

ACLU says Utah police have used unnecessary force against protesters

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By Paighen Harkins

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Sam Tse is identifiable by the small gray dot that is her baseball cap, as footage shot from KSL-Ch. 5's helicopter shows her between a line of protesters and Salt Lake City officers in riot gear.

This July 9 confrontation lasts about 20 seconds as officers pull Tse from the arms of other demonstrators and toward police, who appear to hit her with riot shields. Then she is freed and disappears into the group of demonstrators.

"I actually didn't realize how bad it was until I watched the video. It was a lot of force, and I'm," Tse said, pausing, "just pretty small." Five feet tall and not even 120 pounds, she woke up sore the next day with a dark bruise on her calf and felt fortunate it wasn't worse, she said. Another protester, Michelle Mower, had to be carried away and has said she was treated at a hospital for a deep, gaping wound on her thigh from a beanbag gun shot at close range. The KSL footage shows another demonstrator was hit in the head by an officer with a baton and was struck on his arms as he tried to block the officer's swings.

Other protesters left with bruises. The Salt Lake City Police Department said one of its officers also was treated at a hospital and others were injured, as protesters threw plastic water bottles and rocks at them.

The American Civil Liberties Union of Utah now is calling out police for confrontations like these at recent protests, decrying officers using what it deems unnecessary force against demonstrators. The ACLU said its trained observers have documented a "concerning pattern" and demanded that it stop. In a statement released Saturday, the group outlines instances of police violence against protesters seen at five demonstrations. The earliest was on Jan. 4, when police broke up an occupation of a corner of Washington Square Park. Activists and people experiencing homelessness had set up tents with warming centers and provided meals and water there.

The other cited demonstrations focused on police violence and occurred on or after May 30, when protesters flipped a police car and burned it during a large downtown demonstration, and Gov. Gary Herbert called in the National Guard in response.

"The result of these militarized responses to First Amendment criticisms of police action, however, conveys a chilling message to protesters that criticism of law enforcement will not be tolerated," according to the ACLU's statement.



Salt Lake City police spokesman Greg Wilking discounted the ACLU statement, saying it offered suggestions on officers' decision-making from the comfort of an office — a “vacuum” — “versus making it in real time,” as officers do.

He said the ACLU should have reached out to the department directly to discuss its concerns but challenged claims by the organization and protesters that police have unjustly targeted protest leaders or acted inappropriately.

Except for complaints made against a Salt Lake City police officer who pushed down an elderly man at the May 30 protest, Wilking said he's unaware of any other excessive force accusations made against officers at protests.

Bernardo Palacios-Carbajal, 22, was killed in May by Salt Lake City police. Many of the recent demonstrations, including the one that turned violent on July 9, were in response to his death and prosecutors' decision to not charge the officers who shot him.

But protests — once held nearly every night in Salt Lake City — have slowed following the recent arrests of leaders and participants. Jeanette Padilla, who consulted for the protest group Justice For Bernardo, said people aren't scared to be on the streets; instead, “people are getting smarter after all of this.” They're trying more so-called indirect action, like organizing email and call campaigns to elected officials, she said. They gathered July 16 to write letters of support to Palacios-Carbajal's family. They're also regrouping because daily protests aren't sustainable, said Madalena McNeil, a community organizer.

Questioning police tactics

At the May 30 protest, the ACLU statement said, its legal observers saw a man with a bow and arrow — later identified as Brandon McCormick and charged with three felonies — threaten protesters and saw that police intervened only when demonstrators started to defend themselves.

Some demonstrators vandalized the downtown area near Washington Square Park and Salt Lake City police headquarters, and others flipped and burned a police vehicle and McCormick's vehicle. But the ACLU said most protesters that day were peaceful — and yet were met with “phalanxes of riot police, military-grade vehicles, Utah National Guard helicopters and numerous arrests of protesters.”

On June 23, it said, officers threatened a group of approximately 75 people with arrests if they got in the streets, even though, the ACLU said, the protesters never “pose[d] a risk of harm to the public.”

The statement also mentions the arrest of activist Emanuel Hill on July 2, when Hill was accused of interfering with officers as he filmed a traffic stop, and notes that officers impounded McNeil's car that same day.

But the ACLU claims the worst abuses occurred on July 9, when protesters gathered after Salt Lake County District Attorney Sim Gill announced his office wouldn't charge the officers who killed Palacios-Carbajal. Demonstrators covered the street outside Gill's office building with red paint, symbolizing blood, and broke five windows.

Police, who'd already surrounded the building, then declared the gathering an “unlawful assembly.” The department pointed out that officers moved on protesters only after the windows were damaged.

Officers later charged at lines of protesters with riot shields and batons after demonstrators, many of whom linked arms to meet police with a line of their own, threw objects at them.

The ACLU argued that “while protecting property may be a public safety concern, property never outweighs human life and preserving property does not justify tactics that inflict physical and emotional trauma on human beings.”

The Salt Lake City Police Department has also been criticized by some who say its tactics against protesters weren't strong enough, most notably by former GOP gubernatorial candidate Greg Hughes after the May 30 protest.

“It was four hours of unabated, uninterrupted violence,” Hughes said. “It could have been stopped earlier on. It got so out of hand.”

Intimidation or preparation?

The ACLU said officers responding in riot gear and employing a low-flying helicopter and “offensive weapons” illustrate the power dynamic that protesters are speaking out against.

But Wilking said that when more officers show up on a call, it’s safer for all involved because police feel safer with backup — meaning they’re less likely to use force when arresting someone, or the force used will be less than during a one-on-one arrest.

At these protests, Wilking said, “[w]hen they come geared for a fight, it’d be silly for us to not come prepared to protect ourselves.”

He also denied claims by the ACLU and protesters that organizers are being targeted with arrests and citations. “Leaders are sometimes the most vocal and most animated in these situations and have put themselves into the situation [to be arrested],” he said.

In its statement, the ACLU listed 13 demands for state and local law enforcement, including deploying to protests only when there’s a “clear and present danger to public safety,” not clearing areas of or arresting protesters who don’t threaten public safety and requiring police responding to these demonstrations to wear body cameras and review and publicly release all footage.

McNeil said she wished officers understood how the response, so far, hasn’t done anything to gain trust with the communities protesting. “If you’re serious about being a public servant, that means listening to things you don’t want to hear,” she said.

When asked if the police department would consider any of the ACLU’s suggestions, Wilking said police would listen to feedback coming through established communication pathways.

“We have places where people can interface with us and have a seat at the table,” Wilking said, “and making demands in public space like that isn’t the way to move the ball forward.”

Correction: July 22, 2020, 9:39 a.m. • An earlier version of this story misidentified whose car was impounded on July 2.