



THE PERMANENT REPRESENTATIVE
OF THE
UNITED STATES OF AMERICA
TO THE
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

October 22, 2014

Ms. Mireille Fanon Mendes France
Special Rapporteur of the Working Group of Experts on People of African Descent

Mr. David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Mr. Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Ms. Rita Izsák
Special Rapporteur on minority issues

Mr. Mutuma Ruteere
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia,
and related intolerance

Mr. Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

Dear Chair-Rapporteur Fanon Mendes France, Mr. Kaye, Mr. Kiai, Ms. Izsák,
Mr. Ruteere and Mr. Heyns:

Thank you for your letter to Ambassador Pamela K. Hamamoto dated August 28, 2014. The United States supports the mandates of the Special Rapporteur of the Working Group of Experts on people of African descent; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on minority issues; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance; and the Special Rapporteur on extrajudicial, summary or arbitrary executions. In your letter, you expressed concerns regarding law enforcement actions in Ferguson, Missouri, related to the officer-involved shooting of Michael Brown and the treatment of persons of African American ethnicity, of protesters, and of journalists. We appreciate the opportunity to respond to this inquiry.

The United States takes very seriously allegations of racial discrimination, the unconstitutional or improper use of force by law enforcement, and interference with the

OHCHR REGISTRY

24 OCT. 2014

Recipients :... SPD

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right to freedoms of expression and peaceful assembly. Consistent with our international human rights obligations, there are legal protections in place in the United States that aim to prevent and rectify cases of discrimination and civil rights violations.

The U.S. Department of Justice (DOJ) has criminal jurisdiction to investigate and prosecute use of excessive force by federal, state, and local officials that violates the U.S. Constitution or federal law. DOJ also has civil jurisdiction to address patterns and practices by a law enforcement agency that violate the Constitution or federal law, such as the use of excessive force.

In this context, several different investigations and legal actions related to recent events in Ferguson are underway. A local county grand jury continues to investigate the shooting of Mr. Brown to determine whether there is probable cause under state law to indict the police officer who killed Mr. Brown. Separate from this local inquiry, DOJ is conducting a federal criminal civil rights investigation into the shooting.

More broadly, DOJ announced in early September two initiatives to address concerns about police practices in the city of Ferguson and in St. Louis County, Missouri. First, the DOJ Civil Rights Division has opened a civil pattern or practice investigation into allegations of unlawful policing by the Ferguson Police Department (FPD). The investigation will focus on whether the Ferguson Police Department engages in a pattern or practice of misconduct in violation of the United States Constitution or federal statutory law, related to its use of force, including deadly force; stops, searches, and arrests; discriminatory policing in violation of federal law; and the treatment of detainees inside Ferguson's city jail by Ferguson police officers. If the investigation reveals a pattern or practice of misconduct, DOJ will attempt to work with the police department to develop and implement remedies. Generally, these remedies take the form of a court-ordered and independently monitored negotiated agreement, often called a "consent decree." Where DOJ is unable to negotiate a settlement, DOJ has the authority to initiate contested litigation to secure the reforms necessary for constitutional policing.

Second, the DOJ Community Oriented Policing Services (COPS) Office has launched a Collaborative Reform Initiative with the St. Louis County Police Department (SLCPD). This is a voluntary process that involves an independent assessment of key operational areas of the police department, such as training, use of force, handling of mass demonstrations (including respect for individuals' First Amendment rights), stops, searches, arrests, and fair and impartial policing. The assessment will include the SLCPD police academy, which trains officers for many police departments in the region, including the FPD. The COPS Office's recommendations to address any deficiencies will be shared in a public report. The SLCPD's efforts to implement these recommendations will be monitored by the COPS Office and team of subject matter experts for 18 months following with progress reports provided to the public during this process. Additionally, COPS will produce an after-action report on the SLCPD's response to the protests following the shooting of Mr. Brown.

With respect to concerns expressed regarding the use of military equipment by the Ferguson Police Department, in August, President Obama ordered the U.S. government to review federal programs that provide military equipment to local law enforcement. This review will include whether and which such material should be provided to local law enforcement, whether local police units are receiving proper training for the equipment they receive, and whether that equipment is being effectively tracked.

The United States is strongly committed to upholding freedom of expression, including for members of the press. As President Obama said on August 18, "Our constitutional rights to speak freely, to assemble and to report in the press must be vigilantly safeguarded, especially in moments like these."

Sincerely,

A handwritten signature in black ink, appearing to read "Pamela Hamamoto". The signature is fluid and cursive, with a long horizontal stroke at the end.

Pamela K. Hamamoto
Ambassador