

Gehrke: If Utah's county jails don't like a little transparency when inmates die, it's time they stop taking state tax dollars

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Heather Ashton Miller was sent to the Davis County jail on a drug paraphernalia possession charge in 2016. She was two days into her sentence when she fell off her bunk and ruptured her spleen. A liter of blood spilled into her body, and she died hours later on the way to the hospital.

Calvin and Kim Ostler are suing the Salt Lake County jail, alleging their daughter, Lisa Marie Ostler, was given insufficient medical treatment before she died from digestive inflammation. And Ashley Evan Jessop, 35, died of renal failure in his Weber County jail cell in 2016. His mother is suing jail officials, alleging they, too, were indifferent to her son's medical and mental health needs.

These are just some of the 71 people who died in custody between 2013 and 2017, according to a report looking at inmate deaths across Utah.

You might think that it's worthwhile for the state to look at the deaths to see if we have a problem, and if so, the extent to which it's an issue. You might think we could perhaps spot trends or see if practices at a jail with a good track record could help prevent fatalities in other jails, as well.

You might think that more data would be a good thing.

But chances are you are not Beaver County Sheriff Cameron Noel.

The sheriff got more than a little defensive at a meeting of a working group created to study the causes of jail deaths and the policies and procedures that might prevent them.

"It's not an epidemic," Noel insisted, blaming the media for blowing inmate deaths out of proportion, according to a report in the Ogden Standard-Examiner. Noel even objected to the reporter attending the public meeting.

"The sheriff's association took a lot of flak," Noel contended. "We manage our jails very well. We have done an absolutely excellent job, and now we are castigated."

But are they doing "an excellent job"?

In 2017, the mortality rate in Utah jails dipped to about 1 in 1,000. Before that, the lowest it had been was 1.5 per 1,000 in 2015, and it was as high as 2.65 a year earlier. Nationally, between 2010 and 2014, the rate of jail deaths was 1.37 per 1,000.

In fact, Utah had the highest rate of jail deaths in the United States in 2014 (the most recent year of nationwide data available), the third highest in 2013 and the seventh highest in 2010.

Surely, running a jail is not simply like running the world's worst Ritz-Carlton. Your guests have drug addiction issues and mental health problems, they can be violent, sometimes suicidal and presumably they all did something illegal to land them in a cell.

It would be unrealistic to expect jailers to prevent every inmate death — whether it's from suicide or drug withdrawal or some other medical condition.

It is realistic, however, to expect sheriffs to take reasonable steps to prevent things like inmate suicides, rather than chalking it up to a bad personal choice, as Noel did.

"That was the life they chose to live," he said. "They chose to take their own life."

And it's not just realistic, it's common sense, to ask how we can do better. Could jailers be better trained to spot problems? Does it make sense to train jail staff to administer anti-withdrawal medications? Is there a way to improve medical screening, particularly in rural jails? Are there policies and procedures and best practices that could help protect human lives? Those are the types of questions Sen. Todd Weiler, R-Bountiful, said he was trying to get at when he and Rep. Carol Spackman-Moss, D-Holladay, sponsored SB205 last year.

"As a legislator, I have been frustrated that we didn't have any data. Now that we have a little data, just the tip of the iceberg, I'm not going to feel ashamed that we asked for it," said Weiler, who is part of the working group.

"What I'm hearing from Cameron Noel is: 'How dare you? How dare you hold us accountable? How dare you try to make us be transparent?' And, I'm sorry, that's a losing argument," Weiler said. "If you're receiving taxpayer funds in this day and age, you're going to be held to a higher standard. You're going to have to have more transparency than in the past."

Even with the passage of SB205, 10 county sheriffs simply didn't provide the data requested by the Utah Commission on Criminal and Juvenile Justice for 2013 through 2016, so we don't even have a full picture.

"Some of them know what they're supposed to provide and aren't," Weiler said.

I get it. For Noel and his fellow sheriffs, all of this concern over people dying in their jails has got to be a real inconvenience.

But policymakers ask these questions for a reason, so we know if we have a problem, where we can do better, and how one jail can learn from another jail's experiences.

If Noel doesn't like that, then maybe the solution is for the state to pull its 150-plus inmates out of the Beaver County jail, along with all the state taxpayer money Noel's dad, Rep. Mike Noel, R-Kanab, keeps getting for Cameron and his fellow sheriffs.

This year, according to Beaver County's budget, they are planning on \$7.3 million in taxpayer money to warehouse state inmates in the county's ridiculously oversized jail.

That way, we'll know that at least state inmates will be supervised in the safest and most responsible manner possible, and Noel can go back to doing an excellent job.