

**AMNESTY
INTERNATIONAL**



Chief Shawny Williams
Chief of Police
Vallejo Police Department
111 Amador Street
Vallejo, CA 94590
USA

5 June 2020

Dear Chief Shawny Williams

CASE OF SEAN MONTERROSA: USE OF LETHAL FORCE BY VALLEJO POLICE OFFICER

Amnesty International is writing to you to convey its deep concern about the fatal shooting of Sean Monterrosa, a 22-year-old man, on 2 June 2020 by an officer of the Vallejo Police Department (VPD). 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 concerned about the lawfulness of the shooting involving the VPD officer. According to media reports, Sean Monterrosa was shot and killed while kneeling and raising his hands after being encountered by law enforcement. The incident occurred shortly after midnight amidst ongoing protests in the city, officers were responding to reports of looting at a pharmacy. A VPD officer fired five shots at Sean Monterrosa from inside his vehicle, shooting through the vehicle's windshield, after he reportedly mistook the hammer in Sean Monterrosa's pants' waistband as a firearm. Based on these limited facts currently available, this case raises serious questions and concerns. Regardless of whether Sean Monterrosa had a firearm or a hammer tucked in his pants, none of the reports on the incident provide any information that his actions presented an imminent threat of death or serious injury to any officer or member of the public. The fact that the officer made that determination from inside their vehicle and fired his weapon through the windshield of the vehicle to kill Sean Monterrosa raises serious concerns on their ability to determine whether lethal force was even necessary. In accordance with California's recently enacted law to amend the use of force standard from reasonable to necessary we raise serious question of whether the force used in this incident meets that justification.¹ While we cannot speak to the specific record of the officer involved in this lethal shooting, we would like to note that data suggests that the Vallejo Police Department ranks among the highest rates of police involved fatal shootings per capita in California between 2011-2018.² The death of Sean Monterrosa and VPD's history of police involved shootings, suggests reforms are needed regarding the training and oversight of VPD officers regarding the use of force.

¹ California Penal Code section 196

² Stephen Stock, Robert Campos, Anthony Rutanashoodech, Mark Villarreal, Jeremy Carroll and Michael Horn and Jennifer Gonzalez, *Vallejo Police Have Highest Rate of Residents Shot Per Capita in Northern California; NBC Bay Area Probes Causes*, NBC Bay Area, 18 May 2019, <https://www.nbcbayarea.com/news/local/vallejo-police-highest-rate-of-residents-shot-per-capita-in-northern-california-nbc-bay-area-probes-causes/190344/>

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 body worn camera videos of the incident, the autopsy report and witness testimony, will be made available to it. The family of Sean Monterrosa 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.

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, and the "range of means" used or being developed to allow for "differentiated use of force and firearms".

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

Yours sincerely,

A handwritten signature in black ink that reads "Kristina M Roth". The signature is fluid and cursive, with the first name "Kristina" being the most prominent.

Kristina Roth
Senior Program Officer
Criminal Justice Program
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