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Summary of findings

The research project ‘Police Brutality at the Black Lives Matter Protests’¹ analysed evidence of violence against civilians and other instances of serious misconduct by law enforcement agents, in the context of protests against racialised police brutality across the US since May 2020.

The evidence gathered and analysed in the course of this research project points to a structurally racist system of law enforcement which routinely deploys physical violence and chemical agents against civilians, and which exercises this violence selectively in defence of a racialised status quo.

The behaviour of US law enforcement during that period constitutes a pattern of human rights violations that is both ‘widespread’ and ‘systematic’ as previously defined by UN institutions.²

What’s in the data?

To date,³ the project has verified evidence of over one thousand incidents of law enforcement violence and misconduct since May 2020, across 43 states and the District of Columbia.⁴ This includes:

- 179 instances of tear gas use
- 427 instances of the use of ‘less-lethal’ rounds or pepper spray
- 363 instances of arbitrary arrest, detention and intimidation
- 299 physical assaults, batons, rifle butts, or vehicles
- 249 attacks on journalists, medics or legal observers

In the overwhelming majority of the incidents captured by our data:

- the civilians involved were not physically threatening the law enforcement agent;

¹ blmprotests.forensic-architecture.org

² E.g. International Criminal Tribunal on Yugoslavia, Kordić and Čerkez Appeal Judgement (2005), para. 94: “widespread” refers to the large-scale nature of the attack and the number of victims, whereas “systematic” refers to “the organised nature of the acts of violence and the improbability of their random occurrence.” *Patterns of crimes – that is the non-accidental repetition of similar criminal conduct on a regular basis – are a common expression of such systematic occurrence.* cld.irmct.org/notions/show/1015/widespread-or-systematic-attack

³ Data until 30 November 2020

⁴ FA/B Public Dataset available at: docs.google.com/spreadsheets/d/1-9KKfaEDhgeJ8dz8HjsFNBniDCQj-5ADWbuMkw2hNBU. Incident numbers given to support particular claims throughout this document should not be considered exhaustive.

- the law enforcement agent did not have grounds to consider themselves or others in danger;
- law enforcement agents did not exhaust all, or any, options before using physical force, as routinely required to do by their departments' 'use of force' guidelines, or other policies.⁵

In no case were the civilians involved armed.

Our research also shows law enforcement agents:

- abducting civilians using unmarked vehicles;⁶
- using 'kettling' tactics to prevent civilians from leaving a protest, sometimes after orders to disperse, and then physically assaulting them⁷ or pushing them towards clouds of tear gas;⁸
- deploying impact projectiles at dangerously close range;⁹
- assaulting and deploying impact projectiles against retreating civilians;¹⁰
- causing injury to minors through the use of physical force;¹¹
- hiding their identities from civilians;¹²
- displaying different and permissive treatment toward far-right or white supremacist groups.¹³

Ours and others' research also evidences the use of at least the following weapons:

- So-called 'less-lethal' impact rounds, such as sponge bullets, 'bean bag' rounds, 'pepper ball' rounds, and others, which are demonstrably capable of serious injury, including blunt force trauma and loss of sight¹⁴, and which have previously caused fatal injuries.¹⁵
- Explosive grenades known as 'flash-bangs' or 'blast balls', which can cause heart failure.¹⁶
- Chemical agents proven to cause health complaints including respiratory problems (a particularly significant concern during a pandemic),¹⁷ skin irritation and chemical burns,¹⁸ irregular menstruation,¹⁹

⁵ e.g. FA/B Public Dataset: Incident #950 (re: Los Angeles Police Department Policy on the Use of Force: 'whenever feasible, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter', www.lapdonline.org/home/news_view/66709) and #357 (re: Philadelphia Police Department Directive on Use of Moderate/Limited Force: 'The use of OC Spray is not to be used... For the dispersal of non-violent persons', www.phillypolice.com/assets/directives/D10.2-UseOfModerateLimitedForce.pdf)

