



Chief Randal Taylor
Chief of Police
Indianapolis Metropolitan Police Department
50 N. Alabama St.
Indianapolis, IN
46204
USA

11 May 2020

Dear Chief Taylor

CASE OF DREASJON “SEAN” REED: USE OF LETHAL FORCE BY INDIANAPOLIS METROPLITAN POLICE OFFICERS

Amnesty International is writing to you to convey its deep concern about the fatal shooting of Dreasjon “Sean” Reed, a 21-year-old man, on 7 May 2020 by an officer of the Indianapolis Metropolitan Police Department (IMDP). We urge your office to undertake a prompt, thorough, independent and impartial investigation into the circumstances on the use of lethal force in this case.

Amnesty International is not in a position to comment on the lawfulness of the shooting despite the fact that a portion of Mr. Reed’s pursuit was live-streamed online. According to media reports, Mr. Reed was shot and killed while running from a police officer after a car chase. According to official statements, two IMDP officials noticed a man driving recklessly and at a high rate of speed and attempted to pull him over in unmarked vehicles. The statement went on to say that the individual did not stop his car, and the officers pursued him for approximately 10 minutes before being called off by supervisors. Several minutes later, a third officer observed and pursued Mr. Reed after he saw him park the car behind a building and flee on foot. After a short chase, the officer Tased and then shot and killed Dreasjon Reed. Police reported there was an exchange of gunfire. According to police statements, a firearm was found at the scene. According to official statements from the IMDP, the officer involved in the shooting has been placed on administrative leave during the course of the investigation.

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 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. The family of Mr. Reed should be updated on the progress of the investigation throughout. 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...

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.

Finally, Amnesty International does recognize spontaneous demonstrations took place in Indianapolis following the shooting death of Dreasjon Reed as well as two other separate, unrelated police-involved deaths within a short period of time on 7 May. Hundreds gathered to express their anger following these incidents, despite ongoing restrictions on large public gatherings in Marion County due to the COVID-19 pandemic. Reports indicate that these demonstrations took place without incident. Such demonstrations are common following a tragic event in normal times, officers should take particular care to facilitate people’s freedom to peacefully protest during a crisis such as the ongoing pandemic. Lock down measures affecting public protest must be applied consistently in comparison to other movements and activities which people are still allowed to carry on with, giving due weight to

the importance of the right to freedom of peaceful assembly and the elevated need of people to jointly raise their voices in particularly difficult times.

In the case of a public assembly that is found to take place in violation of lock down provisions and/or assembly restrictions, the dispersal of the assembly must be subject to a careful balancing exercise by law enforcement. Should a decision be made to disperse the assembly, as in any other situation, participants must be given the opportunity to voluntarily disperse. When contemplating the option of using force, it is with even greater care that law enforcement authorities must consider the risks involved, in particular whether a forced dispersal might lead to greater risks of infection (e.g. as a result of the direct contact between police and participants or as a result of the disorder the forced dispersal is likely to cause) or to injuries that would create an additional burden to the health system than letting the assembly proceed.

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 automobile pursuits, 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,



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