

# Secrecy Is Nothing New For Gary DeLand, Utah's Former Prison Boss, Who Won't Reveal Jail Standards

By WHITTNEY EVANS

KUER

December 6, 2017

Link: <http://kuer.org/post/secrecy-nothing-new-gary-deland-utahs-former-prison-boss-who-wont-reveal-jail-standards#stream/0>

Audio: [https://cpa.ds.npr.org/kuer/audio/2017/12/120617-DeLandProfile-Whittney\\_0.mp3](https://cpa.ds.npr.org/kuer/audio/2017/12/120617-DeLandProfile-Whittney_0.mp3)



Utah's had a rash of inmate deaths lately. In fact, the state has had more inmates per capita die this past few years than any other state in the nation.

"Members of the media and people at the ACLU and people at the Disability Law Center have been trying for some time to get the standards that the jails use to guide their operations," says attorney David Reymann. Those details - the audits, the rules for operating a jail - are kept secret. That's because Utah's former prison boss, a self-made corrections expert named Gary DeLand,

says he owns the standards And he's been fighting to keep them from the public.

The ACLU of Utah and the Disability Law Center tried to obtain the standards through open records requests to county jails throughout the state but were denied. So they reached out to Reymann for help.

"Without knowing what the standards are, it's impossible to say whether the jails are aspiring to meet appropriate standards to treat people that are incarcerated, number one and number two to know whether they are meeting those standards," Reymann says.

In the early 90s, the non-profit trade group Utah Sheriff's Association asked DeLand to write a set of policies for governing Utah jails. He'd just retired from his post as executive director of the Utah Department of Corrections. At the time, DeLand said, inmate lawsuits made up a quarter of all new filings in the federal court system. Sheriffs were looking to protect themselves from litigation.

"What I was asked to do in 1993, was can you put together for us a set of standards? DeLand says. "It tells us what we have to do with regard to food. With regard to cell size. With regard to medical, mental health, these kinds of things."

While he served as head of corrections from 1985 to '92, DeLand had plenty of practice writing policy for the state prison. And he'd become especially familiar with getting sued by inmates.

"Everything from very serious things such as in custody death, use of force," DeLand says. "Those kinds of issues down to you had chunky peanut butter instead of smooth. When I ran the Department of Corrections, I was sued for that. I was sued for stealing brain waves. It was a waste of my time. A waste of taxpayer money time."

**I was sued for stealing brain waves. It was a waste of my time. A waste of taxpayer money time. - Gary DeLand**

One of those inmates was a man named Roger Bott. Bott went to prison in 1987 when he was in his 20s. Now he's 56 and lives in a modest ranch-style home in Utah County with his wife Janeen and a sea of wall-mounted fish.

These days he keeps an immaculately tidy house and spends a lot of time fishing. He tells me when he was younger, he got into a fight with some BYU football players. Bott shot out their rear window in a car chase. But that's not what sent him to prison. It was that he broke probation.

"When I first got there, I loved it," Bott says. "It was a blast. If there was a couple things I could have got in that old prison, I would have lived there forever. You played baseball, basketball, tennis. When I left I was in maximum security and it was hateful."

*Roger Bott talks with KUER at his dining room table in Provo.*

CREDIT RENEE BRIGHT/KUER

It was there that Bott started experiencing blurred vision in his right eye. He complained repeatedly.

"I begged and I begged," Bott says. "I mean, everybody in that whole section knew my problem."

Without proper care, his condition worsened until finally he was sent to the University of Utah Hospital. He had malignant hypertension and severe renal failure. He lost his kidneys.

Bott has never met Gary DeLand. But he sued him for negligence over this whole ordeal. And Bott won. The state paid him half a million dollars in damages.

DeLand wrote Utah's county jail standards, based largely on his own prison policies. He retained a copyright and allowed the Sheriff's Association to use them for a nominal fee. But he's made a business of selling those standards to county jails in 19 other western and southern states.

So, why doesn't DeLand share those standards with the public? Beyond the obvious fact that it's the heart of his business.

"First of all a lot of sheriffs didn't want standards," he says. "Because they said as soon as you have standards, even though they're technically not legally binding, attorneys, media, others would say, oh you violated this one, you violated that one. And we don't want that."

He says sheriffs sometimes shredded the inspection report after they got it back for fear that someone would use it against them, like say, in an election year.

Another reason for withholding them, DeLand says, is that he's frequently called upon as an expert witness in litigation cases against prisons and jails throughout the country.

DeLand's strategy is if prosecuting attorneys don't know the rules, they can't prove that jails and prisons are breaking them. Media groups, including KUER, have filed open records request for his standards and annual jail audits.

This tug of war, between civil liberties groups, lawyers, journalists and Gary DeLand is not new. It's like the 2017 reboot of a 1980s classic. And one of the characters from the original film is former Salt Lake Tribune and Associated Press reporter Mike Carter. He's now a senior reporter for the Seattle Times, but he followed some of the inner workings of DeLand's administration at the state prison.

"No one has ever felt that anybody can do anything in corrections in Utah without going through Gary DeLand," Carter says.

**No one has ever felt that anybody can do anything in corrections in Utah without going through Gary DeLand - Mike Carter, former writer for The Salt Lake Tribune and the Associated Press.**

DeLand is somewhat of a legend in Utah and in corrections circles nationwide. He was even tapped by the Bush Administration in 2003 to rebuild the Iraqi prison *Abu Ghraib*.

Carter says when DeLand was head of Utah Corrections, the prison had a hard reputation.

"Guards were very strict," he says. "There were a lot of reports of abuses of inmates. It was a lockdown.

I don't know how much correction was being done in the Department of Corrections back in those days."

Mandatory minimum sentences led to an increase in the inmate population. Counties started building new jails and contracting with the state to house some of the prison inmates. DeLand had a hand in those contracts and designing many of those facilities. In 1993, Iron County paid DeLand \$90,000 to write jail policies and train staff at the Iron County Jail.

"No one ever saw the policy that he was writing for the jail out there. He just assured everybody that it was fine. And from what I understand, that's what he's saying now."

DeLand is now executive director of the Utah Sheriff's Association.

Last month, he held a rare press conference at the state Capitol. He was there to defend his policy and lobby state lawmakers. They're reviewing jail operations in light of recent inmate deaths.

Those deaths include 28-year-old Heather Ashton Miller. She died at the Davis County Jail when she fell from the top bunk and nearly severed her spleen. And 21-year-old Madison Jensen died at the Duchesne County Jail from dehydration.

She lost at least 17 pounds in four days. That's in addition to numerous suicides and a high-profile inmate abuse in Daggett County.

Utah Republican Senator Todd Weiler is among lawmakers reviewing the state's jail standards. He's trying to be supportive of DeLand, but he says even federal standards for holding undocumented immigrants in jails are available to the public.

"So I don't understand if the Federal government can be open and transparent, why we can't be like that on the state level," he says.

David Reymann, the lawyer for the ACLU and Disability Law Center says his clients are asking that same question.

Reymann says the group's focusing on the Davis County Jail in their latest open records request. They're prepared to receive a denial letter this week, which they plan to appeal. And if that doesn't work, they'll likely take legal action. That means they'll join Gary DeLand in a place he seems to feel most at home. In a courtroom.