

# No charges in officers' kicking incident

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The Olmsted County Attorney's Office decided not to bring felony charges against two St. Paul police officers for alleged police brutality in the arrest of Eric Hightower in August.

The incident attracted public attention because a bystander posted a video of the arrest on YouTube. The video shows Officer Jesse Zilge trying to arrest Hightower for threatening to kill his ex-girlfriend. Zilge kicks Hightower once in the upper chest as he is lying on the ground.

The video also shows a second officer, Matthew Gorans help to push Hightower into the police car and sprays Mace in his face.

Prosecutor Jim Martinson said he watched the video more than a dozen times and reviewed video from seven police squad cars. He said the question is whether a reasonable officer would have used force under the same circumstance.

In this case, Martinson said, the officer tried to arrest Hightower first by verbal commands, then by Mace, and only used force when all of those methods had failed. He said Zilge was alone when the incident began and was concerned when a large crowd gathered and started heckling.

"It's easy to second-guess and sit down and slow down a video tape and look at it in slow motion and so on and try to make a decision about what you would've done, but the officer doesn't have that luxury," Martinson said.

Both officers returned to work earlier this year after a brief paid leave.

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