

# LIBERTY

Fall/Winter 2019

**ACLU**  
ID

WE THE  
PEOPLE

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# FAIR CHANCE EMPLOYMENT

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For the almost 30% of Idahoans with a criminal conviction on their records, their path to reentering our communities isn't as easy as walking out of a prison or jail cell and returning to their families. There's the stigma of a criminal record to contend with, all while readjusting to life on the outside – accessing employment, finding housing, paying supervision fees and reconnecting to loved ones and families. But when the stigma of one's criminal conviction bars them from finding meaningful employment, it makes it almost impossible to succeed at life post-incarceration. That's where our Fair Chance Employment campaign comes into play.

The ACLU of Idaho is working towards implementing a fair chance employment policy to destigmatize the way employers view individuals living with a criminal conviction. To achieve that, the fair chance employment policy, which has been adopted in 31 states, encourages employers to eliminate blanket exclusions of people with criminal records, delaying criminal history inquiries until late in the hiring process and ensuring that information about an applicant's criminal record is considered in a job related context.



# *Why is this necessary?*

With rapid growth among Idaho's prison population, the current reality is that 95% of Idahoans that are incarcerated will be returning to their communities. The ability to obtain employment has become a difficult task to build stability and find success post incarceration. Most job applications ask: "Check this box if you have a criminal record."

What might seem like a fairly innocuous question has devastating impacts for an applicant who may never get the chance to demonstrate that their skills and experience perfectly qualify them for the position in question. And with an alarming number of Idahoans returning to prison for parole revocations, access to employment can be a key factor ensuring that an individual is able to productively complete their supervision on probation or parole.

Our efforts to gain momentum on this campaign have been fruitful during the spring and summer months as we have been mobilizing and activating impacted community members around the state. A highlight of our campaign thus far was an event to elevate the need for an

inclusive workforce by adopting the fair chance employment policy at the state level. The Fair Chance Employment Town Hall, held in August, included an impressive line-up of panelists that elevated the importance of giving all job applicants with a conviction a fair chance at employment by assessing their experiences, knowledge and expertise - not their crimes. Our panelists included Bryan Atwell, criminal justice advocate, who shared his firsthand experience in seeking employment post incarceration; Erika Birch, an employment attorney who provided legal guidance on complying with the Equal Employment Opportunity Commission guidelines for businesses; our bill sponsor Senator Cherie Buckner-Webb who shared what the proposed policy does and how will it be implemented within the state; and finally Joe Howell, owner of a small construction company, Total Construction Solutions and manager at Ace Industrial Supply that embraces fair chance policy hiring practices, which has resulted in over 10 years of success in training probationers and parolees in new careers working in sales.





# People Not Prisons

As the 2020 legislative session approaches, we're focusing our efforts on creating a comprehensive list of statewide businesses that support our fair chance employment legislation. Sharing these employer successes is an integral part of demonstrating this policy can work – for small and large businesses – and that it not only benefits their bottom line, but also builds a sustainable workforce that can get the job done. Are you a business owner in Idaho? We invite you to sign on to our business endorsement letter and join a growing list of employers who understand and value the importance of hiring recently released folks. And if you're someone who's faced difficulty in finding employment after your release, we invite you to share your story with

us and help us elevate the need for this policy at the statehouse next year. Connect with us via email at [rmendez@acluidaho.org](mailto:rmendez@acluidaho.org).

With our organizing efforts this year, the ACLU of Idaho and our legislative sponsor Sen. Buckner-Webb, we are proud to stand alongside returning citizens, businesses and other champions of this policy to secure a fair chance employment win at the statehouse in 2020. Be sure to follow our campaign online at [acluidaho.org](http://acluidaho.org) or via our social media channels for updates and opportunities to engage.



# PUBLIC DEFENSE REFORM



Idaho has an addiction to mass incarceration. The data backs this up - with Idaho's prison population growing more than ninefold between 1980 and 2017, giving us one of the highest incarceration rates in the West. And the stories back this up too - with over 8,000 people and faces behind the concrete prison walls across our state. Parents separated from their children, people with mental health and addiction needs being housed in an environment that treats their illness like a crime, low-income Idahoans who are simply behind bars because they didn't have the financial resources to make bail or

hire their own attorney. Which is why year after year, we dedicate ourselves to bringing holistic and comprehensive reform to our courts, jails and prisons through our ongoing legal and legislative campaigns at the ACLU of Idaho.

