

## **Court fight advances over public access to Utah jail standards and inspections**

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[https://www.standard.net/police-fire/court-fight-advances-over-public-access-to-utah-jail-standards/article\\_0c5af741-19b6-5b0e-8209-44053ce1e74c.html](https://www.standard.net/police-fire/court-fight-advances-over-public-access-to-utah-jail-standards/article_0c5af741-19b6-5b0e-8209-44053ce1e74c.html)

FARMINGTON — A Davis County judge will hear arguments this week over civil liberties groups' efforts to peel away some of the secrecy governing Utah jails' operating standards and inspections.

At stake is public access to documents that may shed more light on how jails operate. The issue has gained prominence since Utah's jails reported a record 27 deaths in 2016 and the Legislature passed a law requiring an annual accounting of those deaths.

The American Civil Liberties Union of Utah and the Disability Law Center filed suit in May 2018 for access to the records under the Government Records Access and Management Act.

Their case cites one of the jail's six deaths in 2016 as an example of a need for greater scrutiny of the jails.

Heather Ashton Miller, 28, arrested on a misdemeanor drug charge, fell from her top bunk and suffered a split spleen. She died of massive internal bleeding and the county is facing a civil suit over alleged deliberately indifferent medical care.

"Across Utah and the nation at large, the treatment of inmates charged to the care of the government has become an increasingly urgent issue that has rightly drawn the scrutiny of the public, who pays for the operation of correctional institutions and trusts its public officials to comply with minimum standards for the care of those who are incarcerated," said a recent court filing by the civil liberties groups.

They seek access to audits conducted to monitor the Davis jail's compliance with jail standards. They include internal self-audit documents and external final audit reports.

The county denied the request for most of the records sought, on grounds that releasing them may endanger jail security, and that the jail standards are owned by a private contractor, Gary DeLand, who has a proprietary interest.

The lawsuit arose after the State Records Committee denied the groups' appeal of the county's records denial.

Judge David Connors is scheduled to hear arguments in the case Friday in 2nd District Court.

"The question of whether documents should be public if they regulate the operations of a government agency — even if they are written by an outside contractor — is not a close call," the civil liberties groups said in a May 21 motion asking Connors to grant summary judgment in their favor.

They asked the judge to issue an order declaring that the records requested are public records under GRAMA and should be open to inspection.

GRAMA's presumption that the public's business be conducted in the open "is especially important when the agency at issue is literally entrusted with the lives of Utah citizens," the motion said.

But the county argued in a June filing that those presumptions are trumped by the need to safeguard jail security and protect DeLand's commercial interest.

DeLand wrote the jail standards that are in use by Utah's county jails and the Utah Sheriffs' Association. The county argues it only accesses the standards via an online portal and does not own or possess the records, and therefore cannot and should not be compelled to divulge them.

Jail safety and security would be at risk if the documents are disclosed, the county said, because the records list such things as locations of firearms, staffing level requirements, and security and safety procedures for control rooms, inmate and cell searches and the like.

The Standard-Examiner requested the Davis inspection records in 2017. The county released one-page summaries of inspections, including a December 2016 document that said the jail was out of compliance in certain areas.

The county and the Utah Department of Corrections, which conducted that audit, declined to reveal details of those deficiencies.

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