

Targeting homeless? Most jaywalking tickets written near The Road Home and Pioneer Park.

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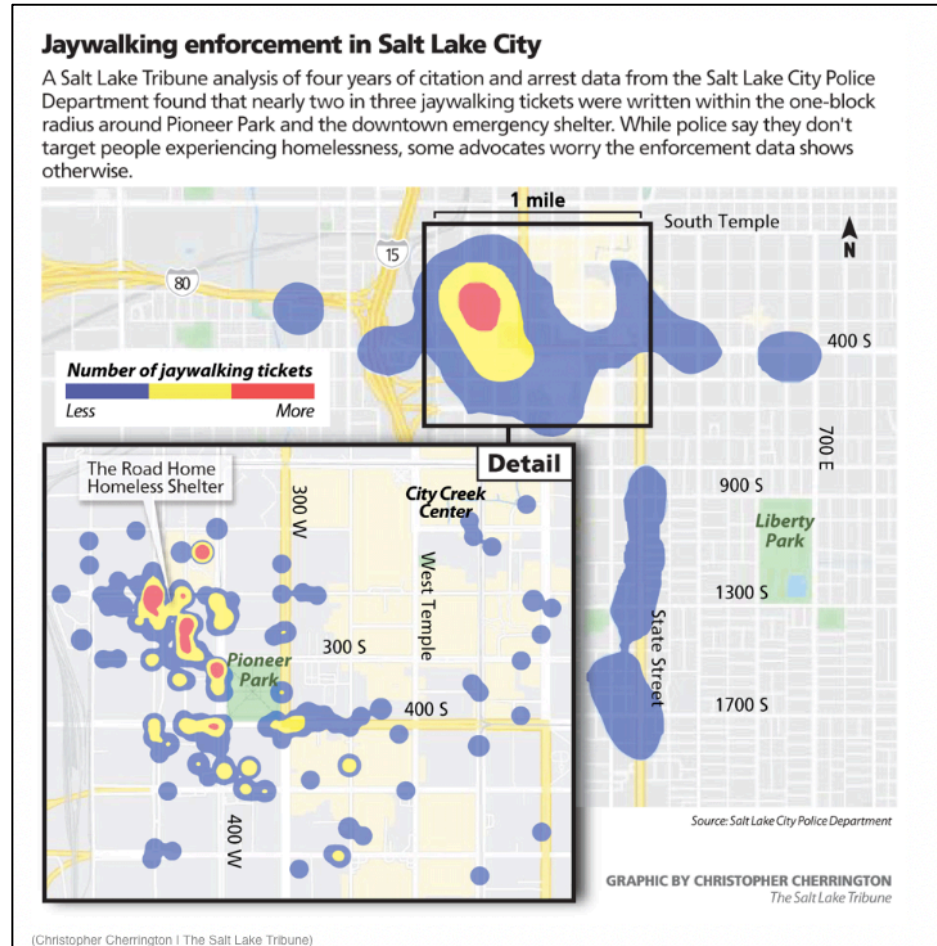
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<https://www.sltrib.com/news/politics/2019/12/01/targeting-homeless-most/>

Nearly two out of every three jaywalking tickets Salt Lake City police issued in recent years have been handed out within roughly a block of Pioneer Park and the now-closed downtown emergency shelter — the hub of homeless services, a Salt Lake Tribune analysis has found.

The cluster of jaywalking citations around the shelter gives credence to the homeless community's complaint that police are particularly hard on them for minor infractions that others commit with impunity. "You get a generalized feeling from talking to homeless clients that always, they feel like they're stuck in the system," said Daniel Diaz, a Salt Lake Legal Defender Association attorney who often defends homeless clients. "This feeling of being trapped in a system that's set up against you."

Tickets can carry fines of up to \$750 and obligations to show up in court — both daunting prospects for people without money or a fixed address to receive a legal notice, Diaz said. Because of that, he added, a simple jaywalking ticket can snowball into a failure to appear or an arrest warrant, and longer criminal records mean more barriers to jobs and housing.



