

Salt Lake County jail won't talk about its coronavirus outbreak

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Seventeen people who are incarcerated at Salt Lake County jails have tested positive for the coronavirus, health department officials confirmed Monday.

The number of infected inmates has nearly tripled in the past two weeks — which was [the last time the sheriff's office would publicly discuss COVID-19 in its jails](#).

Since then, sheriff's officials have refused to say how many inmates have contracted the virus. In an email last week, Sgt. Carrie Fisher said they couldn't publicly discuss positive cases because "our legal counsel has advised the sheriff's office to refrain from commenting on jail operations."

Sheriff Rosie Rivera confirmed Monday that officials won't talk about COVID-19 in the jails, saying in a text message that "due to pending litigation, we are not commenting."

The sheriff's staff also hasn't said how many inmates have been tested for the coronavirus — and Nicholas Rupp, county health department spokesman, said that's not a number that's reported to them. Salt Lake County, along with the state and most other counties in Utah, [are being sued by the American Civil Liberties Union of Utah and several advocacy groups](#) who want to see more inmates released from jails and prisons as the coronavirus continues to spread.

That lawsuit was filed on April 1, and Salt Lake County Sheriff's officials [confirmed the following day](#) that it had its first inmate test positive. [On April 7, they said that six inmates and seven staffers](#) had tested positive. Since then, they've refused to discuss how the jail is handling its coronavirus outbreak.

The lack of transparency has been troubling, said Aaron Kinikini, the executive director of the Utah Disability Law Center. His organization, along with the Utah Association of Criminal Defense Lawyers, jointly filed the lawsuit with the ACLU — so he said it's not entirely unexpected that government agencies are not giving information while there is pending litigation.

But Kinikini said that even before the legal action, the Utah Disability Law Center sought records concerning the coronavirus from various county jails and the prison and got little to no response.

"I think it's fair to say that transparency has disappeared completely at this point," he said. "All in all, the corrections system statewide is a bit of black box right now as far as anything COVID-19 related. Which is frustrating and deeply concerning."

The advocacy groups have asked for the Utah Supreme Court to order state and county officials to take "immediate steps" to release those who are incarcerated but have not yet been convicted, those who have been convicted but have less than 180 days left on their sentence, and all of those who have a high risk for complications if they contract COVID-19.

Jail officials have taken measures to reduce their population amid concerns of coronavirus spreading, but none have taken as drastic of steps as what the proposed legal action is suggesting.

Prison officials have started releasing inmates early who are within 180 days of their parole dates. But they haven't considered whether to release older inmates or those who have underlying health conditions.

Dennis Moxon, the director of the Utah parole board, said on April 2 that the number of requests for compassionate release have increased. But he would not say by how many and would not comment further because of "pending litigation."

The Salt Lake County jail population is the lowest it's been in years, with 1,425 inmates there as of Monday — a nearly 40% decrease from what it was at this time last year.

Salt Lake County officials have worked to release nonviolent offenders to make room in the jail to spread out more violent offenders. Nearly 70% of those who are currently in jail have not yet been convicted of any crime and are awaiting trial.

The ACLU lawsuit seeks to have those people who are being held pretrial to be released.

The petitioners have asked for the case to be heard quickly, but lawyers for the state sought a delay saying they need time to prepare for last week's special legislative session that was called to address the coronavirus and how the state is responding. The special session continues Thursday.

No court dates have been set, and government lawyers have not yet filed a response. The petitioners last week did file a request for three Utah counties — Uintah, Piute and Wayne — to be dismissed from the suit, but didn't explain why. Piute and Wayne counties don't have jail facilities.

Meanwhile, another group wants to get into the legal action. Lawyers for several crime victims filed a motion asking to enter into the case, expressing concern that mass releases from jails would cut out a victim's right to be heard and be treated fairly.

"The victims are extremely concerned about their own personal safety in connection with individuals who are currently detained in connection with their cases," wrote Heidi Nestel, the executive director of the Utah Crime Victims Legal Clinic. "They believe that their safety should be a predominant factor in any release decision concerning the detained individuals."