

Police crackdown on Cottonwood Heights demonstration criticized as heavy-handed

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SALT LAKE CITY — Zane James' family members say police did not show up to their Sunday demonstration to keep the peace.

"What I saw was cops box us in, both front and back, and then attack us, flat out attack us," said James' brother, Gabriel Pecoraro.

He was one of several voices condemning the Cottonwood Heights Police Department's handling of the protest that spiraled into clashes with demonstrators, saying officers provoked the group in a power play.

The group was marching from a park to the yard where 19-year-old Zane James was shot in the back and killed by Cottonwood Heights police in 2018 after he allegedly robbed two stores with what was later determined to be a pellet gun. His family is suing the city over his death.

"This is exactly why our son was shot," Tiffany James said at a Monday news conference. "This is a culture of police power that is not community friendly and needs to be addressed."

Cottonwood Heights police defended their response as necessary and said several officers sustained broken bones, with one choked to the point of unconsciousness. Mayor Mike Peterson said the city will investigate both the protest and the police response.

"We fully support the First Amendment, but we feel strongly that local laws and ordinances must be adhered to," Peterson said. "The situation at Mill Hollow is regrettable. We never want to see things escalate as the one did Sunday evening."

Fights broke out Sunday after authorities told the roughly 100 demonstrators to move to the sidewalks and used patrol cars to block the street. Officers used pepper spray, stun guns and batons, detaining several demonstrators and arresting a total of eight in an upscale neighborhood tucked in the foothills southeast of Salt Lake City. A group of state lawmakers belonging to racial and ethnic minorities called Monday for an investigation and statewide de-escalation training and police reform.

"There is no excuse for the CHPD using such a heavy-handed approach, with some officers dressed in full military combat gear, for what would have otherwise been a nonviolent Sunday protest," reads the statement from Democratic lawmakers Sens. Luz Escamilla and Jani Iwamoto; and Reps. Angela Romero, Karen Kwan and Mark Wheatley.

Darlene McDonald, a member of Salt Lake City's new Racial Equity in Policing Commission and a Black community leader, said protesters were dancing and peaceful when police arrived, then obliged when officers asked them to move to the sidewalk. McDonald had been invited to speak at the event.

But waves of officers moved in behind them, while still more appeared in their path. After some protesters threw some water onto officers, they started "grabbing protesters," McDonald recounted in a Facebook Live video.

"What started off as an extremely peaceful protest became a military war zone," she said. "Basically, they were armed and waiting for a fight. They literally instigated a fight with the protesters."

Pecoraro said he sustained a broken nose, stun gun burns and marks from a baton. He and James' father, Aaron James, 50, were among those arrested Sunday for investigation of assaulting an officer. Police affidavits allege the two separately swung at officers.

"It's like we got trapped there, for lack of a better word," Aaron James said. "I don't know what to say. When we show up as a peaceful demonstration with music playing in the back of our car and pinwheels and squirt guns — and there's a wall of guys in helmets, military, SWAT and radios buzzing, it's pretty intimidating."

James' attorney, Robert Sykes, called it "an organized attempt to silence free speech" that would not hold up in court.

Rather than de-escalate or try to find solutions, police appeared to have "needlessly provoked a small, peaceful gathering to prove the point that the police were in control," John Mejia, legal director for the ACLU of Utah, said in a statement.

Aaron James, center, and Tiffany James, parents of Zane James, yell at police during a confrontation between police and protesters in the streets of Cottonwood Heights on Sunday, Aug. 2, 2020. (Photo: Scott G. Winterton, KSL)

“We condemn the violence against community members exercising their First Amendment rights,” Mejia said. He said footage of the encounters alarmed and dismayed his organization in a display that was “the exact opposite of what we expect from police.”

Mejia said Cottonwood Heights has an ordinance that in fact allows marching on the street. Cottonwood Heights Lt. Dan Bartlett countered that the rule does not permit people to block traffic like the group did Sunday. Bartlett said an initial six officers responded after neighbors called with concerns about demonstrators yelling at them and about two protesters who had guns.

“They didn’t want to move, so the first one that we went to take into custody, that’s when it broke out. It just turned into a melee on the street,” Bartlett said. He called for assistance and at least five other agencies responded.

About a dozen protesters were “looking for a confrontation, because it was easy to go to the sidewalk,” Bartlett said. He said the group did not obtain a permit to block roads and his agency didn’t have the resources to cordon off streets to protect them on a Sunday.

Bartlett told KSL the police followed the city’s de-escalation protocol.

“The video’s pretty clear,” he added. “You see my officers get punched and kicked and choked, stuff like that ... how are we supposed to de-escalate that?”

Bartlett said he worked with organizers to try to get everyone to calm down. Some, however, sprayed a mixture toward them that seemed to be urine and cayenne pepper, he said, a claim James’ family disputed.

“Using force, it never looks good. It’s never pretty, it never looks good. It’s disturbing, and I understand that. At the same time, we need to make sure the laws are followed, and that’s what we were doing,” he said.

A video recorded by Cottonwood Heights Councilwoman Tali Bruce captured long-simmering tension with police Chief Robby Russo in a terse exchange between the two. Bruce later said she was struck in the neck and shoved by an officer and sought treatment at a hospital.

Bartlett disputed the account.

“If anything, he barely put a hand on her to push her back,” he said.

Bruce said the response illustrates a need for reform and encouraged people to weigh in during a Tuesday night City Council meeting.

Cottonwood Heights Councilwoman Tali Bruce answers questions about a Sunday protest that erupted in clashes with police during a press conference at Mill Hollow Park in Cottonwood Heights on Monday, Aug. 3, 2020. (Photo: Yukai Peng, KSL)

Russo declined comment, citing the pending lawsuit from the James family.

Late Monday, a group of about 200 rallied in support of police at Cottonwood Heights City Hall, where several held American, thin blue line and Donald Trump 2020 flags. Some carried assault rifles and wore tactical gear as they milled about.

Many were with the group Utah Citizens’ Alarm, formed after police say a protester in Provo shot at cars, striking and injuring one driver on June 29. The group’s president, Casey Robertson, said he hoped to deter people from causing trouble.

“I think the silent majority is tired of violence. They’re tired of the potential for something like what happened last night in their own neighborhoods,” Robertson said.

From across the street, counterprotesters traded dueling chants with those supporting police.

Following the Sunday protest, six others were arrested and booked into the Salt Lake County Jail for investigation of rioting charges. They are: Jessica Eichbauer, 34; Jacob Hall, 29, Rex Knab, 21, also accused of assaulting an officer; Andrew Carter, 35, also accused of assaulting an officer; Taylor Lajeunesse, 30; and Benjamin Ehlinger Leheldt, 23.

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