



Ref: AMR 51/2014.06

Colonel D. Samuel Dotson III
Chief of Police
Metropolitan Police Department
1915 Olive Street
St Louis
Missouri 63103
USA

22 August 2014

Dear Colonel Dotson

CASE OF KAJIEME POWELL: USE OF LETHAL FORCE BY METROPOLITAN POLICE DEPARTMENT OFFICERS

Amnesty International is writing to you to convey its deep concern about the fatal shooting of Kajieme Powell, a 25-year-old man, on 19 August 2014 by two officers of the St Louis Metropolitan Police Department. Video footage released by the authorities on 21 August appears to contradict certain aspects of your description of the incident given soon after it occurred and we are concerned that it depicts use of lethal force that may be in breach of international law and standards.

We note your statement that, as per departmental policy, the two officers involved are on administrative duty while an investigation into the shooting is conducted. Amnesty International is writing to seek assurances that this investigation will be thorough, transparent and impartial, and that the methodology and results will be made public. At the same time, we emphasise that any officer found to have resorted to unlawful lethal force be subject to disciplinary and criminal proceedings as appropriate.

Kajieme Powell was shot by two officers a few seconds after they arrived at the scene in the vicinity of the Six Stars Market, Riverview Boulevard, reportedly in response to an emergency call from a shop owner who reported that the individual concerned was displaying agitated behaviour and had a knife.

In your statement given to the press after the shooting, you stated that when the officers arrived at the scene, Kajieme Powell turned towards them, started walking towards them "clutching his waistband", and then "pulled out a knife in what we described as an overhand grip" (which you visually demonstrated as holding a knife up at shoulder level). You stated that the officers drew their weapons after the suspect pulled his knife, that the suspect told the police to "shoot me now", and that as he walked towards them, the officers began giving him verbal commands to step back and drop the knife. When the suspect was "three to four feet" from one of the officers, both officers fired their weapons.

The video footage of the incident released by the authorities confirms that Kajieme Powell indeed approached the police after their arrival at the scene, and that he repeatedly told them to "shoot me". The footage, however, calls into doubt the information that you stated about him brandishing a knife in an "overhand grip" or that he was as close as three to four feet from the officers when

they opened fire. It appears that he was perhaps as much as 10 feet from the officers, admittedly walking towards them, but hands by his sides, when he was shot. The sound on the video indicated Kajieme Powell was shot nine times and he apparently died at the scene.

The UN Human Rights Committee is the expert body established under the International Covenant on Civil and Political Rights (ICCPR) to monitor implementation of this core human rights treaty. The USA ratified the ICCPR in 1992. In its General comment 6 on the right to life under the Covenant, the Committee stated that "The deprivation of life by the authorities of the State is a matter of the utmost gravity" and that states must take measures to prevent arbitrary killing by their own security forces. Such measures are set out in the United Nations Basic Principles on the use of Force and Firearms by Law Enforcement Officials, Principle 9 of which states:

"Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life" (emphasis added).

Amnesty International believes that the video footage raises serious doubts as to whether at the point Kajieme Powell was shot he presented "an imminent threat of death or serious injury", still less that multiple bullets were "strictly unavoidable in order to protect life".

Amnesty International seeks your assurance that the investigation into this incident will conform to the highest standards for investigating officer-involved shootings, and that all relevant evidence, including the autopsy report and witness testimony, will be made available to it. We urge that a report of the findings be made public as soon as possible, with information on the scope of the investigation, procedures and methods used to evaluate evidence, as well as conclusions and recommendations. We also seek your assurance that any officer found responsible for unlawful use of force will be held accountable in disciplinary and criminal proceedings as appropriate.

Accountability is also an essential part of redress. Under international law, anyone whose rights have been violated has the right to remedy. In a case involving death in custody or as a result of lethal force, the family has that right to remedy. The UN Human Rights Committee has stated:

Article 2, paragraph 3, requires that in addition to effective protection of Covenant rights States Parties must ensure that individuals also have accessible and effective remedies to vindicate those rights. ... Administrative mechanisms are particularly required to give effect to the general obligation to investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies. A failure by a State Party to investigate allegations of violations could in and of itself give rise to a separate breach of the Covenant...

Where the investigations referred to [above] reveal violations of certain Covenant rights, States Parties must ensure that those responsible are brought to justice. As with failure to investigate, failure to bring to justice perpetrators of such violations could in and of itself give rise to a separate breach of the Covenant. These obligations arise notably in respect of those violations recognized as criminal under either domestic or international law, such as ... summary and arbitrary killing...

Amnesty International is also very disturbed that, prior to a thorough and impartial investigation as referred to above, a public statement was made to the press giving a precise account of the

incident so quickly after it happened, in a manner that might reasonably be expected to prejudice the outcome of an investigation into what took place. We therefore believe that, in addition to the investigation into the use of force in this incident, there should be an investigation into the issuance of such a speedy -- and evidently in this instance, erroneous -- statement effectively exonerating the officers concerned without a thorough and impartial investigation having taken place.

With regard to the principle that police may use force only when strictly necessary, Principle 2 of the Basic Principles on the Use of Force and Firearms states that "Governments and law enforcement agencies should develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms". Having available such a range of weapons, and the training to use them, means that police are in a better position to use only such force as is necessary in the particular circumstances. Yet in this instance the police officers appeared to resort immediately to the most extreme level of force.

Principle 2 of the Basic Principles further states: "For the same purpose, it should also be possible for law enforcement officials to be equipped with self-defensive equipment such as shields, helmets, bullet-proof vests and bullet-proof means of transportation, in order to decrease the need to use weapons of any kind." We note that in this instance, although the officers apparently had prior warning that Kajieme Powell had a knife about his person, they were not wearing stab vests to protect themselves against the threat this posed to them.

As regards the threat that Kajieme Powell may indeed have posed to them, this will of course be a matter for the impartial investigation to look into in detail. At this stage, however, we would observe that the video footage appears to indicate that this was a man in an agitated or disturbed state, possibly with mental health problems, and that the arrival of the police rapidly escalated a situation which until that point had appeared relatively non-dangerous to those in the vicinity. Indeed, shortly before the police arrived, a pedestrian passed within a few feet of Kajieme Powell and apparently viewed his conduct as non-threatening.

I would appreciate it if you would send to us a copy of the Department's use of force policy, together with information on the training that officers receive in the use of force, including in relation to individuals with mental health problems, and the "range of means" used or being developed to allow for "differentiated use of force and firearms" and to provide police officers with appropriate protective clothing.

I thank you for your serious consideration of our concerns and look forward to your response.

Yours sincerely,



Steven W. Hawkins
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