

Federal judge rules ACLU lawsuit over Daggett County Jail prisoner abuse can continue against state defendant

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An ACLU of Utah lawsuit seeking damages for a pattern of physical abuse and denial of medical care for Joshua Asay, a prisoner previously incarcerated at the Daggett County Jail, can move forward against a caseworker for the state's Inmate Placement Program thanks to a Jan. 11 ruling by a federal judge.

U.S. District Court Judge Dale Kimball refused to dismiss the lawsuit against the caseworker assigned to monitor Joshua Asay's incarceration, allowing the case to proceed to the discovery phase. One other similar lawsuit is pending against Daggett County and two state defendants. "We are committed to making sure that every person who abused prisoners, fostered the culture where that abuse occurred, or turned a blind eye to the abuse is held accountable for his or her actions," said John Mejia, ACLU of Utah legal director. "The court's ruling allows Mr. Asay's case to proceed not just against the county defendants but against a state defendant as well."

"I am glad that the case is advancing," said Asay. "I will not be silent in standing up for my dignity and humanity and will keep fighting as long as it takes."

In their complaints, Asay and the other plaintiffs describe being shocked with a Taser for guards' entertainment, attacked by dogs, physically assaulted, threatened with a gun, and denied medical and mental health care, among other instances of abuse. The abuse of prisoners by their jailers at the Daggett County Jail became known to the public in 2017 when criminal charges were brought against several Daggett County Jail employees and officials. Last week's court decision will allow the ACLU of Utah to review documents and communications to discover more about the circumstances surrounding prisoner abuse at Daggett County Jail.

"In the coming months, as this case moves into its next phase, we will be able to get a clearer picture of what people knew and when they knew it," said Mejia. "Our goal is to send a clear message to the state and counties that they must take measures to protect the prisoners in their care."

With a population of only 1,100 residents, Daggett County managed to fill its 80-bed jail by participating in the state's Inmate Placement Program, which earned the county \$1.3 million in 2016 for housing prisoners in the custody of the Utah Department of Corrections. In 2018, the former Daggett County Sheriff and three ex-deputies entered guilty pleas to various state charges while the guard who stunned plaintiffs with a Taser, among other incidents, was sentenced to 120 days in jail.

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