Salt Lake City police spokesman Greg Wilking said officers don't target people who are homeless for jaywalking and that the data simply reflects the circumstances: There is heavy foot traffic in the Rio Grande area and more officers around.

Plus, he said, if someone is doing something wrong, police are going to intervene — homeless or not.

"Just because you don't have a job, does that give you the right to walk in the middle of the roadway and disrupt traffic? Or cross where you're not supposed to cross?" Wilking asked. "It doesn't, and I think we're going to all sign off on that. We're all supposed to abide by the same rules."

The Tribune's findings, based on a review of more than 500 jaywalking tickets issued by city police in a four-year period through August, can't be explained by heavy foot traffic alone, with only a smattering of tickets written in other busy parts of the city. Nor is the ticket pattern completely in line with state crash data, since enforcement was much lighter along some of the city's most dangerous roads for pedestrians.

The 16-block area examined by The Tribune does not include Vivint Smart Home Arena. In another high pedestrian-traffic area of the city, The Tribune's data analysis found that less than 1% of all citations issued over the past four years by Salt Lake City police were located in the four-block area encompassing the City Creek Center mall and Regent Street. By comparison, nearly 37% were issued in the same size area that includes Pioneer Park and The Road Home's old downtown shelter, a slightly smaller area than the radius cited earlier.

It's a common belief among people experiencing homelessness that police target them based on their appearance and use these interactions as an excuse to question them about drugs or outstanding warrants.

"You got a backpack on your back, you're automatically, you know, deemed homeless," said Karen Haskie, who added that she's been stopped multiple times for jaywalking but has generally been able to talk her way out of a ticket. "That's kind of how [police] look at us."

Mindy Vincent, executive director of the Utah Harm Reduction Coalition, agrees that individuals experiencing homelessness are often punished for things other people, including her, do without a second thought.

"Do you know how many times I've jaywalked? Right in the middle of downtown, even?"

Vincent said. "I've never been stopped for jaywalking in my life."

'More equal distribution'

Haskie, 49, links the start of Operation Rio Grande in 2017 to an escalation in jaywalking enforcement around The Road Home. The high-profile, \$67 million campaign to reduce drug use and lawlessness brought a flood of state troopers and Salt Lake City officers to the Rio Grande neighborhood, and cracking down on minor offenses was part of their arsenal.

"They parked right by the crosswalk and if you crossed the street, they got out of the car, made you go back across the street, had you walk between the lines, then they gave you a ticket," Haskie recounted.

One officer told her these tactics were meant to “retrain” the homeless population to obey the traffic signals, an explanation she describes as a “slap in the face.”

Maria Humphrey also described an overbearing law enforcement presence around the shelter. She said she was crossing the street on her way from The Road Home to a TRAX station several months ago when a city police officer stopped her because she’d stepped on the white line. Most of her body had been inside the crosswalk — “Everything but my right foot,” she said. But she said the officer scolded her anyway for technically breaking the law, and Humphrey left frustrated by the encounter, even though he’d issued her only a warning.

“I thought it was stupid,” said Humphrey, 51, who’s now living in an apartment. “Honestly, I think it’s because at the time I was homeless, and I was right there by the shelter.”

The jaywalking data provided to The Tribune was for 531 citations spanning four years, from August 2015 through August 2019. Enforcement peaked in 2016 with 155 citations and remained high in 2017, the first year of Operation Rio Grande, when officers issued 148 tickets. The ticket total dropped to 74 in 2018, and the numbers are on pace to be even lower in 2019, with 44 citations written through August.

The Tribune analysis found 330 citations over the four years were written inside a one-block radius of The Road Home shelter and Pioneer Park.

In a recent report, the American Civil Liberties Union of Utah predicted there would be “long-term damage” from Operation Rio Grande, noting that many homeless people were cited and arrested for low-level offenses, like jaywalking, camping and open-container violations during the police operation.

