

## ACLU: Salt Lake City may be violating rights in homeless camp cleanup sweeps

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by Katie McKellar

<https://www.deseret.com/utah/2019/12/23/21035312/aclu-salt-lake-city-homeless-camp-clean-up-cleanups-improperly-noticed>



SALT LAKE CITY — The Salt Lake County Health Department may have been violating the due process rights of the homeless by removing their camps without providing a proper notice of planned cleanups.

That's according to a letter the American Civil Liberties Union of Utah sent the county health department's executive director, Gary Edwards, on Friday. It raises concerns that the health department hasn't been following its own rules to include information to allow individuals experiencing homelessness the opportunity to contest the notice of violation before their camps are removed.

"Before the government can take away something of yours, you should have the chance to contest it," said Jason Groth, the ACLU of Utah's smart justice coordinator. "It's a fundamental concept within our democracy, within our court system."

Groth added that "under the 14th Amendment, you should have due process rights, the right to be notified, and the right to be heard before the government can deprive you of your life, liberty, or in this case, property."

The ACLU of Utah obtained digital photographs of the health department's notice of violation paper signs posted before a homeless camp cleanup on Dec. 16 at Library Square, according to the letter. The

signs state that it is unlawful to camp in an area not licensed and zoned for overnight camping, according to Utah code and the Salt Lake County Health Department's regulations.

While the notice states individuals in violation are to "remove personal items from this area" and that "any items remaining after the date and time below will be considered abandoned and will be disposed of," it doesn't include any information on how the individual may contest the notice.

But Salt Lake County Health Department spokesman Nicholas Rupp said the ACLU is "confused" and is conflating the county's "formal" notice of violation process with the postings used to warn of "community cleanups."

Rupp said those community cleanup warnings are not considered to be a formal notice of violation and don't apply under the requirements cited by the ACLU.

"The formal notice of violation (process) is much longer, it's got the appeal process ... it's tailored for one situation and one property and one individual," Rupp said. "These no camping signs are public notices."

Generally speaking, Rupp said, the health department doesn't issue formal notices of violation for clean up of encampments, but rather the public notices are for "telling everyone who views the sign" to "move their personal items or risk them being disposed as being abandoned debris."

"It's to keep people safe and keep unsanitary conditions from developing," Rupp said.

The Salt Lake County Health Department has been conducting "community cleanups" of homeless camps for more than 25 years, Rupp said, and are meant to clean public health hazards such as human waste and syringes while also offering resources to campers.

"We're really sympathetic to people who are struggling, people who are experiencing homelessness, especially at this time of year, and we make sure our workers are manned with resources including referrals to homeless resource centers, to workforce services, to substance abuse and mental health resources," Rupp said. "We hope they take advantage of them because our cleanups and desire to keep things safe are for everyone in Salt Lake County, including the unsheltered."

But the ACLU of Utah disagrees with the county's interpretation. Groth said the health department's actions "constitute an administrative enforcement," the posted signs are notices of violations, and as a result, the "department's own rules should apply."

"The notices aren't gentle reminders that people need to pick up their litter or it will be thrown away," Groth said. "The notices are followed by a heavy law enforcement presence that secures an area. Law enforcement requires people to leave, and people's blankets and tents are thrown away in the middle of winter. These items are not trash. They are items needed to survive."

The ACLU in its letter requested the department's future cleanups and notices abide by all notice requirements under county, state and federal law, including information on how a person might contest the cleanups.

“We are confident that we can resolve these issues through communication and cooperation,” the letter states. “If not, however, we may pursue alternative courses of action.”

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## Comments

### DN Subscriber

1 week ago

It would be interesting to know how much Utah taxpayers have handed over to the ACLU as "attorney fees" when they win cases. And, how much we have spend fighting the frivolous ACLU lawsuits.

Respect1

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### lost in DC

1 week ago

the county should pay for the legal defense from funds designed to help the homeless.

when the ACLU sues over jail conditions, the defense funds should come from released inmate service budgets.

after all, when the ACLU sues over school issues, it comes from the education budget.

the ACLU seems to care not one whit about the people who actually receive government services, since they are always trying to dictate, through the courts, the ACLU's vision of government.

and remember, one of the founding principles of the ACLU was the overthrow of the US government.

Respect3

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### 2dering

1 week ago

Het, guys, sounds like you ought to camp out by ACLU offices; they'll treat you right.

Respect3

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### DN Subscriber

1 week ago

I don't remember seeing any folks from the ACLU out there cleaning up the trash fro the "homeless camps," only government employees.

The next notice to be posted should provide the address of the ACLU offices and its leaders and advise the "homeless" that they will be warmly welcomed at those locations.

Respect5

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**Orson**

1 week ago

The ACLU has no standing to tell anyone what to do.

