

'Scared all the time': Former Daggett inmates describe abuse at the hands of jail officers

In their first public interviews, victims of fired deputy describe being terrorized with Taser, police

By Rone Tempest and Eric S. Peterson | The Utah Investigative Journalism Project

Nov. 5, 2017, 8:40 a.m.

<https://www.sltrib.com/news/politics/2017/11/05/former-daggett-jail-inmates-describe-torture-and-abuse-by-officer/>

The following story was written and researched by Rone Tempest for The Utah Investigative Journalism Project in partnership with The Salt Lake Tribune.

Dustin Porter said he has recurring nightmares of the attack dog that lunged at him in a slippery jail hallway: "I'll wake up right before he bites me."

Josh Olsen said he was told to wear long-sleeved shirts to hide the marks made on his arm by the jolts of a stun gun.

Josh Asay recalled the terror of having a semiautomatic handgun pointed at his face: "We were pretty much scared all the time. The people who were watching over us were hurting us."

In their first public interviews since Utah state investigators abruptly closed the 80-bed Daggett County jail in February, several former inmates detailed what they described as painful "initiation" rituals in which a guard at the jail — sometimes with other officers as witnesses — repeatedly stunned them with a Taser weapon and subjected them to terrifying K-9 police dog "training" exercises.

The inmates said that if they balked at his demands, Deputy Joshua Cox, 27, ridiculed them as "pussies" and "bitches" and threatened to "fire" them from their coveted outside-prison work. On some occasions, when they were working away from the jail cameras, inmates said Cox menaced them with his service handgun.

Cox's attorney declined an interview request on behalf of his client.

After investigators found what Utah Attorney General Sean Reyes described as "unbelievably inhumane" criminal misconduct at the jail, former Daggett County Sheriff Jerry Jorgensen, 64, and three ex-deputies — Benjamin Lail, 32, Rodrigo Toledo, 42, and Cox — have all entered guilty pleas to state charges.

Jorgensen and Toledo admitted to official misconduct. Lail pleaded guilty to "reckless endangerment" for firing a Taser at the feet of a female employee in the jail control room.

Another deputy, Logan James Walker, 27, is scheduled for a pretrial hearing on an official misconduct charge later this month.

Cox, the main culprit, pleaded guilty to three felonies, including two counts of aggravated assault, and a class A misdemeanor for stealing a Taser from the Smithfield Police Department, where he once worked as a reserve officer.

“I think he enjoys watching other people suffer. ... This is what he likes doing.”
— Former Daggett County jail inmate Dustin Porter.

Cox alone faces possible jail time. His sentencing is set for Monday in 3rd District Court.

Up to now, the eight inmates listed as victims in the case have been identified in state documents only as John Does 1-8, ostensibly for their own protection. However, four inmates — Joshua Reed Olsen, 29; Joshua Asay, 27; Dustin Law Porter, 37; and Steven Drollette, 48 — agreed to speak with a reporter in the presence of their attorney, John Mejia, legal director for the American Civil Liberties Union of Utah.

A state-local partnership

The ACLU has been conducting an inquiry into conditions and policies at county jails that house state prisoners across Utah. Until its jail was closed, remote Daggett County in far eastern Utah was one of 21 counties that participated in the state’s Inmate Placement Program (IPP). The IPP oversees more than 1,700 prisoners and pays the counties \$52 a day to house them.

The state promotes the program as a boon to depressed, rural economies, calling it “a state and local partnership that works.”

In 2016, for example, Utah paid Daggett County \$1.3 million to jail 75 to 80 state prisoners, accounting for approximately 30 percent of the sparsely populated (1,100 residents) county’s nonagricultural economy, according to the Utah Department of Workforce Services.

But the IPP recently has come under scrutiny by the state Legislature and civil rights advocates who question the highest-in-the-nation rate of jail inmate deaths and suicides, as well as the significant number of grievances filed by inmates. The IPP program has limited work and study programs compared to the state prisons in Draper and Gunnison, and is largely unpopular with the prisoners, who generally have no say where they are incarcerated.

“[They] just warehouse us and neglect us,” said former Daggett County inmate Olsen.

The Daggett jail abuses were first reported in late 2016 by inmate Steven Drollette in detailed letters to Sheriff Jorgensen and, after a month passed with no response, to volunteer Mormon drug and alcohol counselor Jerry Steglich.

Jorgensen, a former state corrections officer, said he immediately forwarded the information to Department of Corrections officials. However, Drollette and other inmates credit Steglich and The Church of Jesus Christ of Latter-day Saints with finally bringing the case to light.

“I’m 99 percent sure it was the Jerry Steglich letter, not the Jorgensen letter,” Drollette said in a telephone interview from the Box Elder County jail.

Mormon church helped uncover abuses

Interviewed in his log home outside Manila, Steglich, a 64-year-old barrel-chested businessman and former Daggett County commissioner, was reluctant to take credit for his role in uncovering the jail abuses, and was uneasy with the attention it has brought to the tiny hunting and fishing community on the banks of Flaming Gorge Reservoir.

"I don't know if it was my letter or his that got there first, but we can't endure any more scrutiny here," Steglich said, sitting at a large pine table that inmates built for him in the jail woodshop.

"My view is that if the state of Utah had been doing their job, this never would have happened. They are supposed to do check-in and do interviews with the inmates and the guards on a regular basis." The incidents occurred from May 2015 until last February, when the jail was emptied and closed.

Alarmed by the contents of the Drollette letter, Steglich said he followed church protocol and contacted his LDS stake president in Lyman, Wyo., who then forwarded the information to church headquarters in Salt Lake City. Church attorneys then shared the information with the Department of Corrections.

