

ACLU accuses Salt Lake County Health Department of violating people's due process rights during cleanup of homeless encampments

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LINK: <https://fox13now.com/2019/12/23/aclu-accuses-salt-lake-county-health-department-of-violating-peoples-due-process-rights-during-clean-up-of-homeless-encampments/>

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By Tamara Vaifanua



SALT LAKE CITY — When the Salt Lake County Health Department cleaned up homeless encampments, the American Civil Liberties Union claims the department wasn't following its own rules.

About once a week, health leaders conduct organized camping cleanups at Library Square. “There is a lot of trash around the area,” says McKenzey Mitchell, a Salt Lake City resident. Folks are put on notice to clear out their belongings.

“That would include sleeping bags, blankets, tents,” said Jason Groth, ACLU Smart Justice Coordinator and attorney.

Any items left behind get tossed out.

“If we don't have anything we can't take care of ourselves,” says Mitchell.

The ACLU says health leaders aren't properly notifying people how they can challenge this notification and get their stuff back.

That move may be violating people's due process rights.

The ACLU sent a letter to the health department on Friday accusing them of not following its own rules.

“It’s our belief that in this case when the government has taken away someone’s property you should have a right to notice and a hearing to contest the deprivation of your property,” says Groth.

Nicholas Rupp with the Salt Lake County Health Department says the ACLU is confused. The clean up postings are not a formal notice of violation - meaning there are no arrests made or fees imposed. Therefore, the health department is not quoted to provide information on how to challenge the notice.

Rupp goes on to say:

“We are sensitive to the issue of homelessness in our community. Overnight camping on public or private property, however, poses significant risks of unsanitary conditions and for the physical safety of both the campers and others.”

Groth is waiting for an official response from the Salt Lake County Health Department. He’s confident both sides can work through their differences.

[Click here for the full letter sent to Salt Lake County Health Department from the ACLU.](#)

The County responded with this statement:

- It appears the ACLU is confused.
 - The appeal and hearing requirements the ACLU mentions are, of course, part of the process when SLCoHD serves a specific person with a Notice of Violation & Order of Compliance (for a public nuisance, for example), and we want to issue a formal decision that the person is violating the law and must stop doing it. In that case, we may also want to get monetary penalties or costs back from that person.
 - Here, though, we didn’t do that. Here, we posted a public notice telling people that overnight camping on library property is illegal and asking them to move their personal items off library property by nightfall or risk those items being thrown away. There were no arrests, no lawsuits, no efforts to recover penalties or costs. We do, however, want and need to keep people safe and to keep unsanitary conditions from developing.
- The Salt Lake County Health Department has a duty under state law, city and county ordinances, and our own regulations to protect the health and safety of Salt Lake County residents. We do this in a variety of ways, including the enforcement of ordinances like the no-overnight-camping ordinance.
- We are sensitive to the issue of homelessness in our community. Overnight camping on public or private property, however, poses significant risks of unsanitary conditions and for the physical safety of both the campers and others.
- We hope those who read the posted notice will comply by moving their personal property off library ground. We also very much hope they reach out to the homelessness resources listed on the notice, so they and the community can all start working on a more permanent solution.
- The Salt Lake County Health Department is sympathetic to those among us who are experiencing homelessness or otherwise struggling. We strive to get those individuals in

need to access the services already available to them while at the same time protecting the health and welfare of the general public.