Respect5

Replyreply

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**Impartial7**

1 week ago

Ummm. Actually they do. That's their entire premise. They work to enforce the laws.

Respect1

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**gymer**

1 week ago

Many legal scholars would argue their premise is to create new law that is not codified, through judicial activism.

Respect2

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**Impartial7**

1 week ago

Yeah? Cite the legal scholars. Rush, Hannity and Trump don't count.

Respect1

Replyreply

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**gymer**

1 week ago

Read it for yourself, from the ACLU's own blog dated Nov. 8, 2017 titled: "How Activism Can Lead the Way in the Trump Era."

Respect3

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**NoNamesAccepted**

1 week ago

They so not have standing. They generally find someone with standing who then sues. The ACLU funds the legal action.

Respect2

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**lost in DC**

1 week ago

imp7

the ACLU does not work to enforce anything. they work and exist to harass good people and good government.

when did you start working form them?

Respect1

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**lost in DC**

1 week ago

Imp7

is the ACLU having their stuff removed?

if not, the ACLU has no legal standing.

try to learn the facts and not let your bias blind you

they can sue on behalf of a street camper, but the ACLU itself does not have standing

Respect1

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**Holy-Schamoly-What Baloney**

1 week ago

Since the squatters don't own the property and are being told to "take all their personal belongings and relocate" of just what property are they being deprived? Be specific ACLU, and described of what they have been deprived that they actually own!

Respect4

Replyreply

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**Impartial7**

1 week ago

Seriously? Their property is their clothes, their tents, their bikes, etc. The ACLU isn't making new rules. They holding Government accountable to follow their own laws. I think the homeless population is out of control, but officials can't break the law in dealing with the issue. Try to learn the facts and not let your bias blind you.

Respect1

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**NoNamesAccepted**

1 week ago

Providing notice is sufficient. There.is nothing to contest when it comes to removing personal items from public property.

Some might recognize this better if the homeless camps were near their homes or businesses rather than near someone else's.

Respect1

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### **Holy-Schamoly-What Baloney**

1 week ago

Read carefully what I said, please. Just being told to move your belongings from private property, or even public property if you are creating a nuisance, isn't "taking their property" since nothing is being taken from them. They're being told to relocate. With the 9th Circuit limiting Boise's ability to do that, be happy we aren't in the 9th District, which has been over-turned by the US Supreme Court more than any other Circuit Court in the country. Your last statement is a good one; tell us, do you subscribe to it too?

Respect2

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### **lost in DC**

1 week ago

Imp7

if they are being told to take their stuff, they are being given notice. There is no defense for the ACLU's actions

try to learn the facts and not let your bias blind you

Respect1

Replyreply

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### **No One Of Consequence**

1 week ago

Stealing shopping carts is illegal. Throwing trash around in parks and on sidewalks is illegal. Conducting one's bodily elimination functions in public is illegal. Setting up a campsite in a public park is questionable at best. The Ninth Circuit says it is legal to sleep outside but does by default mean that you can leave a campsite in a public park?

How is advocating for unsanitary and dangerous behavior in the best interest of the homeless? The community is offering services to help but if they are not willing to accept the help that is offered why should that mean we need to allow these behaviors?

Respect6

Replyreply

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### **gymer**

1 week ago

This is a crazy novice legal theory by the ACLU. If they are successful with this attack on the good people of Utah our public sidewalks will turn into homeless encampments like Los Angeles and San Francisco. Is this really what we want? We need a two prong approach to deal with this: First elect politicians that

don't favor these policies like they do in leftist states and cities. Second, nominate judges that aren't going to go along with these outrageous ACLU lawsuits.

Respect5

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**reriding**

1 week ago

The US Supreme Court recently (12/16) refused to hear a case from Boise and the 9th Circuit, and let the lower court ruling stand, which severely limits a city's ability to ban homeless camps from their streets and rights of way. Boise tried to make it a crime to camp and sleep outside.

Respect

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**gymer**

1 week ago

The 9th circuit Court decisions do not control Utah. We are in the 10th circuit and thus the ruling has no legal impact in Utah. Moreover, the ruling was narrow in that it said homeless encampments can be allowed only if there's no room in homeless shelters for those camping in public places. That narrow ruling is likely why the Supreme Court decided not to hear it. That said, it's still an example of judicial activism by the 9th circuit Court of Appeals which circuit gets overturned by the Supreme Court by far more than any other Circuit Court in the nation.

As President Trump continues nominate judges to the federal bench including circuit courts, it's critical that he gets re-elected so he can continue to appoint judges to the 10th circuit that may hear such a case in the future.

Respect3

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**reriding**

1 week ago

Yes, most of the West, but not Utah, is affected by this ruling. I was using it to point out that what you call a "crazy novice legal theory by the ACLU" has legs in some jurisdictions. The city is posting notices that say it's not legal to camp except in certain areas. Clearly the situation is not entirely analogous, but is similar. The city's attempt to deny that they are criminalizing homelessness is laughable.

