



AMERICAN CIVIL LIBERTIES UNION OF UTAH FOUNDATION, INC
355 NORTH 300 WEST, SALT LAKE CITY, UT 84103
(801) 521-9862 PHONE • (801) 532-2850 FAX
ACLU@ACLUUTAH.ORG • WWW.ACLUUTAH.ORG

For Immediate Release:

October 3, 2016

Contact:

Anna Brower, Strategic Communications Manager
(720) 275-1557, annabrower@acluutah.org

ACLU of Utah Statement on “Operation Diversion”

The ACLU of Utah has observed with great interest and some concern the launch of “Operation Diversion” last week in downtown Salt Lake City. We were not consulted by any of the participating government agencies or private providers before this operation was initiated. However, members of the ACLU of Utah staff have been allowed to observe several aspects of “Operation Diversion” since this effort was launched.

“Operation Diversion” resembles other novel multi-agency approaches utilized in cities across the country, which have been previously praised by the ACLU of Utah as an improvement upon traditional drug enforcement operations.

To date, the ACLU of Utah has received no complaints from individuals arrested during “Operation Diversion.” Additionally, community activists with whom we work have passed along no complaints, either from targeted individuals or non-targeted community members living on the streets in the Rio Grande area, of poor treatment by law enforcement representatives during the operation.

To our knowledge, there was no “invasion” of the Rio Grande/Pioneer Park area by local law enforcement, nor indiscriminate “sweeping up” of people living or socializing in that area. Rather, we witnessed multiple targeted arrests of individuals who were observed purchasing or selling drugs. These arrests were conducted by easily-identified uniformed police officers, who wore no obvious special tactical gear. While the ACLU of Utah has principled objections to the criminalization of drug use, we have no specific reason to believe that these arrests were particularly problematic beyond the usual drug arrests one might witness on an average day. To our knowledge, people living in or frequenting the area who were not the subject of these targeted arrests, were not “rousted” or harassed or otherwise interfered with by police officers.

The tactics employed during “Operation Diversion” do not appear to differ significantly from those that might be employed during a standard drug enforcement operation. Individuals targeted in this operation appear to have been afforded the same due process rights that they might expect during the course of a normal arrest for drug-related activities.

Notably, however, “Operation Diversion” does appear to be offering targeted individuals the opportunity to pursue immediate treatment opportunities for issues stemming from substance use

disorder or mental illness. Open treatment beds have been made available through local providers, and paid for with public funding, to ensure that willing participants can begin treatment immediately.

Normally, treatment might be ordered as part of the sentencing process, or as a condition of probation or parole. It is not always possible for individuals to achieve treatment even when ordered by a judge, due to financial difficulties or limited treatment bed availability. "Operation Diversion" appears to offer more assistance in realizing immediate and accessible treatment than is normally available through a typical arrest process.

The ACLU of Utah can confirm that most individuals arrested during "Operation Diversion" are being processed at a well-staffed receiving center where public defenders, case workers and correctional professionals are all present. As far as we have witnessed, community members being processed through this receiving center are being treated both humanely and fairly by Salt Lake County staff.

While the ACLU of Utah continues to be troubled by the processing of self-medicating mentally ill people and people struggling with addiction through the criminal justice system, we recognize that "Operation Diversion" is a good-faith effort to begin to address substance use disorder as a public health issue rather than a law enforcement responsibility. In the coming months, we intend to monitor the implementation of "Operation Diversion" beyond these initial law enforcement actions, as prosecutions of arrested individuals proceed. We encourage the public to pay attention, as well. We hope that multiple opportunities will be afforded for arrested/diverted community members to pursue treatment without prosecution, even if treatment is not immediately successful.

We are encouraged that Salt Lake City and Salt Lake County, with support from the state, are pursuing strategic ways of addressing access to housing in the long term, rather than criminalizing the status of homeless and poor people living in downtown Salt Lake City. We hope that our government agencies will also work to address substance use disorder and other mental illness strategically, as a public health issue, rather than simply jailing people who need help.

We request that anyone who has been personally impacted by or involved in Operation Diversion, and who has related complaints, to please share their experiences with us through the normal ACLU of Utah complaint process via our website at www.acluutah.org.

###