

Daggett County wants lawsuit over jail abuse thrown out, but ACLU says no

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Former Daggett County Sheriff Jerry Jorgensen poses in front of the Daggett County Jail, which has since closed. The American Civil Liberties Union is asking a federal judge to reject a motion from Daggett County to have a lawsuit against it thrown out. The lawsuit alleges that inmates were abused at the jail.

SALT LAKE CITY — Equating the supervision at the former Daggett County Jail to a fox being allowed in a hen house, the American Civil Liberties Union is asking a federal judge to reject a motion from the county to have a lawsuit against it thrown out.

In 2017, the Daggett County Jail was shut down after a Utah Department of Corrections investigation uncovered years of abuse of inmates, including officers illegally using their Tasers on inmates and forcing inmates to act as test dummies to train uncertified police dogs.

Former Daggett County Sheriff Jerry Jorgensen, former Lt. Benjamin Lail, and former sheriff's deputies Joshua Cox, Rodrigo Toledo and Logan Walker were all charged and convicted under various plea deals.

Then in 2018, the American Civil Liberties Union of Utah filed a lawsuit against Daggett County and others on behalf of two former inmates who were abused while incarcerated at the jail. Settlements were reached over the years with most of the defendants, leaving Daggett County, Jorgensen and current Daggett County Sheriff Erik Bailey as the lone remaining defendants in the lawsuit as of Tuesday.

On Aug. 20, an attorney for Daggett County filed a motion in federal court seeking to have the lawsuit dismissed.

"All claims against all defendants are based solely upon the misconduct and illegal activity of a single former deputy sheriff, who was promptly terminated when his conduct was discovered by administrators," the motion states.

According to the motion, Jorgensen never had any reason to suspect that a Taser or a dog were being used to harm inmates because he had never heard of such conduct in his 40 years of law enforcement and "such actions are so obviously illegal that no officer would need to be told or trained not to do such things."

"The law has been clear for over 40 years that governments and supervisors are not liable for the misconduct of their employees for constitutional violations. For this reason, all claims should be dismissed," the motion continues.

On Oct. 15, the ACLU filed a lengthy response countering Daggett County's motion. In it, the ACLU argues that the evidence shows the violations committed by jail staffers was a direct result of the

county's "utter failure to properly supervise and train the people put in charge of every aspect of (inmates') lives while imprisoned, most importantly their safety and dignity."

The ACLU alleges that the policies and practices maintained by the sheriff and county allowed the jail commander and staff "to run the jail as a place where unprofessional, abusive and sadistic behavior was condoned and rewarded."

According to interviews with jail staff and even Jorgensen, supervision of staff members was "little to none" and the county "created and encouraged an environment at the jail where the 'fox was let around in the hen house,'" according to the ACLU's filing. "Instead of remedying the culture of sadistic abuse at the jail, defendants had a custom and practice of protecting and covering up for 'golden boys' so strong that it persists even in their motion seeking judgment in this case."

A federal judge is expected to take the arguments under advisement and issue a ruling at a later time.