

## Virus writes new chapter in longtime allegations of poor medical care in Utah lockups

Delay in capital case over officer's death frustrates cops, family

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SALT LAKE CITY — Matt Hoover's defense attorneys want to talk strategy. An upcoming hearing will decide whether he stands trial in the death of Provo police officer Joseph Shinnars, and Hoover could face the death penalty if convicted.

But he can focus only on the hernia and swelling in his abdomen. "Painful as hell," it now resembles a basketball, he recently told a judge.

The surgery Hoover needs has been pushed back indefinitely as Utah hospitals fight the coronavirus. His lawyers say it means they may need more time to work with him, further delaying the case and illustrating one of many ways the pandemic has knocked the state's criminal justice system off course. The spread of COVID-19 throughout Utah's prison system and several of its jails is writing a new chapter in what advocates, inmates and their families say is a history of inadequate medical care for those incarcerated.

"It's been a problem for a long time," said Sara Wolovick, an attorney with the ACLU of Utah pushing jailers to release vulnerable inmates who pose little risk to the public. "People have died or had serious and permanent consequences because they haven't gotten adequate care."

Many of those incarcerated in Utah are presumed innocent, awaiting trials that have been delayed until virus rates drop to levels safe enough to seat a jury. Others serving out sentences are fearful they will contract COVID-19 in the tight quarters where social distancing is nearly impossible. More than 300 across the state have fallen sick, although no inmate deaths from COVID-19 have been recorded in Utah. The prospect of further delay in Hoover's case has frustrated prosecutors and family members seeking justice in Shinners' death. They say Hoover is entitled to medical care and a good defense, but it has been nearly two years since the officer was shot and killed in an Orem parking lot.

"We want to move this case forward," said prosecutor Chad Grunander.

Shinners' brother, Michael Shinners, said he understands murder cases often face delays and the virus poses new problems. But it appears to him Hoover is "trying to delay the inevitable of what's going to happen," he said.

"I have little to no sympathy," Shinners continued, noting Hoover's injuries stem from the exchange of gunfire that took the 29-year-old officer's life. "His position is a direct result of his actions."

Michael Shinners said he constantly thinks of his brother and felt his absence profoundly during a recent family get-together on the East Coast.

Corrections department spokeswoman Kaitlin Felsted declined to give specifics on Hoover's case but said there's no indication Hoover is being denied the appropriate care.

Elective procedures were suspended in Utah for a time, she added in a statement, but "at no time has treatment of critical or emergent care been neglected in that time period."

"It's because of the dedicated efforts of our staff and incarcerated individuals that we have been able to keep COVID-19 out of the general population," Felsted continued. A total of 46 inmates have tested positive and each has recovered, according to the prison.

Hoover told 4th District Judge Kraig Powell that a doctor at the hospital said he needed to be treated for the hernia that has forced entrails from a surgical opening in his side, but a doctor at the prison told him the issue was "normal."

"If Mr. Hoover continues to be focused on being in pain rather than being able to have a conversation about anything else, then our ability to have a hearing is impacted," Mary Corporon, one of his defense attorneys, told the judge in August.

In response, Powell ordered the prison to provide Hoover's attorneys records of his medical care.

### **Jail outbreaks**

The largest recorded Utah jail outbreaks to date — in Weber County and in southwestern Utah's Washington County — sickened more than 100 inmates in each.

Two days after testing positive for the coronavirus in the Washington County jail, Kevin White said he woke up June 28 and felt he couldn't breathe. Crews rushed him to a hospital, where doctors determined he'd had a heart attack related to the virus.

Now back at the jail, White said he and another man who has heart failure are being housed in a general area with several others.

Inmates there face retaliation for reporting symptoms, White added, echoing similar claims from Weber County inmates. He said isolated cells holding those who complain of symptoms are used as a penalty, not a precaution.

"Draconian is an understatement," he said.

Jail officials deny anyone is punished for reporting symptoms.

