

# Groups open legal front against Utah's secret jail standards

**OGDEN STANDARD EXAMINER**

MONDAY, DECEMBER 11, 2017

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<http://www.standard.net/Police-Fire/2017/12/11/Groups-open-legal-front-against-Utah-s-secret-jail-standards>

Two civil rights groups are fighting for public disclosure of Utah's closely guarded jail standards, which are maintained by a private contractor in cooperation with another non-governmental entity, the [Utah Sheriffs' Association](#).

"It's crucial to knowing whether jails are properly treating people charged to their care," said David Reymann, an attorney representing the [American Civil Liberties Union of Utah](#) and the [Disability Law Center](#).



A public spotlight is blazing on Utah's county jails this year after a wave of deaths due to suicide, injuries and drug-related problems. According to the most recently available federal statistics, Utah leads the nation in per-capita jail deaths. And records gathered by the Standard-Examiner from the 29 counties showed at least 24 jail deaths were reported statewide in 2016.

That heightened scrutiny by civil rights groups, legislators, and the media has coalesced on the Utah Jail Standards, which are used by jailers in operating lockups.

Consultant Gary DeLand considers those standards to be a proprietary secret and has refused to make them public. The sheriffs have gone along, as has the [Utah Department of Corrections](#), which uses the standards in the management of its contracts to house state prisoners in local jails.

Reymann said his clients have chosen to make their stand starting with [Davis County](#). The Davis jail had six deaths in 2016: four suicides, a traumatic injury and an apparent medication-related incident.

In a phone interview Friday, he said the county on Thursday denied the groups' request for copies of the standards and audit reports on the Davis jail's compliance with the standards.

Reymann also asked for correspondence between county officials and DeLand and his business associates, but he said the documents he received were so heavily redacted they were rendered meaningless.

"It's pretty extraordinary what's happening with these types of records," Reymann said, because withholding them deprives the public of the ability to gauge whether public officials are fulfilling their responsibilities.

"In order to know whether they are aspiring to treat people correctly and actually meeting those responsibilities, we have to know what standards to go by," he said.

DeLand also doesn't want inmates and attorneys to know what case law backing he has integrated into the standards. It's a defense against frivolous lawsuits, which unnecessarily cost counties money, he has said in previous presentations and interviews.

Efforts to contact DeLand on Friday were unsuccessful.

"Unfortunately you have an individual, Mr. DeLand, who has explicitly told agencies they're not allowed to release these documents he somehow owns, and he is entitled to do business with the government but not accept the consequences of public disclosure," the attorney said.

"This is not a principled reason for withholding this information from the public," he said.

"They're basically being directed by a private individual."

Reymann said he will appeal the county's records denial and he expects the issue to end up before the [State Records Committee](#).

An independent review is needed, either before the Records Committee or possibly in court, said Reymann, who is working on the case pro bono.

Senate Judiciary Committee Chairman Todd Weiler of Woods Cross is working on a bill to require jails to file annual reports of jail deaths. Current state law is silent on that point, and jail inspections are not required.

DeLand recently agreed to give state lawmakers limited access to the jail standards for their research, with a promise to keep the information confidential.

## **IDAHO JAIL STANDARDS ARE PUBLIC**

The contractor, a former executive director of the Utah Department of Corrections, said he has sold rights to his standards to jails in 19 states. But many other states have taken different paths.

The [Idaho Sheriffs' Association](#), for one, developed jail standards with a federal grant in 1978 and has been updating and employing them since, said Vaughn Killeen, executive director.

The Idaho jail standards [are available](#) on the association's website. The association also provides a copy of the [checklist](#) used in county jail inspections.

"Sometimes this may create problems when people get ahold of them and manipulate them to their own purposes, but we work through that, and it's a good idea for people to know what we have in our jails if they are interested," Killeen said.

Detailed inspection reports are available from the counties upon request, he said. "This keeps us in line, too," Killeen said. "There are checks and balances. We are not just working in a vacuum."

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