Respect

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**2dering**

1 week ago

If the laws were regulations requiring campers to have an approved sanitation facility, which, really, is quite appropriate, then judges should be realistic, because no one has the right to create a public health hazard.

Respect1

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**NoNamesAccepted**

1 week ago

There is no need to contest anything. Just pick up your stuff and don't leave it laying around on public property.

We're not talking about some complex issue like a building with a contested survey of property lines. Nor even a car with temporary mechanical problems. We're talking about improvised tents and personal property that can be readily picked up and removed from the public property.

Respect8

Replyreply

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**2dering**

1 week ago

Some stashes I have seen are enormous and would take a U-Haul to cart it all away.

Respect1

Replyreply

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**David**

1 week ago

I have to be honest here and state I have never seen the ACLU on the right side of any issue in the past 20 years, perhaps ever.

Respect8

Replyreply

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**Youknowimright**

1 week ago

Well they did defend scopes in the scopes monkey trial but that was 1925

Respect1

Replyreply

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**lost in DC**

1 week ago

youknowyourewrong

defending scopes was also the wrong side

Respect1

Replyreply

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**Impartial7**

1 week ago

That's because your bias prevents you from learning when it comes to the ACLU. In 1991, the ACLU worked with LDS Inc. with Orrin Hatch and Joe Biden to bring The Religious Freedom Restoration Act of



1991 to existence. In 2015, worked with "the" church on anti discrimination laws in Utah;"the ACLU of Utah applauds the LDS Church's statement in support of protection from discrimination in housing and employment for gay and transgender people." In 2019 The ACLU called for a Department of Homeland Security investigation into widespread religious freedom violations by Border Patrol and ICE, including confiscating Bibles from Christians and forcing Muslims to eat pork. In 2014, in Nashville, In an effort to protect the religious freedom of all public school students, the American Civil Liberties Union of Tennessee sent a letter to the Cannon County REACH after-school program explaining that students have a constitutional right to read religious texts of their own volition during free-reading periods. The letter was sent on behalf of a boy who was allegedly prohibited from reading his Bible by the program.

The ACLU protects Americans from government overreach and religious over reach. Just because you are willfully ignorant of a lot of good the ACLU does, doesn't mean they aren't on the "right" side.

Respect4

Replyreply

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**lost in DC**

1 week ago

Imp7

and now the ACLU and other liberals are trying to tear that law down, saying it infringes on the supposed rights of the sexually fluid (though in reality they are not fluid, no matter how much they want to be)

Respect1

Replyreply

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**utahute69**

1 week ago

The ACLU and the courts continue to making the management of the homeless problem even more complicated and costly. Perhaps they could find a way to protect the rights of the larger community as the homeless issue grows into one of increased risk to public health and safety.

Respect7

Replyreply

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**Impartial7**

1 week ago

All the ACLU is doing in this case, is asking Utah government agencies to abide by their own written laws.

Respect3

Replyreply

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**utahute69**

1 week ago

Stolen grocery carts and retrieved garbage shouldn't be protected by law at the expense of public health and safety. So change the law, regulations and policies that keep the government from doing its job. If they don't vote them out.

Respect4  
Replyreply  
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**nraj**

1 week ago

The government is missing an opportunity to solve crimes here: They can pick up the stuff these trespassers leave behind, and "hold" it for them free of charge until the owners come to the police station to claim them. And in the interim, those items can be checked to see if they were reported stolen, or are illicit in some way. And of course DNA can be gathered from them....

Respect4  
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**NoNamesAccepted**

1 week ago

Lets encourage the next homeless camp to be in an upper income Draper neighborhood and see how many limits you think should be imposed before cleaning it up.

What is there to contest? Do the homeless claim some legal right to leave their garbage and personal property on public property? If this were a ranch house built on public land, you'd demand it be torn down immediately without any hearing at all on whether it was built legally. But for homeless camps obviously set up illegally, you want to drag out the clean up.as long as possible?

Respect  
Replyreply  
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**lost in DC**

1 week ago

Imp7

no, the ACLU is trying to tell government what to do.

Respect1  
Replyreply  
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Reportflag

**NoNamesAccepted**

1 week ago

Lets just relocate the camps to Draper.

Respect2  
Replyreply  
Sharelink  
Reportflag

**Impartial7**

1 week ago

You seem to have issues with successful conservatives that dominate Draper neighborhoods. Actually, Mayor Walker tried to build a homeless shelter last year. He was almost run out of town.

Respect  
Replyreply

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**lost in DC**

1 week ago

Imp7

isn't your residence in Draper?

no wonder you object to the idea of moving the camps there

Respect1