

# Salt Lake County responds to ACLU-led lawsuit to release inmates

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SALT LAKE CITY (ABC4 News) – The American Civil Liberties Union of Utah and others want more inmates freed as a way to deal with the COVID-19 pandemic.

“While we appreciate the steps that state, county, and local authorities are taking to increase safety at correctional facilities, we bring this lawsuit because we think that the measures now being taken do not match the enormity and urgency of the problem we face,” the Legal Director at the ACLU of Utah John Mejia said earlier this month.

The lawsuit filed has a lot of county officials in the state upset.

“They didn’t take the time and effort to actually see factually what was going on and they made these large sorts of hyperbolic generalizations based on news clippings without any basis and facts what so ever,” said Salt Lake County District Attorney Sim Gill.

Because of COVID-19, the DA says in a response to the lawsuit, his team along with the Legal Defender Association, Third District Court, and Salt Lake County Sheriff’s Office worked together to release 724 non-violent offenders, leaving roughly 1,425 inmates in the Salt Lake County Metro Jail.

Most of those are violent offenders according to DA Gill, “89 percent of the individuals who are right now at the county jail are felons.”

The county believes they need to create flexibility while balancing the safety of the public.

Inmates released included:

- Those waiting on a court date but did not pose a threat to the public
- Those who served most of their sentences.
- Third Degree nonviolent cases or misdemeanors that are not domestic violence-related.

“And we’ve said, that should the need be there, we will aggressively look at second-degree felons who are nonviolent in nature,” Gill added.

The county dealt with 15 cases of COVID-19 at the Oxbow Jail since the beginning of the pandemic.

Salt Lake County Sheriff Rosie Rivera tells ABC4 News since April 15th, no inmates tested positive for COVID-19, and the last inmate with the virus was released from quarantine on April 23rd.

In a statement, she added, "Over the course of the pandemic, our infection rate inside the jail was between 0.39%-0.42%."

"By some estimates, the infection rate is lower at the county jail than it is out in the community," said DA Gill.

At the Salt Lake County jails, all deputies go through health screenings because of the proximity to people and receive daily briefings from the health department.

Arriving prisoners are isolated for 14 days to show they are symptom-free.

"And then they are taken to another 14-day isolation, so they are almost 30-days without symptoms before they are put into the general population," said DA Gill.

The ACLU alleges in a new statement:

*We will continue this case, which is part of a nationwide effort to protect vulnerable populations during this pandemic, because we believe that people's lives are at risk.*

*Evidence shows that institutional living is inherently dangerous during a pandemic. Even with preventive efforts, additional outbreaks will likely occur in more Utah correctional facilities to threaten prisoners, staff, and the surrounding communities.*

*We seek only the swift release of prisoners when doing so is safe, and health and safety measures are created for those who remain incarcerated. We have already voluntarily dismissed several counties who have demonstrated that they are taking effective measures and will continue to do so.*

"As far as we are concerned it is a frivolous lawsuit because there is good that is being done and those interests are being protected under some very trying circumstances," said DA Gill.

Sheriff Rivera added, "During an already challenging time, this lawsuit added an unnecessary burden. We welcome the opportunity to now fully educate the Court, plaintiffs, and, most importantly, our community, about our continued protocols to address COVID-19 as long as needed."

Counties like Salt Lake are using taxpayer dollars to defend the lawsuit.

The Utah Supreme Court will need to decide the case based on legal filings or schedule a time for oral arguments to move it forward.