



LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
U N D E R L A W



ACLU
North Carolina

June 26, 2020

Via Email: Cassandra.Deck-Brown@raleighnc.gov

Chief Cassandra Deck-Brown
Raleigh Police Department
6716 Six Forks Rd.
Raleigh, NC 27615

Dear Chief Deck-Brown:

The Lawyers' Committee for Civil Rights Under Law, Emancipate NC, and ACLU of North Carolina write on behalf of **Raleigh Police Accountability Community Taskforce, Recidivism Reduction Educational Program Services, Emancipate NC, Young Americans Protest, Carolina Peace Center, Orchid Bloom, NC Out Professionals, Save Our Sons and St. John's Metropolitan Community Church** to ask you to confirm the Raleigh Police Department's commitment to honoring all individuals' state and federal constitutional rights to assembly, speech, and to be free from unlawful seizures and use of excessive force without due process of law.

In the wake of the last month of killings of Black people by law enforcement officers in Louisville, Minneapolis, and Tallahassee, our clients stand in solidarity with community organizers, protesters, families and communities demanding accountability and justice. To that end, our clients have helped organize and intend to participate in the "Pride in Solidarity with Black Lives Matter" rally and march on Sunday, June 28, 2020, at 2 pm in Raleigh's Nash Square. Thousands of demonstrators are expected to participate. The message of this year's Pride demonstration includes the denouncement of police violence against Black people in the wake of George Floyd's death by Minneapolis police last month.

Our country is in a moment of profound reckoning with police violence against Black individuals. This violence comes in many forms--including over-policing Black neighborhoods and schools, over-arresting, over-charging, and over-punishing Black people encountered on the beat and in responding to calls for service, as well as excessive use of force and murder. Our clients can recall countless Black lives lost to police violence, including racialized mass incarceration, in the City of Raleigh, in the State of North Carolina, and in the United States of America. They have been asking the City of Raleigh and Raleigh Police Department (RPD) to address these manifestations of systemic racism for years.

Unfortunately, RPD's response to community demands for an end to police violence has been yet more police violence, including tear gas, rubber bullets, pepper bullets, and kettling. Video footage documenting RPD's unlawful use of force and failure to comply with N.C. Gen. Stat. § 14-288.5 during the large protests against racialized police violence in downtown Raleigh on May 30 and 31 has been published by the news media and on social media. Since May 31, there have not been any protests comparable in size. However, this Sunday promises to be very different, with thousands of people gathering in the streets of downtown Raleigh to demonstrate.

Given the recent unreasonable and excessive use of force by RPD against peaceful protestors (including many members of our clients' organizations) and RPD's unlawful arrest and abusive treatment of a 17-year-old protestor on June 18, our clients are reasonably concerned that officers will violate their members' constitutional rights this weekend. For that reason, and in light of your recently announced internal investigation of officers' conduct, we ask that you publicly state, prior to June 28, that:

1. Raleigh Police Department will not use chemical munitions, irritants, explosives and rubber bullets on peaceful protestors.

2. As required by N.C. Gen. Stat. § 14-288.5, the City's police and other agents must first give clear, loud, continuous and provable orders of dispersal before verbally or otherwise threatening the use of munitions, and up until any munitions or force are used;

3. City police must make and identify to protestors sufficient exits available for voluntary dispersal of a crowd and provide sufficient warning and sufficient time and opportunity to disperse before munitions or other force are used; and

4. Any and all dispersal orders used shall be reasonably limited in temporal and geographic scope and tailored to defusing an imminent threat of physical harm to people—not simply used for the police's convenience or desire to enforce crowd control.

At this critical moment in the struggle for racial justice in our community, we need your public assurance that RPD is committed to the above.

We look forward to hearing from you soon. Please feel free to contact us to discuss this request further.

Sincerely,

LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW



Elizabeth Haddix

Mark Dorosin

Managing Attorneys

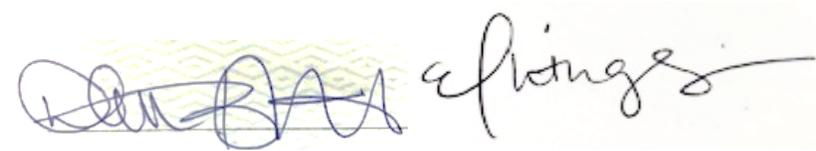
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