To ensure that our jails and prisons don't continue to be overcrowded, we have to start at the beginning of one's path to incarceration, which is why public defense reform continues to be a major focus for the ACLU. The importance of this work cannot be overstated. The State's ability to take away a person's freedom is one of its greatest powers. And due to the criminalization of Black and Indigenous people of color, the poor, people with disabilities, people with mental illness, and the criminalization of substance use, it is imperative for the ACLU of



Idaho to continue its investment in criminal legal reform by centering those directly impacted. We do this in a number of ways through litigation, public education, and policy work.

For a number of years, the ACLU of Idaho has heard from over a thousand people who could not afford to hire a private attorney were suffering greatly when their public defenders did not have the resources to fully investigate their cases, hire experts, or to even simply return their phone calls. In 2015, we filed a lawsuit against the State of Idaho for its failure in providing constitutional indigent defense services. The lawsuit is called *Tucker v. State of Idaho*, and it asks the court to rule that Idaho is violating the right to constitutional indigent defense services, and must change its system to uphold that constitutional right.

Anyone facing jail, prison, or probation who cannot afford to hire a lawyer to defend them has a right to a public defender. Because the *Tucker* lawsuit

is a “class action” lawsuit, that means anyone currently facing criminal charges in Idaho state courts who cannot afford a lawyer will be covered by this lawsuit. It is these folks whose voices we uplift through this lawsuit—their families, livelihood, and wellbeing depend on public defenders fighting for them in court with the financial resources necessary to carry out their defense.

The case is currently at the Idaho Supreme Court on appeal. The trial court asked the Idaho Supreme Court to tell it what evidence the ACLU of Idaho needs to prove in trial to show that the State of Idaho is violating people’s right to constitutionally adequate public defense. A hearing before the Idaho Supreme Court will likely take place in the spring of 2020.

We will continue centering the voices of people who rely upon public defenders and advocating for their constitutionally guaranteed rights.

*We dedicate ourselves to  
bringing reform to our  
courts jails and prisons*

The opportunity to advocate for public defense reform doesn't end with our Tucker lawsuit. For almost a decade the Idaho Legislature has continued to grapple with the at-times overwhelming task of enacting legislative reforms to Idaho's broken public defense system. While these legislative reforms started with official studies and interim committees, we've seen monumental legislation enacted that now begins to put structural reforms in place to improve how Idahoans engage with the public defense system. While the Idaho Public Defense Commission has implemented new agency rules in an attempt to improve access to counsel, such as establishing workload standards for public defenders, offering increased

training opportunities for attorneys, mandates that a public defender attend their client's first appearance before a judge, and increased funding for county level public defense services, more reforms are crucially needed to fully protect Idahoan's Sixth Amendment right.

Access to a sufficiently-resourced attorney when the State seeks to strip a person of their liberty should not be based on the amount of money in that person's bank account. The ACLU of Idaho continues to fight for the rights of poor people criminally accused and ensnared in an overburdened, underfunded criminal legal system.





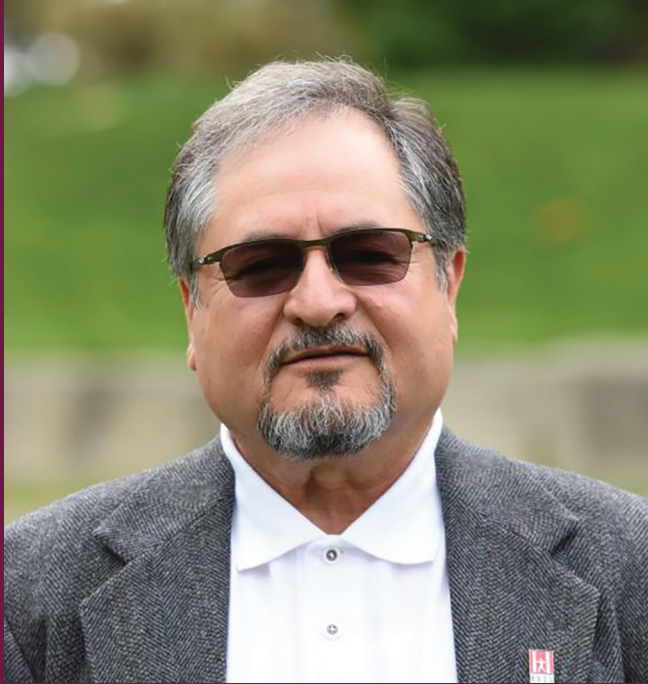
# LETHAL INJECTION SECRECY LITIGATION UPDATE

The Idaho Department of Correction continues to withhold information about its use of lethal injection drugs in the 2011 and 2012 executions of Paul Ezra Rhodes and Richard Leavitt. As explained in last year's newsletter, the ACLU of Idaho represents law professor Aliza Cover in a lawsuit against the Idaho Department of Correction and the Idaho Board of Correction for failing to turn over public records. Professor Cover submitted a public records request in September 2017 to IDOC, asking for information about the lethal injection suppliers and drugs used in the 2011 and 2012 executions. When IDOC turned over 49 pages and refused to turn over the rest of the records, Professor Cover sued.

