

Federal inmates sue Weber County over the coronavirus outbreak in the jail

By Jessica Miller

July 13, 2020

<https://www.sltrib.com/news/2020/07/13/federal-inmates-sue-weber/>

Six federal inmates who are at the Weber County jail are suing county and federal officials, asking that a judge order the release more inmates and take further steps to help stop the coronavirus from continuing to spread within the facility.

As of last Friday, [114 people who are incarcerated at the jail have tested positive for COVID-19.](#)

Taylor Hobbs is one of those who has the virus, according to the class action lawsuit filed Friday. He is a federal inmate who had felt sick for two weeks, but continued to work in the jail kitchen because he was afraid he'd lose his job if he missed his shifts. Medical staff initially diagnosed his aches and body weakness as a urinary tract infection, the lawsuit states, but he later tested positive for the coronavirus. Antonio Valasquez is another federal inmate with COVID-19. He's had asthma since childhood and is currently quarantined with 35 other men who have also tested positive.

Juan Sandoval-Pasos is in a section where dozens of inmates have tested positive. He's requested medical care beyond temperature checks, the lawsuit alleges, but hasn't been given any other care. Zachary Babock also tested positive for COVID-19 and isn't even supposed to be in the Weber County jail. He was supposed to be back in federal prison — but the Federal Bureau of Prisons won't take him because of the outbreak. He has body aches and chest pain, and has lost his sense of taste and smell. These four men are part of a lawsuit filed by federal public defenders last week. They are also joined by two others — Jackson Tamowski Patton and Gregorio Ramirez Frias — who have not tested positive for COVID-19, but either can't get a test or can't leave the jail for other programs because of the outbreak. Federal public defenders argue on behalf of the six inmates and other similarly-situated detainees that continuing to hold them at the county jail amounts to a violation of their constitutional rights. The attorneys are asking that inmates be released to home confinement and that more measures be taken to slow the spread of the virus. This includes further reducing the inmate population, mandatory face masks for inmates, increasing space between inmates and providing adequate hygiene supplies — including alcohol-based hand sanitizer.

The lawsuit argues that Weber County did not do enough to keep the virus out, noting that county officials said its first case was a federal inmate [who was transferred to the jail with a cough.](#) He wasn't tested for the coronavirus until a few days later, after he had been mixed with the general population. They noted that Hobbs, one of the plaintiffs in the lawsuit, continued to work in the kitchen even as he was visibly ill. And Sandoval-Pasos hasn't been able to receive any medical care beyond a temperature check.

"Other inmates have reported that they have been charged \$15 each time they request medical care," the lawsuit states.

The attorneys argue that Weber County doesn't have the capacity to follow Centers for Disease Control guidelines, and only had been quarantining new inmates for three days on average before moving them into the general population.

The federal defenders noted that even if someone doesn't die from the coronavirus, the illness can have long-term affects on those who get it.

County officials “are aware of the grave dangers posed by COVID-19 and have failed to implement measures to comply with their constitutional obligations to those in their custody,” the lawsuit states. Weber County Sheriff Ryan Arbon and Matthew Harris, the U.S. Marshal for the District of Utah, are both named defendants in the lawsuit. Harris declined to comment for this story.

Weber County Attorney Christopher Allred didn’t address the lawsuit specifically Monday, but said that the jail recently sent him the names of nearly 200 state inmates who are being held on nonviolent charges. He said his office is recommending to judges they be released or be able to serve their sentences in a different way. He noted that those inmates who are suing are federal inmates — and he has no power over whether they could be released early.

“Neither the jail nor I could unilaterally release them if we wanted to,” he said.

[A small group of protesters on Friday stood in front of Allred’s office](#), demanding that more inmates be released to limit their exposure to the virus.

Organizers with the American Civil Liberties Union of Utah said at the rally that the outbreak could have been prevented. They said that Weber County was slow to implement a mask mandate for its workers, and the inmates are not given the supplies they need to keep themselves safe.

“They said they would be doing early releases,” said Sara Wolovick, an ACLU Equal Justice Works fellow.

“We’re waiting. We don’t have time to wait anymore.”

Lt. Josh Marigoni said last week that they’re working to try to stop the contagion. They heightened their sanitation efforts several months ago, and then increased even more after that first inmate tested positive. They’ve also tried to limit their jail population, which usually hovers around 800 people at the main facility. On Friday, there were 590 people incarcerated there. At the Kiesel facility — another, smaller jail the county runs — there are 54 inmates. The capacity for that facility is 260.

Marigoni said masks are mandatory for staff, and are “highly encouraged” to be worn by inmates, but added that no force is being used to make them wear masks.