

# Recent ruling could impact way state polices Rio Grande

The Gateway, Salt Lake City report reduction in crime

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SALT LAKE CITY (ABC4 News) - A private security firm for The Gateway found that crime rates were down by 79 percent from 2015 to 2018.

At a press conference Tuesday, representatives said crime rates have dropped "dramatically" at The Gateway and in the Rio Grande area.

"In order to get this dramatic reduction in crime, we personally spent more than \$1.5 million annually on private security to make the area a safer place," said The Gateway representative and vice president Vestar Jenny Cushing.

The numbers only highlighted the property's overall crime reduction.

"The city played a part in that because they provide Salt Lake City police. The state played a part in it because they provide the State Highway Patrol, we even had the federal government participating with us in ATF and also with DEA. So in totality, it takes all of us in order to make Operation Rio Grande what it is," said Scott Howell with the Pioneer Park Coalition. "The good news is that the state legislature supported the ongoing funding of Operation Rio Grande for another year."

Salt Lake City officials were not at the presser and they have different crime stats.

In a statement, Matthew Rojas the communications director with Salt Lake City said, "crime was down 37.4 percent from 2017-2018 in the overall Rio Grande District including The Gateway area." Also at issue here is a recent ruling by the Ninth District Court in the Martin vs Boise case which could impact arrests made under Operation Rio Grande.



"What we are seeing though is that law enforcement can come in there with Operation Rio Grande, really put the clamp on them and say OK we are going to put you in jail and going to run up some warrants on you. That is not helping anybody," says Jason Stevenson with the ACLU of Utah.

Judge Marsha Berzon states in the ruling, "...the ordinances criminalizing sleeping in public places were never a viable solution to the homelessness problem. People with no place to live will sleep outside if they have no alternative. Taking them to jail for a few days is both unconstitutional, for the reasons discussed in the opinion, and, in all likelihood, pointless."

"It's unconstitutional to criminalize simply sleeping somewhere in public if one has nowhere else to do so," Berzon added.

"We agree, we agree that giving more people warrants, more court dates that they are never going to show up for, or fines that they are not going to pay is not going to solve the problem of homelessness in Salt Lake City or Utah because this really is a regional problem," said Stevenson. The case began in 2009 when six homeless people in Boise, Idaho made the claims the city's "camping and disorderly conduct" ordinances violated the Eighth Amendment.

Howell said the Pioneer Park Coalition has been paying attention to the case since 2018.

"They can't camp there at [Pioneer Park at] night. It's part of the city's ordinance. There is no camping allowed and that during the day its hours is from dusk to dawn over there," said Howell.

"We are very familiar with that, Boise was actually a test case on that and we have been very careful that we have adequate beds, that we have adequate space, the Wiggins Center, the shelter itself, The Road Home itself I should say opened up the overflow for the winter and we have had the space adequate to meet the needs of our homeless."

Judge Milan D. Smith, Jr. stated in a dissent, "Under the panel's decision, local governments can enforce certain of their public health and safety laws only when homeless individuals have the choice to sleep indoors. That inevitably leads to the question of how local officials ought to know whether that option exists."

Judge Smith goes on to state, "And what if local governments (understandably) lack the resources necessary for such a monumental task? They have no choice but to stop enforcing laws that prohibit public sleeping and camping. Accordingly, our panel's decision effectively allows homeless individuals to sleep and live wherever they wish on most public property. Without an absolute confidence that they can house every homeless individual, city officials will be powerless to assist residents lodging valid complaints about the health and safety of their neighborhoods."

Utah is a part of the 10th Circuit Court of Appeals, but the ruling can influence what happens in our state.

"A ruling in one court can influence a ruling in another court but there has to be a Utah specific case for this to apply. So there has to be some sort of legal challenge to an ordinance that says no camping or no panhandling to make it really stick in Utah," said Stevenson.

Representatives from Salt Lake City said they are looking into the Ninth District Court ruling and how it will affect future decisions with Operation Rio Grande.