

Utah prosecutor weighs in on suit demanding release of inmates

BY CURT GRESSETH

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Audio: <https://omny.fm/shows/ksl-s-live-mic/releasing-inmates-in-the-name-of-covid-19>

Link: <https://kslnewsradio.com/1924733/prosecutor-response-release-inmates/>

SALT LAKE CITY — Prisons and jails across the nation are releasing low-level, nonviolent inmates to slow the spread of the coronavirus in crowded lockups.

Audio:

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On April 1, the American Civil Liberties Union (ACLU), the Utah Disability Law Center and the Utah Association of Criminal Defense Attorneys filed a “Petition for Extraordinary Relief with the Utah Supreme Court” demanding that Utah prison officials and local jails release more inmates to protect prisoners from the spread of the coronavirus while “ensuring safety for our communities outside of correctional facilities.”

“We bring this lawsuit because we think that the measures now being taken do not match the enormity and urgency of the problem we face,” wrote John Mejia, legal director at the ACLU of Utah, in the petition.

‘Pro-active’ release of inmates

Salt Lake County District Attorney Sim Gill joined Lee Lonsberry on Live Mic to discuss the lawsuit and releasing inmates from the county jail during the COVID-19 pandemic.

Gill said that when the pandemic first arrived, his office and Salt Lake County Sheriff Rosie Rivera started releasing low-level offenders March 20. The county released 90 non-violent inmates, then another 25 a week later.

On March 30, Gill discussed the news on KSL with Dave Noriega and Debbie Dujanovic.

Gill said the release of low-level offenders was done with two objectives in mind: to guarantee an empty jail cell was available for any and all violent criminals in order to ensure public safety and to create flexibility for the sheriff because concentrated space can further spread coronavirus in the jail.

“We have been able to reduce [the inmate population] by 35 to 40 percent, creating that flexibility.

There was a COVID-19 outbreak that occurred, but there hasn’t been a positive COVID case in the jail from April 15,” Gill said.

The lawsuit

After those steps were taken, “We get sued by the ACLU. . . just putting forward a bunch of hyperbole. No evidentiary understanding or factual understanding of what was really going on in Salt Lake County in the middle of a pandemic,” Gill said.

“We were being responsible. We were trying to keep our community safe, and so we took umbrage to that litigation. We filed a response that it’s a frivolous lawsuit in the middle of a pandemic, which is unnecessary,” Gill said.

He said Sheriff Rivera took mitigation steps to slow the spread starting with jail intake. Anyone admitted to jail starts their time there with a 28 day quarantine. They must show no symptoms of coronavirus infection before they can move to the general population of the jail.

“Did the ACLU have any contact with you or Sheriff Rivera before they filed this petition?” Lee asked.

“We have always made ourselves available to the ACLU. We have always had an open door,” Gill said.

Violent prisoners stay put

“How have those released offenders done? Have there been any consequences? Has there been any recidivism among those folks as you’ve let them go?” Lee asked.

“We’ve had a few. But it’s been pretty amazing. It has not compromised, in any concerted way, the public safety,” Gill said.

Gill said offenders considered a risk to the community won’t be released. That includes suspected rapists, murderers or those who commit domestic violence offenses.

“And we’re keeping an empty jail bed for the next one who wants to engage in that conduct,” Gill said. Of the released prisoners, he said a couple have reoffended, but their violations have been “minor and very small” compared with the number released and the benefit to taxpayers and public safety during the pandemic.