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DUCHESNE COUNTY ATTORNEY SHOULD INDEPENDENTLY INVESTIGATE USE OF EXCESSIVE FORCE AGAINST HAKA DANCERS, SAYS ACLU

SALT LAKE CITY - The ACLU of Utah ("the ACLU") called upon the Duchesne County Attorney to conduct an independent investigation into a recent claim of excessive force by the Roosevelt Police Department (RPD). This claim arose from an interaction between the RPD and a group of football fans, who were performing a Polynesian victory dance known as the "Haka," in the stands during an October 20 game between Roosevelt and Uintah High Schools.

On November 2, the Roosevelt Police Department completed an investigation into the incident, which completely absolved the officers involved in the October 20 situation of any wrongdoing.

"The Roosevelt Police Department's report is troubling in a number of respects," said Joe Cohn, Interim Legal Director of the ACLU of Utah. "Most importantly, it completely ignores the many accounts and statements provided by witnesses and victims, as well as the video recording of the incident, as if these pieces of evidence were not provided at all. In fact, the report relies almost exclusively on the accounts of the two officers involved, which must be considered necessarily self-serving, despite the existence of competing evidence."

According to the report, the officers claimed that they were compelled to use force because the fans who were performing the dance, refused the officers' order to move from an exit. The Haka dancers, said the officers, were not only blocking the exit, but the dance moves made them appear aggressive in a threatening way.

However, of the fifteen witness and victim accounts provided to RPD, not a single account indicated that the officers or anyone else in the area appeared to be in any immediate danger from the Haka dancers.

"It is clear from the video and the collective statements that up until moments before the dance began, those people who wished to exit freely were able to do so," said Cohn, "and the officers' assertion that they felt threatened is questionable, as well. The fact that none of the witnesses' accounts confirmed the sense of a perceived threat, raises serious questions as to the officers' credibility or their ability to reasonably assess the situation.

"In this light, the use of force appears to have been both unwarranted and excessive," Cohn added, "and it may have even constituted criminal assault and battery."

According to the ACLU, the RPD's conclusion that the officers' actions were consistent with its policies also indicates the inadequacy of the RPD's 'Use of Force' policies. The report may also reflect a willingness by the RPD to justify unnecessary police violence, rather than hold the officers involved accountable for their actions.

The RPD has yet to provide the ACLU with complete copies of the policies that were being put into practice by the officers on October 20.

"If what we can see in the video, and what was reported by the witnesses, is considered proper under those policies, then the ACLU has serious concerns," remarked Cohn. The ACLU recently reiterated its request for complete copies of the policies in effect during the incident at the football game, and will thoroughly analyze those policies once received.

"When a crime occurs, it is the responsibility of the county attorney to take a serious look at all available evidence," said Cohn. "This is true even if the accused are police officers."

Given the seriousness of the incident involving the Haka dancers, during which innocent bystanders reported being hit with pepper spray, the ACLU is hopeful that the county attorney will conduct an unbiased, independent investigation that takes all evidence into account. Once such an investigation is completed, appropriate actions should be taken.

The ACLU of Utah has learned that the Haka dancers and affected bystanders have hired private counsel and intend to file an excessive force lawsuit. The ACLU is in communication with the lawyers for those involved in the incident, and is hopeful that litigation will bring about positive change in Duchesne County.

More information about the ACLU of Utah's response to this incident may be found at <http://www.acluutah.org/HakaDancers.html>

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