A trial took place in January 2019. Two months later, in March, an Idaho state court judge ruled that IDOC had withheld records frivolously and in bad faith, and ordered that IDOC disclose many of the previously secret records, including a record identifying the source of the drugs used in Idaho's 2012 execution of Richard Leavitt. The court allowed IDOC to withhold the identity of the lethal injection drug supplier used in the 2011 execution of Paul Ezra Rhoades, though. Both sides are appealing the portions of the court's decision they disagree with and the case is now on appeal to the Idaho Supreme Court. Oral arguments will likely take place in the spring of 2020.



# Arnoldo



# Hernandez

Arnoldo has been the Director/Founder of the Inclusion and Inter-Cultural Engagement Department at The College of Idaho for 24 years.

Arnoldo was born in Monterrey Nuevo Leon, Mexico. When he was six years old, his family decided to migrate to Texas. Four years later, a compadre of the family convinced his parents to move to “El Norte”, where the three oldest children would easily find work in the fields. After migrating within El Norte, which included Oregon, Washington and Idaho, his family decided to settle down in a small town west of Boise called Wilder. For many years Arnoldo worked the fields as a seasonal farm worker as his family continued to grow. Years later he found

himself second to the oldest of fourteen children. By the time he reached ninth grade, it was time to trade school for a full time job and help support his family.

A man who would eventually become a good friend, put his arm around Arnoldo and became his mentor. This man’s name is Baldemar Elizondo, who used to play in a local band and was a counselor for minority students in Marsing, Idaho. It didn’t take much before Arnoldo was convinced that life without education was not for him. He soon enrolled in a GED program and three weeks later received

his GED certificate. His scores were high enough to meet college standards. Doors immediately began to open for him. He was

offered a position as a retention counselor at the Wilder school district, the school he had left to go to work. Five years later, he would find himself enrolled at a nearby institution (Boise State University) where he received a degree through their Bilingual Education program.

Arnoldo is dedicated to making a difference in all underrepresented students’ lives by opening doors to higher education and trainings for them. Si yo pude, todos pueden!

Arnoldo likes that the ACLU believes in an America that is both safe and free. He too will continue to stand against those in powerful positions who wrongly insist that we must trade away our fundamental freedom to secure our safety.



# Irene



# Ruiz

Irene Ruiz is the proud daughter of immigrants from Michoacán, México. She currently lives in Boise, ID. She grew up in Hazelton, ID where she also worked in agricultural fields with her family. Irene works as a bilingual organizer for the Idaho Organization of Resource Councils where she organizes chapters around the state that focus on environmental justice issues. She received her Master of Arts in Hispanic Studies at the University of Illinois at Chicago and her Bachelor of Arts in Spanish from Boise State University. Irene has been an immigration rights activist since the early 2000s where she has worked on these issues locally and nationally. She is co-founder of the immigrant rights group, PODER of Idaho. Irene is on the board for the Stay at School Quinceñera program where she also teaches Chicanx literature, as well as on the planning committee at Indigenous Idaho Alliance that work on Indigenous issues. Irene has helped plan StoryFort, a sponsored TreeFort Musical Festival event around immigration. She enjoys spending time reading, traveling, and writing. Irene hopes to be able to work on diversity and inclusion issues on the ACLU board and is excited for the opportunity to be on this board.

# Kelsey



# Dillon

Kelsey has spent her life between Western Oregon and Boise, Idaho. She graduated with her BA in Politics and Government from Pacific University in Forest Grove, OR in 2016 where she accepted an internship with Future PAC, Oregon House Democrats. After returning to Idaho, Kelsey spent the 2017 legislative session working as an Attaché for Senate Democratic Leadership in the statehouse before moving on as the Development Director for the Idaho Democratic Legislative Campaign Committee. Kelsey made the decision to move into nonpartisan and nonprofit work at the beginning of 2019 and was thrilled to accept a position as the Director of Philanthropy with the ACLU of Idaho. Kelsey loves being a part of a great team working to defend the civil rights and liberties and values the principles the ACLU stands for. In her free time, she enjoys hiking, biking, playing with her dogs, and exploring new restaurants with her husband and family.