In a statement, ACLU Executive Director Brittney Nystrom said The Tribune’s jaywalking findings seem “to indicate that laws are being enforced in a selective manner” and called for “more data analysis” on the issue.

“If the goal of jaywalking citations is to make all people safer,” she said, “then we would expect to see a more equal distribution of these infractions across other major pedestrian areas and public transit lines in the city.”

The courts generally give law enforcement broad deference when it comes to policing patterns and strategies, said Paul Cassell, a former federal judge and now a criminal law professor at the University of Utah. The one exception is when there’s evidence of discriminatory policing based on race, ethnicity, gender, sexual orientation or other characteristics of legally protected classes. Being homeless, he said, is not a protected status.

METHODOLOGY

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Department and included the date, time, location and charge for each incident of jaywalking over the past four years.

The Tribune conducted its analysis based on the location of each ticket using the mapping software ArcGIS. The analysis showed that 62.1% of the total citations were written within the 16-block area running from 200 West to 600 West and 100 South to 500 South.

Police do not track housing status when issuing tickets, so there is no way of knowing how many of the people cited in the Rio Grande neighborhood are homeless.

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Targeting safety

Wilking said he doesn't buy the argument that because a majority of jaywalking citations were issued so close to The Road Home that most of those were given to people who are homeless. Jaywalking enforcement, Wilking said, is a matter of public safety. When people cross the street where they're supposed to, they are safer — and so are motorists. That idea is compounded by Salt Lake City's unusually wide roads and city blocks, which make walking around the city more unsafe.

Many auto-pedestrian crashes happen when people aren't in a crosswalk, he added.

That's consistent with the experience of Scott Howell, a Pioneer Park Coalition board member who said he's nearly hit a couple of people while driving late at night in that area.

“It doesn't surprise me that there would be more tickets down there, because a lot of these people are high. A lot of them aren't paying attention,” said Howell, whose group advocates for the Rio Grande area and pushed to close the downtown shelter to move to a different model for homeless services. “I don't think it's targeting the homeless as a group as much as it's targeting the safety aspect.”

The state has identified 500 West just south of The Road Home shelter as one of three areas with a worrying number of auto-pedestrian collisions involving jaywalkers; there have been three such crashes in that spot in the past four years, according to the Utah Department of Transportation.

But it's the only trouble area that has seen any significant jaywalking enforcement. Since 2015, city police have issued fewer than five citations total at the two other problem locations — at 300 West near 1300 South and at 800 South near 900 West.

And there have been only a handful of tickets written on 700 East, the city roadway with the highest number of severe auto-pedestrian crashes over the past four years, according to UDOT and Salt Lake City Police Department data.

Salt Lake City police aren't the only ones issuing citations in the city. From August 2015 to July 2019, Utah Highway Patrol troopers recorded 73 jaywalking violations in Salt Lake City, according to numbers provided to The Tribune through an open-records request. None of those tickets was written until July 2017, the month before the launch of Operation Rio Grande.

Department of Public Safety Capt. Jared Garcia said UHP troopers don't prioritize jaywalking enforcement when they patrol the downtown area near The Road Home. Oftentimes, he said, troopers will use discretion when they find someone crossing the street improperly, sometimes choosing to give a warning rather than a citation.

But he echoed Wilking's concerns about public safety.

“We don't want someone to get hit by a vehicle,” he said.

'Disrupt that activity'

A central objective of Operation Rio Grande was to crack down on the open-air drug dealing that had taken root in the vicinity of The Road Home shelter. And Wilking attributed the majority of the jaywalking tickets to people in search of drugs, who park nearby, run across the road to score “dope” and dart back.

“Would that be a person I would stop for jaywalking? Yes. And why?” he said. “In hopes I probably am going to further my investigation and possibly find dope on him because I’m trying to disrupt that activity.”

In encounters like the one Wilking described, law enforcement can cite jaywalking as a means for probable cause to stop people they suspect of other crimes and talk to them or search them, which could lead to an arrest for something more severe.

