

Tribune Editorial: Closed records threaten inmates' lives

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<https://www.sltrib.com/news/2018/04/16/gehrke-utah-legislatures-power-trip-violates-basic-constitutional-safeguards/>

It is no exaggeration to say that a decision made Thursday by the Utah State Records Committee will almost certainly lead to the deaths of more inmates in the state's county jails. And there have already been far too many of those.

It would have been much better if the members of the panel had ruled in favor of the American Civil Liberties Union of Utah and Disability Law Center in their claim that the set of standards used by the state's 25 county jails — as well as reports on how well those standards are kept — should be public. If the Davis County Sheriff's Office and the State Sheriffs Association didn't like that ruling, they could take it to court.

Either way, a lawsuit promises to be the next step. Though it should not be necessary for the non-profit organizations to carry this burden.

The Utah Legislature should mandate that all such standards, inspections, audits and reports be, without doubt or exception, public record.

It is unfortunate that the records committee, which has a pretty good record of leading on the side of disclosure when the public interest is so clearly involved, bought the argument that the standards are not public record because they are the copyrighted property of their author.

That author being Gary DeLand, the former director of Utah's Department of Corrections and now an independent consultant who makes what must be a pretty good living selling (and sometimes giving) his written jail management policies to counties in several states, and then working with a company that sells software those counties can use to audit their own compliance with said standards.

If the law allows these policies and related reviews to be private rather than public, then, as Dickens' Mr. Bumble once said, the law is an ass.

The standards were recently made available on the sheriffs' association website. But there is no legal requirement that they remain there, or that we will be privy to amendments or future versions.

People in those jails are our friends, neighbors and relatives. In a great many cases, they have been arrested, can't make bail and are waiting, perhaps for a very long time, for a trial. They have not been convicted of anything.

More to the point of the ACLU and DLC's concern is the fact that many people in jail are mentally ill, suffering from some kind of substance addiction or otherwise in a fragile medical state. When such people are in the custody of any public agency, it is essential — both legally and morally — that they receive basic and necessary medical attention.

That's what the word "custody" means.

And rate of inmate deaths in Utah's county jails is frighteningly high.

If the standards are secret, and the audits are closed, then the public's right and duty to oversee what goes on in the jails, jails that operate in our name and with our money, cannot be fulfilled.

If the courts do not reverse the records committee's ruling, then the Legislature must.