

After jail death controversies, Utah sheriffs post standards online

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Utah's jail standards, the operational guidelines used by sheriff's offices to run the county lockups, are now available for public review online.

The [Utah Sheriffs' Association](#) published the standards on its website last month, three weeks after the private, nonprofit association announced it would post the documents, following two years of controversy over a spate of deaths in county jails.

The association, which represents Utah's 29 elected county sheriffs, made no apology for withholding the standards from public view until now. In fact, an introduction to the [newly published standards](#) offers sharp responses to jail critics and defends sheriffs' longtime practices of managing Utah's jails.

"The debate is this: do we do just the base minimum requirements as required by the Constitution and the laws?" the association's statement said. "Or do we go above and beyond and do more than required by the standard? In the court of the public opinion we must go beyond what is required."

The group described a balance between careful spending of public funds and levels of care for jail inmates.

“It is hard on an elected official to justify to their constituents they are going to have to pay more money for something they are not required by law to do,” the association said, referring to the constitutional sufficiencies it says the standards embody.

“There is a segment of society that is more than willing to pay for it; they feel as though the inmates should have more rights and privileges,” the association said. “Many do not agree with this. It all comes down to who is louder and can push their agenda the furthest and keep the fight going.”

Publication of the standards is one of two major developments in a movement toward more transparency in sheriff and jail operations. At the close of the 2018 legislative session, lawmakers passed a bill requiring jails to submit annual reports to the state on the number of jail and prison deaths and details of the cases.

The actions follow a growing clamor from jail death victims’ relatives, a wave of lawsuits against counties, and campaigns by civil liberties groups for more openness.

“Jails and prisons are not meant to be a vacation,” the sheriffs’ association’s position statement said. “However, they are someone’s son, daughter, brother, sister, father, mother, etc., and are human beings who deserve to be treated as a human being and not as an animal.

“We have a duty to make sure their basic needs are met, but we also have responsibility to use tax dollars wisely as well.”

The group said it acknowledges there is “a new era of finding ways to rehabilitate the offender and to encourage good citizenship,” but it said society still needs to incarcerate those who refuse to be rehabilitated.

The jail standards were posted after their creator, private consultant Gary DeLand, scrubbed them of sections that explained to jail officials the legal rationale for particular standards.

DeLand, who has marketed similar jail standards in other states, considered the rationale sections to be his trade secrets.

The [Utah Department of Corrections](#), which used a version of the DeLand standards for its own operations, “was receiving pressure to go a different way with standards,” the sheriffs’ association said.

That led to the Jan. 28 announcement that the association and the department would work together to create a next-generation set of standards for use by all of Utah’s prisons and jails.

The current standards, which include about 600 separate provisions, cover many of the major areas of recent controversy, including inmate medical care, mental health screening, suicide prevention, and procedures for investigations of jail deaths.

The committee working on new jail standards has its first meeting Thursday, March 15, said Maria Peterson, spokeswoman for the Department of Corrections.

The joint team of state and county officials will draft new standards, including jail inspection and audit protocols, plus compliance methodology, Peterson said.

In current practice, state and county officials will not release jail audit results, citing security concerns.

The [Disability Law Center](#) and the [American Civil Liberties Union of Utah](#) in December [threatened legal action](#) against Davis County for not releasing documents relating to jail inspections, audit reports, and the Davis jail's compliance with standards.

The civil rights group focused on Davis County because the jail failed an inspection in 2016, a year in which at least six of its inmates died, tops in the state.

A follow-up committee that has not yet been formed probably will focus on legal aspects of the new standards, Peterson said.

There's no formal timetable for the new standards. In January, officials said it could take months or years to craft the new framework.

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