White, 57, has a host of health issues, including high blood pressure, kidney disease and respiratory problems. Jailed there since April, he said he didn't see a nurse until he brought the issue to the attention of a federal judge before his heart attack.

White petitioned for release after pleading guilty in an armed robbery case and testing positive for the virus, arguing he would report on his own to begin serving his federal prison sentence. A federal judge declined to allow that based on White's record, noting he had carried out a similar offense in the past. White said he doesn't take issue with the judge's decision, but feels those overseeing the jail's virus response aren't taking the right precautions.

"I committed the crime, so I put myself here, so I know what comes with going to jail. But I didn't sign up for a death sentence. I didn't sign up for life in prison. But if they don't get a handle on this, that is what this will be for a lot of individuals," he said. "There's a lot of guys that have respiratory problems that they're going to have for the rest of their lives."

Like other corrections facilities around the country, White said the jail isn't providing hand sanitizer due to its alcohol content. It provides soap, but not the antimicrobial kind, White said, and inmates aren't provided access to hot water except to shower. He noted corrections officers began wearing masks and gloves only after the outbreak.

He is being held in the jail, also known as the Purgatory Correctional Facility, until federal prison officials deem it safe to take him in their custody. White is one of several "languishing in the local jails waiting to get transported to a federal prison" amid virus concerns, said his defense attorney Lamar Winward.

### **Medical care**

Wolovick, with the ACLU, has been pushing jailers in Weber and Washington counties to pinpoint who can be sent home. But she said she's not aware of any sort of broad reviews happening in those counties.

The ACLU and defense attorneys sued in April in an effort to force greater releases of those awaiting trial, older inmates and the medically vulnerable, but the Utah Supreme Court rejected the bid based on procedural grounds.

It's difficult for inmates to win a legal battle alleging poor care, Wolovick said. Courts have ruled that prisons and jails can be grossly negligent and still avoid civil liability under the Eighth Amendment, which protects a person from cruel and unusual punishment. Instead, they must prove jailers showed deliberate indifference.

"That's a pretty high bar," Wolovick said. "And the result is that there's a lot of cases where people have been subjected to really horrific medical neglect and have not been able to really recover under the Eighth Amendment."

Before the pandemic, several former inmates and families of those who died in Utah's jails sued the counties that run them and medical providers there. Most allege poor care for inmates struggling with mental health and addiction. In 2017, Utah reported the highest number of jail deaths in the nation. In Davis County, for example, [Heather Ashton Miller](#)'s family says more than three hours passed until employees rushed her to a hospital after she fell from a top bunk and tore her spleen. Family members of [Madison Jensen](#), 21, filed suit after she died of dehydration as she withdrew from heroin in the Duchesne County Jail.

### **Counties defend their policies**

Jailers in Utah have said they are proud of how they planned and reacted to the outbreaks they saw as inevitable.

Weber County Attorney Chris Allred said the jail's virus numbers are now back at zero, indicating its efforts are working. He said his office has reviewed a couple hundred inmates for release and recommended the release of many and noted the jail has limited the number of nonviolent inmates.

"In consultation with the health department, the jail has gone to great lengths to determine what population can be safely managed in the jail," Allred said. "Preventing the spread of the virus is a multifaceted effort involving much more than simply letting everyone out."

Jake Schultz, chief deputy in the Washington County Sheriff's Office, said just two inmates now in the jail are confirmed to have the virus out of a population of 285, the lowest in recent memory.

The jail conducted widespread testing in June to understand the scope of the outbreak and now tests each inmate booked, with follow-up tests once a week for those who are positive.

He rejected White's assertion that inmates are punished for speaking up, and said the soap they receive is in fact antibacterial.

"That's got nothing to do with retaliation. It's got to do with limiting the spread within a closed environment," he said.

"In hindsight, I probably would have mandated the masks for the entire facility a week or two earlier than I did," Schultz continued. "That certainly wouldn't have stopped the outbreak, but I think it may have contained it. It certainly would have helped with the perception of what we were and weren't doing."