

ACLU of Utah alleges Salt Lake County is failing to provide due process before homeless camp cleanups

12/23/19

Salt Lake Tribune

By Taylor Stevens

<https://www.sltrib.com/news/politics/2019/12/23/aclu-utah-calls-salt-lake/>

The Salt Lake County Health Department is not complying with its own rules around homeless encampment cleanups across the Salt Lake Valley, the American Civil Liberties Union of Utah said Friday — and may be violating the due process rights of unsheltered individuals.

In a demand letter sent late last week to the county health department, district attorney's office and Mayor Jenny Wilson, the organization called on the county to modify its public notification procedures to include information about how a person could challenge a notice of violation and any resulting confiscation of their personal property.

"Our major concern is that the notices that are provided do not follow or comport with due process, both with the department's own regulations but also with our understanding of due process under the 14th Amendment," said Jason Groth, an attorney and smart justice coordinator at the ACLU. "Whenever the government interferes with one of your rights to life, liberty or property, you should have a say in the matter and an opportunity to be heard and contest deprivation."

A photograph shared recently with The Salt Lake Tribune shows a notice that informs campers of the prohibition on camping on private or public property that is not licensed and zoned for that purpose and notes that any items remaining after the listed date and time of the cleanup will be "considered abandoned and will be disposed of."

But it doesn't inform people how to contest enforcement with a local health officer or a designated representative of the local health department to challenge the cleanup notice, as they contend Salt Lake Valley Health Department regulations require.

Salt Lake County Health Department spokesman Nicholas Rupp told The Tribune on Monday that county postings about encampment cleanups are not considered to be a formal notice of violation and therefore do not fall under the requirements the ACLU cites.

"I think they have confused that general public notice on a paper sign with our formal notice of violation and order of compliance," he said.

In the two-page demand letter, Groth notes that his organization may pursue "alternative courses of action" if the issue can't be resolved through "communication and cooperation" and asks the county to inform the ACLU by Monday about whether it intends to change its ways.

The district attorney's office responded to the demand letter on Friday, offering its opinion that information about how to contest the notice would not be required in these instances.

"Requesting in a general public notice that individuals relocate items to avoid disposal, as this paper does, is a far cry from initiating an enforcement action seeking administrative penalties such as injunctive relief, monetary penalties, and recovery of investigative costs," Darcy Goddard, chief policy adviser in the District Attorney's Office, wrote.

The ACLU said it did not consider that Friday email an “official response” and Groth said the organization stands by its assessment that the notices do constitute an administrative enforcement.

“The notices aren’t gentle reminders that people need to pick up their litter or it will be thrown away,” he 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.” In a previous interview with The Tribune, Rupp said the cleanups are meant to “mitigate any public health hazards” as a result of camping, which is illegal in Salt Lake County and in most cities in the county.

In Salt Lake City, for example, a violation of the camping ordinance is a class B misdemeanor and could carry a penalty of up to \$1,000 and six months in jail, though the average recommended fine is \$680, not including surcharges.

The Health Department is not responsible for enforcement of those regulations and is instead looking to clean up human waste, syringes, or anything that “transmits disease or harms the environment,” Rupp said.

“The Salt Lake County Health Department has a duty under state law and city and county ordinances and under our own regulations to protect the safety of county residences, including people who are experiencing homelessness,” Rupp told The Tribune on Monday.

The county provides at least 24 hours notice of cleanups with signs posted on trees and telephone poles and often brings social workers who can provide people experiencing homelessness with referrals for mental health and substance abuse services, as well as information about space within the new homeless resource centers and other shelters, he added.

Camping cleanups happen around the county each week and at Salt Lake City’s Library Square about once a week, Rupp said.

But the purges have recently come into the public spotlight amid ongoing concerns about bed shortages at the Salt Lake City area’s three new homeless resource centers and as a result of attention from Civil Riot, an activist group that’s best known for its involvement in protesting the inland port.

Earlier this month, that group and members of other community activist organizations gathered at Salt Lake City’s Library Square to confront Salt Lake City Police, Utah Highway Patrol and Salt Lake County Health Department officials’ cleanup of an encampment there.

“Why are you removing people when there’s no room in the shelter?” a Civil Riot member asked officers as he livestreamed the cleanup on Facebook.

He received few responses as he followed them around, demanding answers and characterizing their actions as “f---ing evil” and immoral.

In the wake of that video — which had received around 101,000 views on Facebook and was shared more than 375 times as of Monday afternoon — Groth said the ACLU received multiple inquiries and complaints from community members about the cleanups over the last two weeks that prompted them to look into the regulations.

Groth said he thinks the ACLU’s request is “pretty straightforward” and hopes to see it acted upon quickly.

“Comporting with your own regulations by including that necessary information and then honoring those requests for a hearing should be something that is not a big ask,” he said.

Correction: Salt Lake City police were not writing camping citations Monday at Library Square as incorrectly stated in photo captions. A single citation for spice was issued, said SLCPD spokesman and Detective Greg Wilking

Comments:

<https://www.sltrib.com/news/politics/2019/12/23/aclu-utah-calls-salt-lake/comments/#twitter-comments>

Ever notice how the powers that be always have a place they want the homeless to move *from*, rarely a place that they want them to move *to*?

5

60

UtahCynic

► Weston Journey

10 days ago

Salt Lake City

WELL SAID

Three homeless shelters in the valley would gladly accept them and help them. Get them off the downtown sidewalks and library square.

3

1

70

Ms_Glyz

► UtahCynic

10 days ago

WELL SAID

Shelters have been full since day one. The men's shelter is about five miles away, some of these people have dogs, disabled and possibly turned away from the shelter.

