

Weber, Box Elder jails dropped from accelerated inmate release petition by ACLU

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SALT LAKE CITY — Civil liberties groups have dropped 22 counties from a Utah Supreme Court petition that demanded faster inmate releases from jails during the coronavirus pandemic. In a filing with the court Wednesday, the American Civil Liberties Union of Utah, the Disability Law Center and the Utah Association of Criminal Defense Attorneys said "there is substantial compliance among most counties" regarding accelerated releases and COVID-19 prevention steps in the jails.

Counties to be dismissed from the emergency petition, which was filed April 1, include Weber, Box Elder, Morgan, Utah and Salt Lake. Morgan County does not have a jail, instead sending its arrestees to the Weber jail in Ogden.

The civil liberties groups dropped the Davis County Jail in Farmington and a handful of other county jails from the petition in April.

While acknowledging counties' positive responses, the petitioners stressed "the need to remain vigilant on issues facing incarcerated populations during the COVID-19 pandemic."

"This is a very fluid situation," ACLU spokesman Jason Stevenson said Thursday. "It's something that will require constant attention."

In a press release, the ACLU noted the Salt Lake County Jail has two new coronavirus cases. ACLU legal director John Mejia said in an interview that the petition remains in play regarding the state Department of Corrections, which operates state prisons and halfway houses and houses hundreds of state prisoners in many county jails, and the Board of Pardons and Parole. "We believe the state has a shared responsibility for all of its prisoners, regardless of where they are being held," he said.

The petition is sought as a matter of public interest on behalf of all incarcerated people, Mejia said. The civil libertarians want a court order requiring the state to make more aggressive steps to lower state prison populations and better protect remaining inmates.

County jails, including those in Weber and Davis, beginning in March worked with judges, prosecutors and defense attorneys to grant early and good-behavior releases to nonviolent jail inmates.

The jails also expanded symptom screening of inmates and set up quarantine cell blocks in case of outbreaks.

At the same time, local police agencies and the jails booked fewer nonviolent arrestees, many of whom instead were issued citations with promises to appear in court.

The civil libertarians said they were able to dismiss jails from the petition "after a thorough review of the record" before the court, including information only made available to them by jails after they filed the petition.

In late April, the Utah Attorney General's Office urged the Supreme Court to throw out the petition, saying state agencies were following the Utah pandemic response plan and hundreds of inmates had been released early.

The civil libertarians also face opposition from crime victims' groups, which are trying to intervene against the petition because they say deeper cuts in prison populations would hurt public safety.

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