⁶ e.g. FA/B Public Dataset: Incidents #442, #776, #858

⁷ e.g. FA/B Public Dataset: Incidents #446, #831, #899

⁸ e.g. FA/B Public Dataset: Incident #492

⁹ e.g. FA/B Public Dataset: Incidents #707, #858, #305, #576

¹⁰ e.g. FA/B Public Dataset: Incidents #482, #589, #630

¹¹ e.g. FA/B Public Dataset: Incidents #46, #86, #114, #1027

¹² e.g. FA/B Public Dataset: Incidents #415, #1079

¹³ e.g. FA/B Public Dataset: Incidents #525, #543, #688

¹⁴ e.g. FA/B Public Dataset: Incident #65, see also www.washingtonpost.com/investigations/2020/07/14/george-floyd-protests-police-blinding and phr.org/news/u-s-law-enforcement-shot-at-least-115-people-in-the-head-with-crowd-control-weapons-during-the-first-two-months-of-george-floyd-protests-physicians-for-human-rights

¹⁵ e.g. the fatal shooting of Victoria Snelgrove, in Boston in 2004, with an FN303 'Less Lethal Launcher' (FN303 visible in FA/B Public Dataset: Incident #646); the fatal injury to Bassem Abu Rahma in 2009 (cf. forensic-architecture.org/investigation/the-killing-of-bassem-abu-rahma); and a 2017 study on injuries caused by impact projectiles (bmjopen.bmj.com/content/7/12/e018154).

¹⁶ e.g. FA/B Public Dataset: Incident #509, reported at www.kuow.org/stories/this-26-year-old-died-three-times-after-police-hit-her-with-a-blast-ball

¹⁷ omegaresearchfoundation.org/sites/default/files/uploads/Publications/Position%20Paper%20-%20Lowering%20the%20Risk%20Nov%202020.pdf

¹⁸ phr.org/our-work/resources/health-impacts-of-crowd-control-weapons-chemical-irritants-tear-gas-and-pepper-spray

¹⁹ e.g. www.wxnews.org/post/protesters-report-menstrual-changes-after-tear-gas-exposure and www.medrxiv.org/content/10.1101/2020.10.11.20210955v1.full

elevated risk of cancer, organ damage, and eye damage, as well as potentially serious environmental consequences;²⁰

- Expired chemical agents, whose health impacts are largely unknown and untested;²¹
- Recognised hazardous waste chemicals and likely human carcinogens;²²
- Novel weapons systems, including acoustics-based weapons,²³ and electric charge-based ‘stun shields’.²⁴

How do we interpret these findings?

The militarised response of law enforcement to the exercise of basic civic freedoms by the US civilian population is not uniform. Stark disparities are evident in who can still practice those freedoms unmolested by law enforcement agents.

Individual acts of violence by law enforcement are not only directed against Black people, but also against allies of all races who seek to affirm the value of Black life, and who are consequently seen as a threat to the racialised status quo. By contrast, the approach of local law enforcement agencies to the presence of nationalist or white supremacist groups at related protests and counter-protests is often notably more gentle, and permissive.²⁵

Of course, this reality is already known and felt deeply by the Black and Brown communities that have long been exposed to this violence, and who have risen up in 2020 to express their frustration, hurt, and defiance, and to stake claim to rights that have long been denied. The repression and violence documented in response only underlines the reality that US policing is a system of institutions consistently at odds with basic principles and norms of international human rights frameworks and humanitarian law (many of which the US has never ratified).²⁶

Indeed, brutality by law enforcement in the US is **enabled, legitimised, protected, and supplemented** by aspects of the bureaucracy and administration that surrounds it.

- **Enabled:** many local law enforcement agencies offer minimal guidance on ‘use of force’,²⁷ while officers have access to weapons that they routinely fail to use safely or responsibly.²⁸
- **Legitimised:** patchwork use of ‘unlawful assembly’ and ‘riot’ declarations,²⁹ curfew orders and emergency powers make it practically impossible for civilians to know what law enforcement agents can and cannot

²⁰ www.courthousenews.com/wp-content/uploads/2020/10/ProtestPollution.pdf

²¹ <https://apnews.com/article/raleigh-archive-racial-injustice-2097f098bb876876a72922160298e7dc>

²² theintercept.com/2020/10/10/portland-tear-gas-chemical-grenades-protests and cfpub.epa.gov/ncea/iris2/chemicalLanding.cfm?substance_nmbr=167

²³ www.wweek.com/news/2020/06/05/portland-police-deployed-a-long-range-acoustic-device-thursday-night-as-crowd-control-device