# Ruby



# Mendez-Mota

Ruby Mendez-Mota joined the ACLU of Idaho in October of 2018 as the advocacy fellow, that focuses on organizing on criminal justice issues and lobbying efforts. Prior to joining, she worked at a statewide non-profit organization as a senior policy fellow working on various issues across the state. Grassroots organizing on immigration reform both national and state level is her greatest passion and hits close to home. Her organizing experiences entailed rural organizing, hosting rallies, direct actions, advocacy trainings and providing direct services. Other issues areas are organizing at city level for fair lending to address predatory lending and mobilizing Latinx communities to

be civically engaged at the polls and providing educational trainings. Her vast knowledge in community organizing has provided a deep passion for uplifting others to join the efforts for justice, as a proud daughter of immigrant parents from Mexico, she understands and has lived experiences that motivate her to dedicate and uphold the values of equality, which aligns right along with the ACLU of Idaho values. Ruby also sits on the board of the Hispanic Youth Symposium Alumni Association, Radio Voz Latina, community radio station in Burley, Idaho, and Co-Director of PODER of Idaho. Ruby also is a member of a mariachi band, and enjoys eating tacos and dancing.



# MY EXPERIENCE AT ACLU'S ACTIVIST ACADEMY



Moscow Activist Academy



I've never thought of myself as much of an activist. However, in the recent years I've felt triggered at witnessing injustices and I thought to myself, it's time to do something. There are too many people that say they care, or say they are just as angry over subjects like; the abuse of farm workers or the violation of rights of the members in the LGBTQ community. But if that were true, where are they?

That's the problem I was faced with. Where are the people like me? People that want to help just because it's the right thing to do.

Earlier this year I joined a group of young passionate activists known as PODER of Idaho. PODER focuses on immigration justice. PODER is a fairly new organization, which means we will take any opportunity available to us to learn a new skill we can utilize within our organization. Through PODER I was introduced to the ACLU of Idaho, and after learning they would be holding an Activist Academy, I was in.

At the Activist Academy I found other people just like me. People that worked with other organizations because they too were passionate about change. I learned to use the resources available to get the job done, rather than focus on what your organization lacks, such as funding, community relations, etc. We were taught how to organize a plan, how to focus on our main targets, and how important lobbying is. I learned that there are many different ways to protest. Some of those don't involve holding

***We are stronger than we think.***

a sign, or camping out in front of a Government agency. Every activist has their own style of

**Ruby Mendez  
Presenting to  
the Activist  
Academy**



protesting, and we need to respect that not everyone is comfortable with going to extremes.

The most valuable lesson I took with me was that, we are stronger than we think. We can all be activists if we choose to. You don't necessarily need to protest or go to extremes to make a difference. Thanks to this experience, I am eager to learn more about lobbying and what else I can do with the resources available to PODER to meet our organization's goals.

So now, if you ask me, where are those people that want to make a difference?

I met some at the Activist Academy.

Thank you,  
Alma Alba, She/Her/Hers/Activist

# WE HEAR YOU!

## ACLU of Idaho's Legal Intake Complaint System

The ACLU of Idaho's legal intake program is the heart of the legal department. Idahoans contact the ACLU of Idaho's legal department through our online intake complaint form, or by writing letters. The complaints submitted to us range from questioning legal representation, housing discrimination, police brutality, racial profiling, LGBTQ issues faced by young people in public schools, employment discrimination and prisoner complaints.



Since October 1, 2018, to October 1, 2019, the ACLU of Idaho has received approximately 800 complaints. This number does not include the phone calls or emails we receive regarding civil rights complaints. We have heard from thousands regarding their public defenders. We have been working hard to bring more attention to the public defense system in a case known as “Tucker v. State of Idaho”. We are still engaged in this litigation, so stay tuned.

The legal department reviews each Intake complaint to determine whether to provide referrals to other organizations or attorneys, guidance on self-advocacy, or direct advocacy.

The ACLU of Idaho hears from prisoners on a daily basis. Unfortunately, Idaho has a very high incarceration rate compared to other states in the country. Overcrowding, poor living conditions, substandard medical care and food are just a few hot topics of current incarceration. On a daily basis, we send out “Know Your Rights” information on topics prisoners write to us about. We always explain that prisoners have to follow the “Prison Litigation Reform Act” (“PLRA”) in order to file a lawsuit, and



we provide them with a copy. When we provide this information to prisoners, our goal is to provide them with the information necessary to advocate for themselves and protect their rights. All this information is available on our website at: [www.acluidaho.org/en/know-your-rights/your-rights-prisoner](http://www.acluidaho.org/en/know-your-rights/your-rights-prisoner). Our greatest hope is to reduce the prison population instead of building bigger buildings to cage humans. The ACLU of Idaho's legal department also receives numerous civil rights complaints from LGBTQ students attending public school.

