

**AMNESTY
INTERNATIONAL**



November 2, 2020

Sheriff Terry S. Johnson
Alamance County Sheriff
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Graham, NC 27253
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Dear Sheriff Johnson,

Amnesty International USA is writing to convey its concern regarding the policing of a protest on October 31, 2020 in the city of Graham, North Carolina. According to news reports, organizers obtained permits to demonstrate, however law enforcement officers ordered a dispersal of the demonstration but did not give people sufficient opportunity to leave the area before resorting to the use of chemical irritants. Law enforcement officers then proceeded to arrest individuals, in some cases through the use of violent force, when they failed to disperse.

Police authorities are required to act in accordance with international human rights standards and the U.S. Constitution in the policing of protests. Specifically, it is the role of government and law enforcement officers to facilitate peaceful public assemblies. Therefore, law enforcement officers 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. The free flow of vehicular traffic should not automatically take precedence over protesters' rights to freedom of peaceful assembly. Law enforcement officers therefore have a duty to design operating plans and procedures that will facilitate the exercise of peaceful assembly, including by re-routing pedestrian and vehicular traffic in a certain area to accommodate an assembly.

Law enforcement officers 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 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). Irritants should not be launched at or near vulnerable people, such as the elderly, pregnant women and children. The use of force in making arrests must be used as a last resort against a specific threat and must at all times be necessary and proportionate to the lawful objective that needs to be achieved.

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. Equipping officers in a manner more appropriate for a battlefield may put them in the mindset that confrontation and conflict are inevitable. 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. In light of the health risks associated with COVID-19, law enforcement officers should avoid custodial detention for low level offenses related to protest-related activities wherever possible unless absolutely necessary. Detention, even for a short period of time, in and of itself may pose a health risk to individuals in jails and prisons due to the inability to adequately social distance oneself or take other preventive, hygienic measures. If 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, means of sanitation and prevention like soap and water, 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.

This linked webpage includes summary of best practices on the policing of demonstrations under international standards: <https://www.amnestyusa.org/good-practice-for-law-enforcement-officials-policing-demonstrations/>

If you have questions or wish to discuss these matters further, please contact me at Amnesty International USA at zjohnson@aiusa.org and 646.853.9779. I look forward to hearing from you regarding the concerns raised.

Sincerely,



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