

**AMNESTY
INTERNATIONAL**



Chief Kerr Putney
Chief of Police
Charlotte - Mecklenburg Police Department
601 E. Trade Street
Charlotte, NC 28202

22 September 2016

Dear Chief Putney

RE: POLICING OF PROTESTS

Amnesty International is writing to convey its deep concern regarding the policing of protests in Charlotte, NC.

In response to the shooting of Keith Lamont Scott on 20 September, local residents have held demonstrations in the City of Charlotte, North Carolina. While reports indicate that the protests in Charlotte began peacefully, violence broke out soon after a unit of riot police confronted protesters outside of the Omni hotel in downtown Charlotte. Reports indicate that law enforcement deployed the use of rubber bullets, concussion grenades and tear gas against the protesters in order for the crowd to disperse. One protester suffered a severe head injury and is in critical condition after being struck in the head by a still unknown object. There are conflicting reports about whether he was struck by a bullet or a tear gas canister or rubber bullet and whether the object was fired from a civilian or law enforcement officers. Police reported that 44 individuals were arrested during the protests on the night of 20 September. In response, Governor Pat McCrory declared a state of emergency and activated the state's national guard units.

We would remind you that police authorities are required to act in accordance with international human rights standards and the U.S. Constitution in the policing of protests related to the death of Keith Lamont Scott and others. Specifically, law enforcement must ensure that any decision to disperse an assembly is taken only as

a last resort and carefully in line with the principles of necessity and proportionality, i.e., only when there are no other means available to protect a legitimate aim and when the level of threat of violence outweighs the right of people to assemble. Even in situations in which a small minority tries to turn a peaceful assembly into a violent one, police should ensure that those who are protesting peacefully are able to continue to do so, and not use the violent acts of a few as a pretext to restrict or impede the exercise of rights of a majority. Law enforcement must also ensure that the type of equipment used for the purpose of dispersing an assembly is used only when necessary, proportional, lawful and accountable. Chemical irritants, such as tear gas, should not be used where people are confined in an area and not in a way that it can cause lasting harm to the health of demonstrators or bystanders (e.g., at too close range, or directly aimed at the bodies of demonstrators).

The use of heavy-duty riot gear and military-grade weapons and equipment to police largely peaceful demonstrations intimidates protesters who are practicing their right to peaceful assembly and can actually lead to an escalation in violence. Equipping officers in a manner more appropriate for a battlefield may put them in the mindset that confrontation and conflict is inevitable rather than possible, escalating tensions between protesters and police. Any police presence at demonstrations needs to be proportionate to the situation. Police deployed in larger numbers than appear necessary or deployed wearing protective clothing or riot gear can be confrontational and intimidating. As seen in many countries, inappropriate or excessive police interventions can actually lead to violence and disorder rather than reducing tensions.

We would further remind you that arrest and detention should be carried out only in accordance with procedures established by law and should not be used as a means to prevent peaceful participation in a public assembly nor as a means of intimidation or punishment for participation. Once individuals are arrested, officers should not use restraints in an excessive manner or for prolonged periods of time during processing and anyone arrested should be provided with food and water, access to restrooms, medical attention if needed, and prompt access to counsel. Lastly, officials must investigate, effectively, impartially and promptly, all allegations of

human rights violations by police officials during public assemblies, including unlawful use of force, and bring all those found responsible, including commanding officers, to account through criminal or disciplinary proceedings as appropriate, and provide full redress to victims.

We have attached a summary of best practices on the policing of demonstrations under international standards. We look forward to hearing from you regarding the concerns raised.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Margaret Huang". The signature is fluid and cursive, with the first name "Margaret" written in a larger, more prominent script than the last name "Huang".

Margaret Huang

Executive Director

Amnesty International USA