcement officers to hide their misdeeds and enforce their decrees."

The adjoining towns of Colorado City and Hildale are located on the border of Arizona and Utah and are populated primarily by members of a faction of the Fundamentalist Church of Jesus Christ of Latter Day Saints (FLDS) that remains loyal to its imprisoned prophet, Warren Jeffs.

Jeffs is currently serving a prison term in Texas of life plus 20 years for aggravated sexual assault of a minor.

The advisory verdict made permanent by U.S. District Judge Holland's order came after a seven-week trial during which the United States presented evidence from over thirty witnesses that the governments of Colorado City and Hildale are controlled the FLDS Church and Warren Jeffs.

Among other things, Judge Holland concluded that Marshals "officers turned a blind eye to criminal activity involving FLDS Church leaders or members," including supporting a fugitive and ignoring underage marriages, unauthorized distribution of prescription drugs, and food-stamp fraud.

In addition to its verdict on the police-misconduct claim, the jury found that the defendants engaged in a pattern or practice of housing discrimination against persons who were not members of Warren Jeffs' faction of the FLDS.

The jury found that the defendants had used their municipal authority to coerce, intimidate, or interfere with individuals seeking housing, discriminated in the provision of municipal services, and denied housing to non-FLDS members. The United States settled the damages portion of the case shortly before the verdict for \$1.6 million.

The Court's findings are accompanied by a comprehensive order designed to remedy the police misconduct and housing discrimination. Under the terms of the order, which lasts for ten years, the defendants must revise the policies of the Marshal's Office, adopt new internal affairs and hiring practices, hire two new officers, and hire both a police-practices consultant and a mentor for the Chief of Police.

The defendants must submit to training and revise numerous municipal policies and procedures, including their water policies and water impact fees.

The order also requires the defendants work to subdivide the land in Colorado City, an issue that has long been a point of contention between the defendants and the religiously neutral land trust that took over control of the property in the area from the FLDS Church over a decade ago. Judge Holland will appoint a monitor to track the defendants' compliance with the order and report to the Justice Department and the court.

The opinion marks the end of five years of Justice Department litigation to address widespread discrimination in Colorado City and Hildale.

The Marshal's Office currently has seven sworn officers. Arizona's Police Officer Standards and Training Board (POST) recently voted to revoke the peace officer certifications of six of those officers, including the certification of the current Chief Marshal Jerry Darger.

POST officials recently refused to approve the certification of the seventh officer on the grounds that he had been engaged in a pattern of criminal activity, including felony conduct.

Since 2003, six other members of the Marshal's Office have been decertified by Arizona state officials, including three officers who refused to cooperate with state law-enforcement efforts.

This matter was litigated by attorneys from the Housing and Civil Enforcement Section and the Special Litigation Section of the Department of Justice's Civil Rights Division.

More information about the Civil Rights Division and the laws it enforces is available at [www.usdoj.gov/crt](http://www.usdoj.gov/crt).