

Effective 5/1/2024

17-22-32 County jail reporting requirements.

- (1) As used in this section:
 - (a) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
 - (b)
 - (i) "In-custody death" means an inmate death that occurs while the inmate is in the custody of a county jail.
 - (ii) "In-custody death" includes an inmate death that occurs while the inmate is:
 - (A) being transported for medical care; or
 - (B) receiving medical care outside of a county jail.
 - (c) "Inmate" means an individual who is processed or booked into custody or housed in a county jail in the state.
 - (d) "Opiate" means the same as that term is defined in Section 58-37-2.
- (2) Each county jail shall submit a report to the commission before June 15 of each year that includes, for the preceding calendar year:
 - (a) the average daily inmate population each month;
 - (b) the number of inmates in the county jail on the last day of each month who identify as each race or ethnicity included in the Standards for Transmitting Race and Ethnicity published by the United States Federal Bureau of Investigation;
 - (c) the number of inmates booked into the county jail;
 - (d) the number of inmates held in the county jail each month on behalf of each of the following entities:
 - (i) the Bureau of Indian Affairs;
 - (ii) a state prison;
 - (iii) a federal prison;
 - (iv) the United States Immigration and Customs Enforcement;
 - (v) any other entity with which a county jail has entered a contract to house inmates on the entity's behalf;
 - (e) the number of inmates that are denied pretrial release and held in the custody of the county jail while the inmate awaited final disposition of the inmate's criminal charges;
 - (f) for each inmate booked into the county jail:
 - (i) the name of the agency that arrested the inmate;
 - (ii) the date and time the inmate was booked into and released from the custody of the county jail;
 - (iii) if the inmate was released from the custody of the county jail, the reason the inmate was released from the custody of the county jail;
 - (iv) if the inmate was released from the custody of the county jail on a financial condition, whether the financial condition was set by a county sheriff or a court;
 - (v) the number of days the inmate was held in the custody of the county jail before disposition of the inmate's criminal charges;
 - (vi) whether the inmate was released from the custody of the county jail before final disposition of the inmate's criminal charges; and
 - (vii) the state identification number of the inmate;
 - (g) the number of in-custody deaths that occurred at the county jail;
 - (h) for each in-custody death:
 - (i) the name, gender, race, ethnicity, age, and known or suspected medical diagnosis or disability, if any, of the deceased;

- (ii) the date, time, and location of death;
 - (iii) the law enforcement agency that detained, arrested, or was in the process of arresting the deceased; and
 - (iv) a brief description of the circumstances surrounding the death;
 - (i) the known, or discoverable on reasonable inquiry, causes and contributing factors of each of the in-custody deaths described in Subsection (2)(g);
 - (j) the county jail's policy for notifying an inmate's next of kin after the inmate's in-custody death;
 - (k) the county jail policies, procedures, and protocols:
 - (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use, including use of opiates;
 - (ii) that relate to the county jail's provision, or lack of provision, of medications used to treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all forms of buprenorphine and naltrexone; and
 - (iii) that relate to screening, assessment, and treatment of an inmate for a substance use or mental health disorder; and
 - (l) any report the county jail provides or is required to provide under federal law or regulation relating to inmate deaths.
- (3)
- (a) Subsection (2) does not apply to a county jail if the county jail:
 - (i) collects and stores the data described in Subsection (2); and
 - (ii) enters into a memorandum of understanding with the commission that allows the commission to access the data described in Subsection (2).
 - (b) The memorandum of understanding described in Subsection (3)(a)(ii) shall include a provision to protect any information related to an ongoing investigation and comply with all applicable federal and state laws.
 - (c) If the commission accesses data from a county jail in accordance with Subsection (3)(a), the commission may not release a report prepared from that data, unless:
 - (i) the commission provides the report for review to:
 - (A) the county jail; and
 - (B) any arresting agency that is named in the report; and
 - (ii)
 - (A) the county jail approves the report for release;
 - (B) the county jail reviews the report and prepares a response to the report to be published with the report; or
 - (C) the county jail fails to provide a response to the report within four weeks after the day on which the commission provides the report to the county jail.
- (4) The commission shall:
- (a) compile the information from the reports described in Subsection (2);
 - (b) omit or redact any identifying information of an inmate in the compilation to the extent omission or redaction is necessary to comply with state and federal law;
 - (c) submit the compilation to the Law Enforcement and Criminal Justice Interim Committee and the Utah Substance Use and Mental Health Advisory Committee before November 1 of each year; and
 - (d) submit the compilation to the protection and advocacy agency designated by the governor before November 1 of each year.
- (5) The commission may not provide access to or use a county jail's policies, procedures, or protocols submitted under this section in a manner or for a purpose not described in this section.

(6) A report including only the names and causes of death of deceased inmates and the facility in which they were being held in custody shall be made available to the public.

Amended by Chapter 245, 2024 General Session