

Petition for Extraordinary Relief

...on behalf of Individuals Incarcerated in the State of Utah

4/1/20

(1) Who filed this Petition for Extraordinary Relief?

This petition is being brought by the ACLU of Utah, the Disability Law Center, and Utah Association of Criminal Defense Attorneys. All three of these organizations are based in Utah and have extensive experience in criminal justice and civil liberties issues.

(2) What is a Petition for Extraordinary Relief?

This is a special petition to a court (in this case, the Utah Supreme Court) that requests the highest court in the state grant extraordinary relief in less than 14 days. Petitions requesting extraordinary relief may be filed when there is otherwise no speedy and adequate solution to address certain problems for incarcerated individuals.

(3) Who are the petitioners?

The lawsuit is being filed on behalf of people currently incarcerated in Utah jails and prisons who are at risk of contracting COVID-19.

(4) What else has been done to release people incarcerated in Utah?

The ACLU of Utah and others have already engaged in direct advocacy with law enforcement, sheriffs, prison administrators, parole board administrators, judges, prosecutors, and the Governor's office to change policies and practices to stem the spread of COVID-19 within the criminal justice system. Plaintiffs have also discussed and implemented litigation strategies with criminal defense attorneys to help incarcerated individuals on a case-by-case basis, especially for demographics with a heightened risk for serious complications from COVID-19 infections.

(5) Why is Petition for Extraordinary Relief needed now?

While some people have been released from custody in recent weeks, this effort needs to broaden and accelerate to remove more vulnerable populations from correctional facilities to avoid potentially catastrophic outcomes for incarcerated individuals, facility staff, and the public at large. COVID-19 may have already spread to two different correctional facilities in Utah despite their efforts to implement screening measures. Because of the rapid spread of the COVID-19 virus, the scale, scope, and timeliness of the requested remedy is only plausible through Extraordinary Relief granted by the Utah Supreme Court.

(6) What are the legal grounds for this Petition for Extraordinary Relief?

We believe that people currently incarcerated in Utah and vulnerable to the COVID-19 pandemic should be released because their confinement violates their right to due process rights and their right to be free from cruel and unusual punishment and unnecessary rigor under the Utah Constitution. In addition, those detained in pre-trial confinement face violations of their constitutional due process rights to be free from harsh conditions and pre-conviction punishment.