Within a month, corrections investigators Travis Dimick and Jacob Savage showed up at the Daggett County jail in Manila, and began interviewing guards and prisoners.

A church spokesman confirmed the sequence of events and praised Steglich "for the concern and compassion demonstrated" in his actions to alert authorities.

"The church teaches its members to treat others with kindness, and has zero tolerance for abuse of any kind," said the spokesman, Eric Hawkins. "Obviously, these circumstances are unique, but what occurred here is a good demonstration that the church takes seriously abuse of any form and makes it a priority to stop abuse."

Among the 11 original counts, including seven that were subsequently dropped after plea bargaining, was the allegation that at least once Cox handed a stun gun to one inmate and ordered him to discharge it on another inmate.

"I think he [Cox] enjoys watching other people suffer," said former inmate Porter. "That is what he likes doing."

Reyes, the state attorney general, said the episodes in the Daggett County jail were a "reprehensible miscarriage of justice and the actions of all the defendants are inexcusable."

'Fun and Games'

However, at Joshua Cox's Sept. 6 plea hearing in Summit County, defense attorney Loni DeLand belittled the severity of the incidents, calling them "fun and games."

"It gets boring out there in Daggett County," DeLand told reporters.

"The inmates out there have always had a very close relationship. They have for years. As you know, Daggett County has had its problems over the years, and part of that is that they get too close. So it's, you know, 'Hey, do you want to be Tased.' And 'Sure,' and 'You get a sixpack of soda.'"

"He shouldn't have done it," DeLand told reporters. "But I don't think it's that egregious."

The inmates, however, paint a much more frightening and grim picture of a sadistic guard in an out-of-control county jail. It was never, they said, about soda pop or "boredom."

Instead, they said, it was about jobs they had earned for their good behavior and getting outside the jail walls, even for a brief time. The jail held up to 80 inmates but had only four work-crew spots.

The four inmate workers, provided with gate passes, were permitted to leave the jail for supervised tasks such as maintaining Little League baseball diamonds and cleaning up the rodeo grounds.

Cox controlled who got the much-desired outside passes. In his words, he “hired” them and he had the power to “fire” them if they didn’t do what he asked. All of his victims were housed in the outside workers space, Section 1A of the jail.

Josh Asay, the youngest of the four former Daggett inmates, is now in the Summit County jail finishing a five-year sentence. He was interviewed recently behind a plexiglass barrier in the jail visitor room.

“We were all under the impression that there was an ‘initiation’ to work outside,” said Asay. “Everyone who could go outside was going to get tased.”

The accounts of the stun-gun episodes given by the four men — who were interviewed separately — were almost identical. Each of the four said he was shot with a Taser twice. Asay, Olsen and Drollette said they were shocked a second time after Cox ridiculed them and said the first time wasn’t long enough. All of the Taser shootings took place in the garage, woodworking shop or other areas not covered by jail-video cameras.

They described Cox and, when they were present, deputies Toledo and Walker, as “smiling” and laughing during the episodes. “Not laughing hysterically, but giggling,” said Olsen.

Porter said it was so painful that “it seemed like an eternity” and made him feel as though he suddenly needed to use the toilet.

“I don’t know how many volts it is going through your body,” said Drollette, “but you just feel all tensed up and you feel like falling over. When you try to pull away from him, he pushed it back into you, saying, ‘That ain’t five seconds. That ain’t five seconds.’”

Attack dogs

Even more terrifying to some of the men were encounters with the two dogs, a Labrador mix named Jack and a Belgian Malinois they said Cox regularly brought into the jail for “K-9 training” with inmates as targets.

Cox gave the inmates heavy cloth canine bite tugs with handles at each end. Cox would then issue commands to “attack” or “search” in German, the language used by most K-9 handlers in the United States.

“I just remember standing in this dark room waiting for the dog to come in.”
— Former Daggett inmate Josh Olsen.

“I was in the hallway that was pretty slippery and he let the dog go,” Porter said. “I wasn’t ready for it. He bit on the chew toy and pushed me back.”

Olsen said Cox ordered him to take the bite tug into a room of the jail chapel so he could order the dog to seek him out. “I just remember standing in this dark room waiting for the dog to come in.”

Drollette said he was bitten on the back of his leg, breaking the skin. When he asked for medical attention, he said, Cox told him not to worry, “that dog’s cleaner than you are.”

Most of the inmates in the Daggett prisoner abuse case have long criminal records on charges ranging from burglary to child abuse. Most charges involved drugs. However, all the prisoners had been screened by the Department of Corrections and approved for medium-security facilities like the Daggett County jail.

The extensive criminal histories also give them some perspective on the quality and the safety of the jails in which they have done time. All four men interviewed said they had never experienced anything like their time in Daggett County.

“We’ve all made our mistakes,” said Asay, who estimated that he spent more than half his troubled life in jail or foster homes. “But it is not fair to treat people like that.”

Porter, who grew up in Payson, where his parents and siblings were bakers, served six years in the Draper state prison but also spent jail time in Beaver, Millard, Garfield, Sanpete, Utah, Juab, Davis and Salt Lake counties.

“I’ve been in trouble pretty much my whole life and am only recently trying to straighten out,” said Porter.

Interviewed in the small Eureka home he shares with his fiancée, Porter read from his handwritten response to the Loni DeLand comments about “boredom” and “fun and games” at the Cox plea hearing:

“I’ve never been bored enough in my entire 37 years of life to want or willingly be abused by anyone and I sure don’t see it as fun and games.”

Editor’s note: Rone Tempest is a retired Los Angeles Times national and foreign correspondent and a contributor to the nonprofit Utah Investigative Journalism Project. Eric S. Peterson is the project’s founder and editor.