²⁴ www.fox13memphis.com/news/local/shelby-county-sheriff-calls-use-stun-shields-regrettable-mistake/WFLHXBK5XBAQJF5UMEX6Y3X7O4

²⁵ e.g. FA/B Public Dataset: Incidents #525, #543, #688. See also www.nytimes.com/video/us/10000007424380/police-black-lives-matter-protests.html

²⁶ See for example www.aclu.org/issues/human-rights/treaty-ratification and www.americanbar.org/groups/crsi/publications/human_rights_magazine_home/black-to-the-future-part-ii/the-united-states--hollow-commitment-to-eradicating-global-racia

²⁷ Details of police departments and the contents of their ‘use of force’ policies at useofforceproject.org/#review

²⁸ e.g. www.fox13memphis.com/news/local/shelby-county-sheriff-calls-use-stun-shields-regrettable-mistake/WFLHXBK5XBAQJF5UMEX6Y3X7O4 and salon.com/2020/07/28/experts-alarmed-at-reports-of-expired-tear-gas-being-sprayed-on-protesters

²⁹ www.theatlantic.com/ideas/archive/2020/08/the-whole-concept-of-unlawful-assembly-is-a-mess/615079

do to them, or how to safely comply with directives, and resulting in an expansive culture of chaos and impunity.

- **Protected:** legal concepts such as qualified immunity make it all-but impossible to seek redress for violence and misconduct by law enforcement,³⁰ while the flagrant contravention of department codes and policies brings limited repercussions.³¹
- **Supplemented:** the criminalisation of protest activity³² and the pursuit of punitive felony charges for online actions surrounding protests³³ create additional risk for civilians, while the federal ‘deputization’ of local law enforcement agents exposes civilians to federal charges.³⁴

Methodology

Open source verification is a process that enables independent corroboration of a video or image through cross-referencing with online data. This methodology has been implemented in journalism, human rights advocacy,³⁵ in legal contexts including the International Criminal Court.³⁶ The project gathered video evidence through three channels:

- Open source social media research
- ‘Offline’ submissions through outreach and networking
- A public submission form³⁷

Videos were geolocated and cross-checked with other evidence in order to corroborate the location and date,³⁸ and claims about the nature and context of the incident captured. Information about each incident was recorded and categorised in a datasheet,³⁹ before populating an interactive ‘platform’ based on software developed by Forensic Architecture.⁴⁰ The platform ‘maps’ incidents in time and space, and allows the user to segment the dataset according to given categories.

We recognise that re-sharing video material can have positive or negative consequences for its authors and identifiable subjects. The measures we have taken to mitigate potential negative consequences are outlined in a mission statement available through our website.⁴¹

³⁰ theappeal.org/qualified-immunity-explained

³¹ e.g. Osei, Simon, Syed, Waldron, *We Are Tracking What Happens to Police After They Use Force on Protestors* (2020), ProPublica (projects.propublica.org/protest-police-videos) and

³² See for example www.wsws.org/en/articles/2020/09/14/tenn-s14.html and www.flgov.com/2020/09/21/governor-ron-desantis-announces-the-combatting-violence-disorder-and-looting-and-law-enforcement-protection-act

³³ www.theverge.com/2020/8/6/21355999/twitter-cyber-harassment-felony-charges-police-protests-retweet

³⁴ www.oregonlive.com/crime/2020/09/oregons-us-attorney-wont-cancel-federal-deputization-of-local-state-officers.html

³⁵ citizenevidence.org/category/method/digital-verification

³⁶ www.icc-cpi.int/CourtRecords/CR2017_05031.PDF

³⁷ blmprotests.forensic-architecture.org/share

³⁸ See for example www.bellingcat.com/resources/how-tos/2014/07/09/a-beginners-guide-to-geolocation

³⁹ FA/B Public Dataset available at: docs.google.com/spreadsheets/d/1-9KKfaEDhgeJ8dz8HjsFNBniDCQj-5ADWbuMkw2hNBU

⁴⁰ forensic-architecture.org/investigation/timemap-for-cartographic-platforms

⁴¹ staging.forensic-architecture.org/wp-content/uploads/2020/09/2020.14.09-FA-Bcat-Mission-Statement.pdf