

ACLU of Utah and Disability Law Center file lawsuit to make jail standards public

SU Independent

05 31 18 - 5:00 am

[Link: http://suindependent.com/aclu-utah-disability-law-center-file-lawsuit-make-jail-standards-public/](http://suindependent.com/aclu-utah-disability-law-center-file-lawsuit-make-jail-standards-public/)

By Jason Stevenson

On May 21, the ACLU of Utah Foundation, Inc. and the Disability Law Center, or DLC, represented by David C. Reymann and Jeremy M. Brodis, filed a lawsuit in Utah state court seeking the public release of jail standards that govern the operation of the Davis County Jail as well as audit reports assessing the jail's compliance with the standards.

The lawsuit stems from a series of public records requests and appeals that ended in April with the Utah State Records Committee denying the ACLU of Utah and the DLC access to the records, leaving legal action as their only recourse.

"The fact that these jail standards were purchased with taxpayer money and are being used to operate a county jail staffed by public employees and housing hundreds of Utah residents makes them public records by definition," said David C. Reymann, attorney at Parr, Brown, Gee & Loveless, P.C. "The county's excuse that these standards are stored online is not a valid barrier to the public's right of access."

The pursuit of Davis County's jail standards began last year when the ACLU of Utah and the DLC submitted a public records request under the GRAMA laws to Davis County seeking access to the standards as well as the audits, contracts, and correspondence related to their usage for the past five years. This request was fueled by Utah's recent and dramatic increase in jail deaths. In 2016, 25 inmates died in Utah jails, including six deaths in Davis County.

"The extraordinary number of deaths in Utah jails in 2016 exposed the truth that we don't know how county jails are being run and if they are complying with their own standards," said Leah Farrell, staff attorney at the ACLU of Utah. "We know the Davis County Jail failed a state audit in 2016, but we don't know anything more. Jail operations are a black box, and the public deserves a right to know more."

On Dec. 6, 2017, the records office for Davis County denied the majority of the ACLU of Utah and the DLC's GRAMA request, claiming the jail standards were owned by former Utah Corrections Director Gary DeLand, and that the county could not make the standards public without breaching its contract with DeLand. After retiring from running Utah's prison system, DeLand drafted and sold jail standards to county jail operators in at least 19 states, according to a December report by KUER.

Davis County's initial refusal to provide the standards forced the ACLU of Utah and the DLC to submit an administrative appeal first to Davis County, which was denied, and later to the State Records Committee.

After oral arguments April 12, the State Records Committee issued an order April 23 stating that Davis County was not the owner of the records and therefore was not required under

GRAMA “to produce the records” to the petitioners. Having exhausted the administrative appeals process, the ACLU of Utah and DLC filed a lawsuit last week to let the courts decide the issue.

“After years of questions and inquiries without adequate answers, we believe that county jails have an obligation to be more transparent,” said Farrell. “We anticipate that the courts will agree with us and make the standards public.”

For more information about the ACLU of Utah or to be added to its media contact list, call [\(617\) 290-8188](tel:6172908188) or email jstevenson@acluutah.org.

Jason Stevenson is Strategic Communications Manager for ACLU of Utah.