Stop being so pious, it's classless.

4

2

77

The Wandering Camel

► Ms_Glyz

10 days ago

WELL SAID

Perhaps you will open up your home to the homeless...now that would be classy...

80

 Barb

▶ The Wandering Camel

9 days ago

Cornered By Mormons

WELL SAID

I did.

I've invited three homeless friends to live with me while they got back on their feet. One is now an Amazon driver, one got their CDL and drives long haul trucks, the third works for a collection agency. All three have moved into their own apartments.

All they needed was a little bit of compassion and help.

I changed lives.

I'd do it again.

Your turn.

1

70

Ms_Glyz

▶ The Wandering Camel

9 days ago

WELL SAID

Since you have the classic pious attitude, take off the blinders and figure out how to stop the elected officials of both political parties from passing out taxpayer dollars to corporations and developers AND 15 to 20 year tax credits. Before you start throwing more ridiculous comments out again, work on the wages paid by these heathens. It's appalling to me why people in this state worship money first and have absolutely zero business ethics. Just incredible.

1

51

mountainlocal

▶ Weston Journey

10 days ago

WELL SAID

Where do you live, Weston? Sandy? Holladay? South Jordan? For people that live downtown and spend time walking downtown every week, enough is enough. I lived in Brooklyn, NY for six years and never saw the type of things I see in and around downtown Salt Lake. When you don't feel safe in your own community nothing else matters.

1

77

The Wandering Camel

▶ Weston Journey

10 days ago

WELL SAID

Ever notice how those bleeding hearts who advocate for the plight of the homeless rarely are the ones who are willing to invite the homeless into their own homes?

1

70

Ms_Glyz

► The Wandering Camel

6 days ago

WELL SAID

They do, they just don't brag about it. See you in church on Sunday!

82

reriding

10 days ago

WELL SAID

Just one week ago the Supreme Court denied an appeal of a case from Boise and the 9th Circuit that makes it very difficult for cities to ban homeless from camping or sleeping outside, on city streets or rights of way. It may be more than just local rules that the city is breaking.

4

80

 **Barb**

10 days ago

Cornered By Mormons

WELL SAID

"Of all the preposterous assumptions of humanity over humanity, nothing exceeds most of the criticisms made on the habits of the poor by the well-housed, well- warmed, and well-fed."

-Herman Melville

4

1

1

75

Private Joker

10 days ago

WELL SAID

"Rupp said the cleanups are meant to "mitigate any public health hazards" as a result of camping,"

Is freezing to death considered a health hazard?

It's just a shame nobody has any money to help these poor down and out people. These poor down trodden people, and there's nobody in the whole state of Utah that has any money that they could use to help these poor souls. These poor, sad people, struggling with life, struggling to survive. And yet there's not one person, one organization, not one group of people in the whole state of Utah that has any money to help these poor unfortunate Children of God. It's just so sad.

Oh well. Have a Merry Christmas. See you in church.

1

77

The Wandering Camel

▶ Private Joker

10 days ago

WELL SAID

What are you doing to help those poor sad people? How much money do you give them? Is it more than 10%? How often do you invite them into your home?

Posting woke doesn't make you woke. Do something meaningful.

Oh well. Have a Merry Christmas. See you in church.

75

Private Joker

▶ The Wandering Camel

9 days ago

WELL SAID

I'm not doing much. I'm not confiscating their tents and blankets and chasing them down the road. I'm not chasing them away from north salt lake so the mormon church members don't have to look at them. I'm not putting the cops on them, writing them citations instead of xmas cards.

Hey, you sound pretty woke, why don't you be somebody and get your brothers to break out some of that 100 billion. You know, do something meaningful.

See you in church. Don't be late.

1

70

Ms_Glyz

10 days ago

WELL SAID

The people involved with putting these shelters away from SLC, have no clue. None of the Homeless Committees (about four huge ones) consulted with the right professionals at any time and currently on solutions.

They all should have listened AND supported Sheriff Jim Winders recommendation. But no, the SLC and SLCo Council spent one year on the design of the shelters, which has way too much wasted space and poor locations.

When the people in charge like Rupp, Wilson, Mendenhall, Luke, Barry, and the rest of the SLC Council, are born with a silver spoon in their mouth, this is the result. A big nothing.

1

1

1

54

NOBLUE

10 days ago

Utah

WELL SAID

How 'bout this? (Gently) remove/re-position all the persons & their possessions to the doorstep of the ACLU.

4

76

JimSkier7

▶ NOBLUE

10 days ago

WELL SAID

How about Utah government agencies follow their own written rules and obey the law?

6

2

1

51

mountainlocal

10 days ago

WELL SAID

How is loitering, sleeping, littering, urinating in a public square protected as a pursuit of life, liberty and personal property?

Lance Hemmert

▶ mountainlocal

9 days ago

WELL SAID

If you look on 300 East, I think it runs along the backside of the library, the sheer amount of refuse the 'unsheltered' just throw on the ground boggles the mind. We can make a million excuses for why they're unsheltered, but at the end of the day they make a choice to foul everyone's public and private spaces with their behavior. They make the choice to drink and take drugs, and forgo the public assistance that's readily available to them, from housing vouchers to homeless shelters (and yes, there are open beds; 22 at the male shelter as of today). There's a HUGE disconnect by the commenters on this forum from reality. They assume misfortune when the homeless that are camped out downtown are there by choice.

70

Ms_Glyz

▶ Lance Hemmert

6 days ago

WELL SAID

Ignorance is bliss!

show more

See what people are talking about at The Salt Lake Tribune Community Table
The Way of Openness is Practiced Here
feedback