

Poplar Grove Neighborhood Alliance  
Barrio Álamo Arboleda Alianza



COMMUNITY  
ORGANIZING

27 August 2019

Delivered Via Electronic Mail

Ms. Gina Proctor, Executive Secretary  
% State Records Committee  
346 South Rio Grande Street  
Salt Lake City, Utah 84101

**RE:** Appeal of GRAMA Request to Utah State Records Committee

Dear Ms. Proctor,

Pursuant to Utah Government Records Management Act (GRAMA), I am submitting this NOTICE OF APPEAL to the State Record's Committee for review. <sup>1</sup>

**PROCEDURAL HISTORY**

**On July 19, 2019**, my neighbor, Yassin Ibrahim and I, went to the Unified Police Department (UPD)<sup>2</sup> and hand delivered a GRAMA request to Records Division of the Salt Lake County Jail. <sup>3</sup>:

*"Requesting copies of jail records associated with [Yassin Ibrahim] arrest on May 10, 2019 and stay in the Salt Lake County Jail including any and all records in relation to the medical treatment received while in the jail."*

**On August 7, 2019**, due to the fact that we received no response to our GRAMA request, we filed a GRAMA Notice of Appeal to Chief Administrative Officer (CAO) with UPD, Captain Jon Fassett. <sup>4</sup>

**On August 27, 2019**, due to the fact that we received no response to our GRAMA Notice of Appeal to the CAO, we submit this GRAMA Notice of Appeal to the State Records Committee (SRC).<sup>5</sup>

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<sup>1</sup> See Utah Code §63G-2-403 (GRAMA) which provides that any person may further appeal the Chief Administrative Officer's denial of an appeal by filing a notice of appeal with the State Records Committee

<sup>2</sup> Unified Police Department Greater Salt Lake located at 3365 South 900 West, Salt Lake City 84119

<sup>3</sup> See Utah Code § 63G-2-204 (GRAMA) requires a person making a records request furnish the governmental entity with a written request containing the requester's name, mailing address, daytime telephone number (if available); and a description of the record requested that identifies the record with reasonable specificity.

<sup>4</sup> See Utah Code §63G-2-204(9) which provides that If the governmental entity fails to provide the requested records or issue a denial within the specified time period, that failure is considered the equivalent of a determination denying access to the record.

<sup>5</sup> See Utah Code §63G-2-403(3)(b) which states that the following should be provided to the SRC: Statement of facts, reasons, and legal authority in support of appeal etc.

## BACKGROUND

**On May 10, 2019** – Mr. Yassin was at the Sorenson Center in Salt Lake City, when one of his friends informed him that he was on the news, as being wanted by the police for outstanding warrants for “*child abuse*”.<sup>6</sup> Mr. Yassin called the Salt Lake City Police Department to see what he needed to do to clear up the issue of being falsely accused and having outstanding warrants. Several SLCPD officers arrived and arrested Mr. Yassin and transported him to Salt Lake County Jail (injuring him while transporting him to the jail). Mr. Yassin stayed in jail for 21 days. As a result of his stay in jail, he lost his job and housing, as well as classes at the Salt Lake Community College.

**On July 9, 2019** – Judge James Blanch of Third District Court, dismissed the false charges filed against Mr. Yassin.<sup>7</sup>

## CONCLUSION

The ultimate determination of whether records are public under GRAMA is not up to any single public official. It is governed by the statutory provisions of GRAMA and its bedrock presumption of public access. And under those provisions, the denials of the the Salt Lake County Jail are improper under GRAMA and should be reversed.

The Salt Lake County Jail has not identified any GRAMA exception that allows them to properly withhold the records we requested. Public access to the requested Records is essential to the public's role of reviewing the actions of law enforcement, holding them accountable for the manner in which they exercise the enormous powers entrusted to them. The foundation of GRAMA is the presumption of public access to government records. *"A record is public unless otherwise expressly provided by statute."*<sup>8</sup>

In enacting GRAMA, the Legislature declared its intent to *"promote the public's right of easy and reasonable access to unrestricted public records;"* to *"specify those conditions under which the public interest in allowing restrictions on access to records may outweigh the public's interest in access;"* and to *"prevent abuse of confidentiality by governmental entities by permitting confidential treatment of records only as provided in this chapter. ..."*<sup>9</sup>

