

Utah officials react to demands that more prisoners be released due to coronavirus

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Corrections officials say they're already accelerating prisoner releases of the kind sought in court by Utah civil libertarians to reduce coronavirus risks behind bars.

"We've actually been working on this for weeks now, with good success and in a measured way," Davis County Sheriff Kelly Sparks said.

In an April 1 petition for extraordinary relief filed with the Utah Supreme Court, advocacy groups demanded an order requiring state prisons and county jails "to avoid unnecessarily heightened risks of serious harm from the COVID-19 pandemic while also ensuring safety for our communities outside of correctional facilities."

The Utah Department of Corrections had no comment on the court petition, but a representative said Monday the agency is making some inmate releases already.

"The situation is ever evolving, and when we have more information to release regarding early releases, we will definitely do so," said spokeswoman Kaitlin Felsted.

Pretrial detainees and convicted inmates with less than six months left on their sentences should be considered for immediate release, the petition said.

"This order would prevent the loss of life and harm that the spread of the COVID-19 pandemic would cause in correctional facilities," the document said. "The dangerous spread of COVID-19 throughout Utah correctional facilities is nearly inevitable without immediate action."

The petition was filed by the American Civil Liberties Union of Utah, the Disability Law Center and the Utah Association of Criminal Defense Attorneys.

Sparks said the Davis jail in Farmington has been releasing inmates who are close to scheduled release dates or have demonstrated good behavior.

"I think if their stated goal is to help us make our correctional facility safer, that's always a good thing," Sparks said. "But I want to make sure for me that the No. 1 issue is always public safety."

Sparks said he, the county attorney, the chief public defender and the presiding judge in Davis County's 2nd District Court have been working on an in-depth emergency release plan if it is needed.

"If it comes to the point of releasing massive numbers of people, we will make sure we are not releasing anyone who should not be released," Sparks said, "while still considering the health and safety of the people still incarcerated."

Jails and prisons are considered likely spots for epidemic concentrations because they're not conducive to social distancing. Mass releases have been ordered in some other states.



A hearing date for the petition has not yet been set. Supreme Court assistant Marina Kelaidis said Monday the state and counties have 14 days from the date of filing to file a response.

At that point, the court could approve or deny the petition outright or hold a hearing, she said.

Sparks said the petition may be counterproductive.

“In some regards, it could actually be hindering us,” he said. “We have been able to reduce our numbers significantly and we have a good plan moving forward. If we have to spend some time formulating a response, it could actually slow us down from this progress we’re making.”

The Department of Corrections said it began making early releases on Thursday, April 2. In a press release, the agency said it recommended to the Utah Board of Pardons and Parole that 80 inmates should be let go early.

The agency reported its first COVID-19 case on Friday, April 3: a detainee at a community correctional center.

The Davis County Jail reported one COVID-19 case recently, a civilian staff member in the corrections division.

Efforts to contact the Utah Attorney General’s Office and the Weber County Sheriff’s Office about the court petition were not immediately successful.

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