

ACLU says Operation Rio Grande created 'long-term damage'

Report claims effort fed 'revolving door' in court system, but state officials say action was necessary, helped many

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By Katie McKellar

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SALT LAKE CITY — More than two years after Operation Rio Grande first launched to root out crime in the neighborhood around Salt Lake City's downtown shelter, the American Civil Liberties Union on Monday released another report critiquing the operation, calling it a "flawed model."

The report, titled "Endgame for Operation Rio Grande," explores the "short- and long-term consequences" on people impacted by the multiagency operation. It identifies "several operational and policy mistakes that intensified" criminal justice burdens of people experiencing homelessness.

The operation fed a "revolving door" that strained Salt Lake County's jail and court system, and "addressing the long-term damage that it created is just the beginning," the report states.

"Even though the law enforcement focus of ORG is winding down, we believe its aftershocks will continue to shape efforts to address the social issues involving homelessness in Salt Lake City," the report says. "That's because the impact of arrests and fines do not easily vanish from people's list of troubles — especially those with limited resources — but reverberate, often derailing their efforts to rebuild their lives."

But state officials counter the report, arguing Operation Rio Grande did bring overall benefits to an area that was previously overrun with lawlessness — and that Operation Rio Grande did include efforts to connect people with housing, drug treatment and drug court programs to help people clear their records after arrest.

"It's important for people to not forget what the situation was like just over two years ago in the Rio Grande neighborhood," said Nate McDonald, a spokesman for the Utah Department of Workforce Services. "There was definitely a situation that required immediate attention and action to restore order and public safety to that area."

The report comes about a year after the ACLU released a report titled “Calculating the Real Cost of Operation Rio Grande,” which called the operation a “hammer” that has treated people experiencing homelessness and drug addiction like “nails.”

One of Operation Rio Grande’s loudest champions, former House Speaker Greg Hughes, was incensed by the 2018 report, calling it “manipulative” and “intellectually dishonest.”

Operation Rio Grande was launched in an effort to bring Salt Lake City’s most troubled neighborhood under control in preparation for the closure of the downtown shelter and the transition to a new homeless system, with the construction of three new homeless resource centers. Two of those centers have already opened, and officials are preparing for the opening of the third and final shelter later this month, as well as the closure of the downtown Road Home shelter in four weeks.

Operation Rio Grande cost an estimated \$67 million, including a \$20 million appropriation in new funding while the rest was funded by repurposed dollars shifted from state agencies, according to state officials. As of today, the operation is winding down, though law enforcement is still slated to patrol the Rio Grande area until at least June 30, 2020, though there is not a clear cutoff amid the transition to the new homeless system.

The aim of the ACLU’s report, released as “the landscape for managing homeless services in Utah is shifting,” is to help outline the “mistakes” made during Operation Rio Grande, ACLU officials wrote.

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“Overall, we need to proactively take the lessons learned from ORG and implement them before we find ourselves haphazardly responding to another self-created crisis,” the report states.

Monday’s report builds on the previous report by examining two 35-day snapshots a year apart of arrests from Operation Rio Grande while also reviewing how crime statistics have changed since the operation.

While crime has in fact significantly decreased in the area over the past two years, the ACLU’s report questions at what cost.

“This result is not unexpected considering the operation’s constant police patrols and decision to close Rio Grande Street,” the report states. “The more important questions to ask, however are: 1) What has been the impact on adjacent neighborhoods of the city, and 2) Can the decline in reported crime be sustained without a persistent law enforcement presence?”

McDonald said state officials recognized “there are some challenges with the role of law enforcement,” but “it’s important for people to realize it was more than just a law enforcement push.”

“Law enforcement was absolutely what we led out with, but shortly after we immediately started working on the treatment phase and housing and employment phase,” McDonald said.

But the report states most of the arrests were “low level,” meaning that many homeless individuals became “caught in a revolving door of the criminal justice system without the off-ramps to treatment options provided to people charged with more serious crimes.”

“Because this approach was led and dominated by law enforcement, the criminal justice system was immediately overburdened by the sheer volume of arrests — over 1,200 in the first 35 days, and 5,000 in the first year,” the report says. “While architects of ORG initially claimed the police patrols would target “the worst of the worst” and “dangerous criminals” preying on people experiencing homelessness, the on-the-ground reality was very different.”

During the first 35 days of Operation Rio Grande, about 64% of the operation’s 1,215 arrests were for misdemeanors or infractions, while 317 arrests or 26% were classified as only low-level class B or C misdemeanors or infractions such as open container violations, jaywalking, lewdness or camping, according to the report.

One year into the operation, during a similar 35-day period in August and September of 2018, nearly 70% of the 359 arrests were classified as misdemeanors or infractions, according to the report. Additionally, 123 arrests or about 34% were classified as class B or C misdemeanors or infractions.

“Although the total number of arrests dropped by about 70% between these periods in 2017 and 2018 ... the percentage of arrests for low-level crimes remained consistent,” the report states. “Despite assurances that ORG would target dangerous individuals and help people in need, it inevitably swept up hundreds and then thousands of people, many of them dealing with homelessness or housing insecurity, for low-level crimes.”

“Looking at both the arrest records and anecdotal stories from the last two years, the ORG approach has negatively impacted many people with substance abuse issues and housing insecurity, despite assurances that it wouldn’t happen,” according to the report.

But Operation Rio Grande has helped house people, as well as connect people to drug treatment and employment, though those numbers are lower than the number of arrests (though arrests can include repeat offenders). As of August of this year, 263 people have been housed, 174 people have entered drug treatment, and 246 people have been employed, according to the Operation Rio Grande website.

The ACLU report does credit the Salt Lake County District Attorney's Office and the Salt Lake County Mayor's Office for adopting a formal diversion model in August to keep between 750 and 1,000 people from entering the criminal justice system each year. The report also credits the Salt Lake County Sheriff's Office for creating an online jail dashboard that allows people to see data of incarcerated people in real time.

"Reforms like these can help address the revolving door of the criminal justice system and prompt other agencies to think about different tools they can use to address issues surrounding people experiencing homelessness," the report states.

Overall, the ACLU urged officials to evaluate and modify law enforcement policies on homelessness issues as well as consider long-term legislative fixes to fund housing programs and treatment options that "do not automatically require arrests or citations so we can avoid filtering these issues through the criminal justice system."

"Rather than relying on the criminal justice system to solve root causes of homelessness, we can prioritize and fund other models that bypass the negative aftershocks of the court and jail system," the report states.

McDonald urges people to consider the "bigger picture" when reviewing the impact of Operation Rio Grande.

"We feel that the operation was necessary and was needed considering the circumstances we were in," he said. "Though there may be situations where some people have challenges because of the arrests that may occur, as a whole it was very needed in order to help a larger group of people who were experiencing homelessness and also restore order and public safety into that area."