The Utah Supreme Court has long *"recognized that it is the policy of this state that public records be kept open for public inspection in order to prevent secrecy in public affairs."*<sup>10</sup> And the Court has specifically instructed governmental entities not to engage in *"adversarial combat over record requests."* Instead, an entity is *"required to conduct a conscientious and neutral evaluation"* of every GRAMA request, and to engage in *"an impartial, rational balancing of competing interests... The overriding allegiance of the governmental entity must be to the goals of GRAMA..."*<sup>11</sup>

The public interest in open government and accountability for public officials is perhaps nowhere more urgent than in the conduct, and potential misconduct, of the public's peace officers. *"Law enforcement officers carry upon their shoulders the cloak of authority to enforce the laws of the state. In order to maintain trust in its police department, the public must be kept fully informed of the activities of its peace officers."*<sup>12</sup> At a time when police shootings of young black men have reached near epidemic proportions, the public's need to ensure accountability by law enforcement is at its apex. That role cannot be fulfilled if the public is simply asked to trust law enforcement based on secret records that only police and deputies are allowed to see.

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<sup>6</sup> See Man Caused Permanent Disfigurement to Teen Sister, Charges States, Deseret News 05/07/19

<sup>7</sup> *Op. Cit.* Third District Court Case

<sup>8</sup> See Utah Code§ 63G-2-201(2).

<sup>9</sup> See Utah Code§ 63G-2-102(3); see also Deseret News Publ'g Co. v. Salt Lake Cnty., 2008 UT 26, ¶ 13, 182 P.3d 372,376.

<sup>10</sup> See KUTV Inc. v. Utah State Bd. of Educ., 689 P.2d 1357, 1361 (Utah 1984).

<sup>11</sup> See Deseret News, 2008 UT 26,

<sup>12</sup> See Commission on Peace Officer Standards and Training v. Superior Court, 64 Cal. Rptr. 3d 661, 674 (Cal. 2007)

*"People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing."*<sup>13</sup> The withheld records relate directly to issues of critical public importance, including the proper use of force.

Moreover, government accountability is not served by simply telling the public to trust that public officials have made good decisions. The public is entitled to see the facts for themselves and make their own independent judgments. The Salt Lake County Jail's refusal to release the withheld records is contrary to the text and governing principles of GRAMA and should be reversed.

Accordingly, based on the forgoing, we believe that we have provided *"sufficient evidence...in support of the appeal, that the record was maintained by the governmental entity at one time, or that the governmental entity has concealed, or not sufficiently or improperly searched for the record."*<sup>14</sup> Therefore, the relief we are seeking is the release of all records associated with Mr. Yassin's arrival at the Salt Lake County jail and subsequent incarceration (inclusive of written and video records).<sup>15</sup>

Shalom,

*Michael Clara*

Michael Clara  
Community Organizer

Mobile: [REDACTED]

Address: [REDACTED]  
[REDACTED]

**Courtesy Copies:**

Mr. Yassin Ibrahim  
Catherine Hernandez & Mike Harman, Poplar Grove Neighborhood Alliance  
Jacob Jensen, Utah Against Police Brutality (UPB)  
Lex Scott, Black Lives Matter- Utah Chapter  
Jennifer Mayer-Glenn, University Neighborhood Partners – University of Utah  
Natalie El-Deiry, The International Rescue Committee (IRC)  
Bradford R. Drake, Catholic Community Services (CCS)  
Fatima Dirie, Refugee Community Liaison – Salt Lake City  
Celina Milner, Community Outreach for Diversity and Human Rights – Salt Lake City  
Michael Pekarske, Refugee Services – Utah Department of Workforce Services  
Nubia Peña, Utah Office of Multicultural Affairs

**Pursuant to Utah Code §63G-2-403(3) a copy of this appeal has been transmitted to the following:**

Jon Fassett, Captain– Unified Police Department  
Rosie Rivera, Sherriff– Unified Police Department

**Enclosures:**

Original GRAMA request 07/19/19  
Notice of Appeal to Chief Administrative Officer 08/07/19

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<sup>13</sup> See Richmond Newspapers, 448 U.S. at 572.

<sup>14</sup> See Utah Administrative Code R35

<sup>15</sup> *Op. Cit.* Utah Code