Wilking added there is “a lot more to” jaywalking enforcement than police targeting a certain segment of the population. But when asked what those other considerations were, Wilking said he couldn’t think of anything else.

After Matthew Tolton, 28, was caught jaywalking last month, the Utah Highway Patrol officer who’d stopped him said he had to pat him down.

“He tried to go through my pockets, thought I had a gun on me,” Tolton said. “I told him I wasn’t comfortable with it, but he said he has to, now. I had a banana in my pocket and that might have been a gun.”

Tolton said he was let off with a warning but left feeling he’d been treated unfairly.

A jaywalking stop is technically a form of detaining someone, Cassell said, and officers can frisk a person when there’s reasonable suspicion he or she is armed or dangerous — if the officer notices a suspicious bulge in a pocket, for example. Generally, he said, an officer would have to secure a person’s consent before performing an outright search.

But individuals experiencing homelessness can feel intimidated by police and often don’t exercise their right to refuse an officer’s request, Vincent said. For that reason, she’s somewhat unsettled when police use jaywalking enforcement as a prelude to a pat-down or search.

“When [police] stop people for jaywalking, it’s just because they suspect something, and it gives them enough reason to stop somebody and harass them,” she said. “And people don’t know their rights.”

‘Revolving door’

Ethan Vrotsos, 46, acknowledges it “wasn’t smart” of him to cross the street near the Fourth Street Clinic against a light. Even though no cars were coming at the time, a UHP officer caught him in the act and slapped him with a ticket — which could have meant hundreds of dollars in fines.

“I knew there was no way I was going to be able to afford it,” he said in a recent interview outside The Road Home’s shelter.

Jaywalking under Utah code is considered an infraction, which is punishable by a fine of up to \$750 or compensatory service of up to 75 hours. Salt Lake City’s penalties for the offense are comparable, Wilking said.

While those are relatively light penalties, coming up with several hundred dollars is out of the question for someone who’s homeless, according to Diaz, with the Salt Lake Legal Defender Association.

“It’s pretty obvious it’s almost impossible,” he said.

These people risk getting caught in the “revolving door” of the criminal justice system, the ACLU has argued, with minor offenses sometimes leading to arrest warrants that can serve as barriers to accessing services and housing and to landing jobs — the very things that help people exit homelessness.

Some 17.5% of the 531 citations over the four-year period resulted in a jail booking, which Wilking said means these people were probably arrested on other counts because Salt Lake City police won’t book someone just for jaywalking.

People experiencing homelessness do have the option of going through Salt Lake City’s homeless court, where they could receive a judgment of community service or treatment hours in lieu of a fine. That’s how Vrotsos dealt with his ticket, which was ultimately dismissed.

But Bernie Hart, who helps run a tai chi program for the homeless at Pioneer Park and the downtown library, said he sees jaywalking enforcement as a sign of broader problems.

“A jaywalking ticket isn’t a big deal but it’s the system itself — having to use that tool as a way to enforce what they want to have happen,” he said. “There has to be better ways. Harassing the homeless and trying to bully the homeless into doing what you want them to do is just a reflection of your inability to use nice methods or good methods to get something done.”

The Department of Public Safety says troopers are taught that every time they stop someone — be it for jaywalking, littering or any other offense — it’s an opportunity to help.

“[The troopers] get to know their community down there,” he said, “and if they make contact with somebody who’s jaywalking, it’s a priority for us to find out more about that individual and the challenges that they’re facing and then hopefully get them in touch with one of our outreach officers or social worker or other service provider.”

Vincent said it doesn’t always work that way. And she believes cracking down on the homeless population over the smallest missteps takes a deep emotional toll.

“It just consistently sends a message to these folks that they are less-than and that they’re undesired and unwanted,” she said. “And I think that’s harmful because when people are already struggling, the last thing they need is more condemnation.”

Salt Lake Tribune reporter Tony Semerad contributed to data analysis for this story.

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