

Drawing a line between protests and riots: Utah lawmakers OK crackdown bills

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SALT LAKE CITY — Stunned by last summer’s Salt Lake City rioting and worried about larger calamities such as those in Portland, Oregon, Utah police and state legislators are pushing crackdown bills.

Weber County Sheriff Ryan Arbon spoke Tuesday in favor of measures to impose felony penalties on people who block traffic during riots and to keep accused rioters in jail until their court appearances.

Civil libertarians and defense attorneys criticized the bills, but the Law Enforcement and Criminal Justice Interim Committee voted to advance the proposals for consideration during the 2021 legislative session.

Arbon said Utah police have been talking to Portland authorities on the effects of riots there during weeks of clashes stemming from protests over alleged police brutality.

“We don’t want these things coming to Utah, and if they do we want to be prepared,” Arbon told the committee.

Fire engines, police and ambulances were blocked during the Portland protests and police could do “nothing” about it, Arbon said.

“Average persons driving through were stranded and sometimes shot at,” he said. “This is not just someone blocking traffic — they have signs and would deliberately stop cars, drag them out and beat them if they didn’t agree with the protest.”

He supported a bill to make blocking traffic during a riot a third-degree felony.

Rep. Paul Ray, R-Clearfield, said he doubted it would be effective in Salt Lake County.

“It’s impossible to book anybody in the Salt Lake County Jail on a third-degree felony,” Ray said. “The county is not willing to put the money in it, where the majority of the protests take place.”

But Arbon said Weber County would “gladly” take in such suspects in the Ogden jail.

“We support the protesters,” Arbon said, but those who engage in rioting can’t be effectively controlled under existing Utah laws.

Arbon and Cache County Sheriff Chad Jensen also spoke in favor of a bill requiring that those booked on a riot charge be kept in jail until appearing in court, often two or three days after arrest.

“We feel strongly about this,” Arbon said. “It’s a revolving door. Get these protesters that may turn into a riot, get them to where they can’t return to protest so quickly.”

Amid the Salt Lake rioting last summer, dozens of suspects were taken to the Davis County Jail, where they were booked on disorderly conduct misdemeanors, many soon released.

“Those who want to peacefully protest can do so, but get the troublemakers out of the situation,” Jensen said.

Rep. Angela Romero, D-Salt Lake City, questioned the need for the legislation.

“How many people do we have doing this in Utah, and is it really a problem,” Romero asked. “I hear Portland referenced a lot. Utah isn’t Portland.”

“This bill deals with rioting,” Jensen responded. “It’s a failsafe if we have it in writing.”

Mark Moffat, representing the Utah Association of Criminal Defense Lawyers, said the jail hold bill is overkill.

“They can’t even have bail set until they see a magistrate,” Moffat said. “They can stay in jail for up to 72 hours. They could lose jobs.”

He also criticized the felony traffic blocking bill.

“They usually start out as peaceful protests, but the actions of a few turn the event into a riot,” he said. “You’re going to have hundreds of people charged with obstructing traffic.”

Marina Lowe, an attorney for the American Civil Liberties Union of Utah, said the riot legislation is vague and too broad.

“People of all walks of life come out on the streets when they have grievances against the government,” Lowe said.

The state should “use existing laws where someone is actually intending to commit violence,” she said.

Rep. Kelly Miles, R-South Ogden, voted against the traffic blocking bill.

“I appreciate what the sponsor and Sheriff Arbon are trying to accomplish,” Miles said. “I too am not comfortable of the broad stroke of calling it a felony. I would like to take a closer look.”

Ray, however, said, “I know if I have a loved one who needs medical attention and someone is blocking my way, there should absolutely be a felony.”

Jamie Lampros contributed to this story.