

# Utah settles civil rights claims of inmates tortured by former Daggett County Jail guard

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The Utah Department of Corrections has agreed to award four former Daggett County Jail inmates a total of \$122,000 in damages for abuse they received at the hands of a jail guard who blasted them with stun guns and subjected them to K-9 dog attacks, according to court records and attorneys.

“These lawsuits have sent a very strong message that everyone’s rights need to be respected,” said attorney John Mejia, Utah legal director of the American Civil Liberties Union that represented three of the former inmates in civil-rights litigation.

The cases involved “cruel and unusual punishment” questions under the 8th Amendment of the U.S. Constitution that require “deliberate indifference” on the part of the state that would have been very difficult to prove had the cases gone to trial.

Darin Goff, assistant attorney general, who represented the Department of Corrections, said the state accepted the settlement without conceding any of the constitutional questions. “While the state does not believe that the Department of Corrections or its employees violated these plaintiffs’ constitutional rights,” Goff said Thursday, “the state of Utah opted to settle these cases in order to conclude the litigation and eliminate further risk to taxpayers.” Goff, director of the attorney general’s civil-rights section, confirmed the settlement amounts as a matter of public record.

The multiple jail abuses occurred between May 2015 and February 2017 and when they came to light the Daggett County Jail was closed after the Corrections Department removed all 80 state inmates. Utah Attorney General Sean Reyes filed criminal charges against Daggett County Sheriff Jerry Jorgensen and four of his deputies for what he described as “unbelievably inhumane conduct.”

Several of the inmates, in interviews with the Utah Investigative Journalism Project in 2017, described being “scared all the time” as they were tortured, bullied and humiliated. Inmate complaints had been ignored until a drug and alcohol volunteer jail counselor for The Church of Jesus Christ of Latter-day Saints, through his stake president — a regional leader — brought them to the attention of church headquarters in Salt Lake City. Attorneys for the faith then shared the information with the Department of Corrections.

The ACLU and other critics contend the Daggett abuse case represents a broader problem with the Department of Corrections' Inmate Placement Program (IPP) that farms out 20 percent of the state's inmates to 21 often remote jails where they say the state is unable to ensure safety, health and professional standards.

The state argues that the program is a boon to depressed local economies, calling it "a state and local partnership that works."

The ACLU's Mejia vowed to continue to press the Department of Corrections on the placement policy.

"Settling this case doesn't mean that we don't have continuing interest in the IPP program," Mejia said.

The settlements with the Department of Corrections awarded \$32,000 to former inmate Joshua Asay, 29, and \$30,000 each to former inmates Dustin Law Porter, 39; Steven Drollette, 50, and Joshua Reed Olsen, 31.

All four were released in 2017 after the state filed criminal charges against the Daggett jailers. Asay and Porter, both habitual offenders, have since been arrested on other charges and are back in custody.

A separate settlement for an unknown amount was reached with former Daggett County jail commander Benjamin Lail. "My client obviously wanted to settle," said Lail's attorney R. Blake Hamilton. "He has moved on with his life and is no longer in law enforcement."

Lawsuits are still pending against several Daggett County officials, including former Sheriff Jerry Jorgensen and acting Sheriff Erik Bailey.

Former guard Joshua Cox, then 29, the main perpetrator of the abuses, pleaded guilty to three felonies, including two counts of aggravated assault.

Cox, a 6-foot-2, 240-pound man who used to taunt the inmates as "b-----s" and "p-----s" served four months in the Uinta County Jail for his crimes that included requiring inmates to be shocked with stun guns in order to have coveted outside work assignments. He also used the inmates as practice dummies for a dog he was training for police work.

During his sentencing hearing two years ago, Cox unsuccessfully pleaded for leniency, saying he had paid a steep price in loss of his reputation, his job and lifetime revocation of his peace officer certification.

The Daggett County Jail, one of the area's biggest employers, has since been permanently closed and put up for sale. The closure contributed to the economic turmoil plaguing the state's most sparsely populated county, which saw revenues decline by two-thirds from 2016 to 2018. Rone Tempest is a former Los Angeles Times reporter who produced this story through a partnership of the Utah Investigative Journalism Project and The Salt Lake Tribune.