

Concerned about deaths, Utah Legislature ties jail funding to counties' disclosure of their policies

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SALT LAKE CITY — Utah lawmakers are putting more focus on county jails this year, with bills aiming to prevent suicide and drug deaths and pressure sheriffs to supply policy information demanded by the Legislature.

Expanding on a first wave of jail directives enacted in 2018, House Bill 398 would require counties to submit annual reports on screening, assessment and treatment of inmates for substance use or mental health disorders.

The bill, sponsored by Rep. Brad Daw, R-Orem, also creates a pilot program to test whether tele-health services for inmates in rural jails could reduce deaths there due to suicide or drug or alcohol withdrawal symptoms.

In addition, Daw's bill creates a tax credit incentive for mental health practitioners to work in jails and directs the Utah Commission on Criminal and Juvenile Justice to study medical care in the local lockups.

Reed Richards, a deputy Weber County attorney who represents the Utah Sheriffs' Association at the Legislature, said Daw's bill is built upon the work of a state-created committee that last year delved into jail deaths and the issues of mental health and substance abuse among inmates.

In the first year of being required to send jail death reports and corrections policy documents to the state, some counties did not respond and others sent incomplete information, drawing complaints from state officials and lawmakers.

But now, legislative budget writers have deployed a funding hammer to get cooperation from the sheriffs.

For three years, civil liberties groups, news organizations and families of people who died in jail have been pressing county sheriff's offices, the Utah Sheriffs' Association and the state Department of Corrections for full documentation of jail standards and inspections.

But officials have withheld key parts of the standards from the public, claiming they are owned by a consultant and are trade secrets. In 2nd District Court in Farmington, the American Civil Liberties Union of Utah and the Disability Law Center are suing for access to the standards and inspection records.

At the Utah Capitol on Feb. 15, a budget committee unanimously approved intent language saying sheriffs must cough up the demanded documents if they want a \$1 million funding increase for housing state prisoners.

"I'm attaching this intent language to say, you can't leave those policies and procedures," said Sen. Jacob Anderegg, R-Lehi. It's got to be in the light of day."

Anderegg is co-chairman of the Executive Offices and Criminal Justice Appropriations Subcommittee, which controls state payments to jails to house prisoners for the Department of Corrections. Counties have complained the fees don't cover all of their costs.

"The Legislature intends that Jail Reimbursement program funding is contingent on county jail submission of all standards, rules, regulations, or policies, as well as all non-privileged supporting documentation, that govern the operations of the county jails, including the Utah Jail Standards," the clause says.

Anderegg said the committee heard from sheriffs before the meeting that the intent statement might threaten jail security because policies regarding searches and other measures could be publicly exposed.

"Passage of this intent language may be a little too broad and may cause some problems for the jails," Anderegg acknowledged.

"But I also want it very clearly understood that we do not operate in secrecy," he said. "When some of the attorneys of these families who have had their loved ones die in jail try to get these policies, they were told no."

Richards said controversy over standards and inspections may lessen soon, because the sheriffs' group and the Department of Corrections are close to finishing a new set of standards. While the existing standards are voluntary, the new standards will make jails subject to audits and therefore will be more meaningful, Richards said.

A record 27 people died in Utah's county jails in 2016, including six in the Davis County Jail and two in Weber County.

Wrongful-death suits are pending in Ogden and Farmington courts in response to three of those deaths. Attorneys allege the jails neglect inmates' medical needs, including not properly caring for those withdrawing from narcotics addictions.

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