

**AMNESTY
INTERNATIONAL**



Chief Thomas Jackson
Chief of Police
Ferguson Police Department
222 S. Florissant Road
Ferguson, MO 63135

12 August 2014

Dear Chief Jackson

USE OF LETHAL FORCE BY FERGUSON POLICE DEPARTMENT OFFICER

Amnesty International is writing to convey its deep concern regarding the recent shooting death of Michael Brown by a Ferguson Police Officer on 9 August 2014 and reports of the use of tear gas and rubber bullets against protesters and journalists at a demonstration on the evening of 11 August 2014.

According to media reports, Michael Brown and a friend were walking towards Brown's grandmother's house when they were confronted by a Ferguson Police Officer. Due to conflicting reports it is unclear at that point whether, as according to a witness, Brown and his friend attempted to walk away when the officer fired his weapon in their general direction before shooting the unarmed Brown or, as according to police statements, if a physical confrontation between the officer and Brown ensued, the end result of which being the officer shooting the unarmed Brown.

Where use of force by the police has resulted in injury or death, a prompt, thorough, independent, and impartial investigation into the incident must be conducted. Investigations should conform to the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. Furthermore, all officers responsible for abuses should be adequately disciplined, and, where appropriate, prosecuted.

International standards on the use of force and firearms require that police officers should apply non-violent means before resorting to the use of force (including use of handcuffs or other restraints) which should be used only if non-violent means have proven to be, or are likely not to be, effective.ⁱ If the use of force is unavoidable, officers must always exercise restraint in its use. The use of any force by police officers should be strictly limited to those situations where it is absolutely necessary and strictly proportional to the legitimate aim pursued, i.e. deployed only to the degree that force is required for the fulfilment of their duty. In any use of force the police must at all times respect human rights, including the right to life and the prohibition of torture and other ill-treatment. The risk of injury and death should therefore always be minimized. Furthermore, international standards require that firearms may only be used as a last resort – when strictly necessary to protect themselves or others against the imminent threat of death or serious injury, and the intentional lethal use of firearms is only permissible if strictly unavoidable in order to protect life.ⁱⁱ We urge that you instigate a review of your law enforcement policies and training on the use of force and firearms, to ensure that they conform fully to international standards, including those set out under the United Nations (UN) Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms.ⁱⁱⁱ

In response to the shooting on 9 August, local residents have held demonstrations in the City of Ferguson. While incidents of looting and vandalism followed demonstrations on the evening of 10 August, there were reports that officers from possibly several different local and state law enforcement agencies used tear gas and fired rubber bullets upon residents and journalists who attended what were reported to be a largely peaceful demonstrations on 11 August.

We would further 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 Michael Brown. 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). 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, arbitrary arrest and detention, the fabrication of false charges, as well as the failure to protect peaceful protesters from counter-protesters, 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 look forward to hearing from you regarding the concerns raised. We would also be grateful to receive a copy of the current policy and/or guidelines governing the use of force by the Ferguson Police Department.

Yours Sincerely,

A handwritten signature in black ink that reads "Steven Hawkins". The signature is written in a cursive, flowing style.

Steven Hawkins
Executive Director
Amnesty International USA

ⁱ Principle 4, UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990).

ⁱⁱ Article 3, UN Code of Conduct for Law Enforcement Officials (1979); Principle 9, Basic Principles.

ⁱⁱⁱ These provide *inter alia* that officers should use force only when strictly necessary, and that, when force is unavoidable, it should be used in proportion to the threat posed and in a manner designed to minimize damage or injury. The standards provide that officers should resort to firearms and deadly force only in response to an immediate threat of death or serious injury that cannot be contained by lesser measures.