One specific example of a civil rights complaint that arrived through our intake program was from a group of transgender students from an Idaho high school. The school refused to allow any of the transgender students to use multi-stall bathrooms. The students only had access to two single-stall bathrooms—one in a gymnasium and another in the nurse's office. Because of the distance between classrooms and the two bathrooms, students were forced to schedule their entire day around accessing the bathroom and restricting what they drank and ate. The school also told the students their legal/dead name could not be changed on class rosters, email addresses, and computer screens for signing into the administration office, nurse, or lunchroom. The other students in their school do not know these students by their legal/dead names. Every day the school would essentially be outing the students as transgender, and thereby violating the students' right to privacy and putting them at risk for bullying, harassment, and, even, physical harm. The ACLU of Idaho began meeting with the students to learn about their school

experiences. The students and the ACLU of Idaho continued to meet to formulate a plan of advocacy that was informed by school district policies, legal opinions by courts, and the goals of the students. After some preparation and practice, the students attended a meeting with school district and high school administrators, along with the ACLU of Idaho. At that meeting, the students clearly explained to the administrators what their daily lives were like under the conditions the school created. The administrators, and their lawyer, responded with surprise and compassion. The school committed to changing their practices to ensure the students felt safe and respected.

The ACLU of Idaho's intake system is unique in Idaho. There is no other organization reviewing the diverse array of civil rights complaints the way the ACLU of Idaho does. We get a glimpse into the struggles of people across the state. Although we do not have the human or financial capacity to take on legal representation of the vast majority of complaints we receive, we do our best to empower people to defend themselves in situations they feel are unjust. We do this through "Know Your Rights" presentations, our publications, and collaboratively brainstorming with those directly affected about possible solutions.

We feel honored to support people through some of the most difficult times in their lives. Our connection to the community is the compass directing the rest of our work.

**We see you, we hear you.**

*Keep  
fighting  
and  
standing  
with us.*

*Keep  
protesting,  
keep  
showing up  
at events  
and please  
continue to  
protect civil  
rights and  
liberties in  
Idaho.*

## Board of Directors Elections

Each year our Board Development Committee carefully considers the applications of potential board members to join the group of people who govern and direct the Idaho affiliate of the ACLU. If you would like to be considered for nomination by the Board Development Committee, you must be a member in good standing and submit a brief statement of interest.

Nominations may also be submitted by petition. Nomination petitions must include a statement of interest with a short statement of petitioner's background and qualifications and be signed by ten (10) current ACLU of Idaho members that includes the name and address of the nominee. The submissions must be received in the ACLU of Idaho office at PO Box 1897, Boise, ID 83701 by December 6, 2019. This information will be summarized and included on the ballot to the same extent as is such information of persons nominated by the nominating committee.

Members of the ACLU of Idaho Board of Directors serve three-year terms and are voted in by the membership. This year the election will be conducted online. In December, all members will receive a postcard in the mail with voting instructions and a unique code to enable secure voting. You will also have the option to request a paper ballot from the ACLU of Idaho office. The election results will be announced at the Annual Membership Meeting on January 29, 2020.

For more information on how to become a member, or if you do not receive your postcard by the end of December, please contact our office at **(208) 344-9750 ext. 1201** or at **[acollins@acluidaho.org](mailto:acollins@acluidaho.org)**.



# Interested **staying informed** on the ACLU of Idaho?

Sign up to receive our email-alerts at [acluidaho.org](http://acluidaho.org). We send out action alerts, event information and other statewide information from the ACLU community.

On our website, you'll also find upcoming ACLU events and news, in addition to all of our digital resources and Know Your Rights Materials.

## Follow us on social media!



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[@acluidaho](https://www.instagram.com/acluidaho)

## Want to learn more about how to support the ACLU of Idaho?

For more information or to charge your contribution to a credit card, please contact Kelsey Dillon at [kdillon@acluidaho.org](mailto:kdillon@acluidaho.org) or call 208-344-9750 x 1207.

### Write a Check

To the: ACLU of Idaho Foundation with the Remittance envelope enclosed

### Become a Monthly Sustainer

Send back the remittance envelope indicating your monthly support

### Donate Online

Go to [acluidaho.org](http://acluidaho.org) and click on the donate tab

### Renew Your Membership

National ACLU will send you a reminder when it's time to renew

### And Other Options

Learn about Estate Giving, Stock Options, Planned Giving, and Bequests

THANK YOU FOR YOUR SUPPORT AND MEMBERSHIP,  
YOU MAKE IDAHO A MORE FREE, EQUAL AND JUST STATE.



Idaho

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