

June 11, 2020

DELIVERED VIA EMAIL

Re: Protecting Those Who Are Exercising Their First Amendment Right to Protest Police Brutality Against Black People

Dear State Attorneys and Sheriffs:

We write to urge that you ensure that police officers protect individuals who are exercising their First Amendment right to protest, that you condemn and hold accountable any officers who inflict harm against protesters, that you immediately refrain from arresting and charging individuals engaging in their constitutional right to protest police brutality, and that you speak out against the systemic and institutionalized racism permeating law enforcement and our criminal legal system.



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Condemn Police Brutality and Hold Officers Accountable

It is inconceivable to the American public that not even a week after the country witnessed police officers brutally and forcibly kneeling on the neck of George Floyd and suffocating the life out of him, and fellow police officers standing by doing nothing to protect George Floyd from the violence perpetrated upon him by their colleague, that we see these same tactics being used by Florida law enforcement against Black men and women and children. See [https://twitter.com/greg\\_doucette/status/1268764077381365762](https://twitter.com/greg_doucette/status/1268764077381365762); [https://twitter.com/greg\\_doucette/status/1268764553409630208](https://twitter.com/greg_doucette/status/1268764553409630208);

These are not isolated incidents, they are just ones where someone was able to record and share footage. You can find an ongoing record of such incidents at *GeorgeFloyd Protest - police brutality videos on Twitter*: <https://tinyurl.com/GFProtestPoliceBrutality>

Floridians are outraged as they should be. It is unacceptable for anyone to use excessive force against another, it is even more egregious when the person inflicting the harm is sworn to protect us. The officers in these videos are inflicting harm on peaceful protesters. Their actions are criminal and in a just legal system our law enforcement would be arresting and State Attorneys would be charging and prosecuting the officers involved. But that is not the response the public is seeing from your offices.

There are numerous other instances of horrific and callous police violence toward protesters. State actors need to protect people engaging in their first amendment rights. Unfortunately, there have been too many instances this past week of Florida's law enforcement doing the exact opposite: using excessive and unnecessary force against protesters through numerous tactics, including tear

gassing, shoving, punching, shooting rubber bullets, arresting protesters and threatening arrest, and forcibly preventing videotaping.<sup>1</sup>

**We Demand Justice and Call Upon ALL Florida State Attorneys and Sheriffs to immediately:**

- **Speak out against the actions in the above and referenced below linked videos and send a clear signal to all Floridians that these types of police officer abuses of power will not be tolerated.**
- **If you have not already, immediately temporarily suspend and open an investigation into all of the officers involved – those inflicting the violence, those enabling the violence by spraying tear gas at concerned protesters, and those who failed to come to the aide of the individual harmed by their fellow officer (e.g., failing to assist the individual being kneeled upon/shot/tear gassed/tackled to the ground – Tampa; shooting peaceful protester and cracking her skull open - Fort Lauderdale)**
- **Unite in denouncing the actions of the specific officers involved and provide to the public the officers names and the actions that you plan on taking to hold these specific officers accountable.**

If you don't speak out and hold these officers accountable, your silence is condoning their actions.

Each of you has a critical role to play in deescalating violence, instilling trust in your communities, and moving our State forward peacefully. Each of you is responsible for the actions of your line-officers and your prosecutors.

**State Attorneys: Don't Bring Charges Against Non-Violent Protesters and Ensure No or Low Monetary Bail**

We call upon State Attorneys to publicly announce that they will not bring charges and/or that they will drop charges against non-violent protesters exercising their First Amendment rights. This will send a strong signal to law enforcement to direct their resources toward supporting communities and not on

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<sup>1</sup> It is critical that you watch these videos and, if you have not already, use your platform as State Attorneys and Sheriffs to speak out publicly against the officer actions within:  
<https://www.miamiherald.com/news/local/community/broward/article243254326.html>; <https://www.miamiherald.com/news/local/community/broward/article243193481.html>; <https://www.sun-sentinel.com/local/broward/fort-lauderdale/fl-ne-another-protester-injured-at-fort-lauderdale-protest-20200605-6wv2mbayjnfrrbbuazeuq73g3q-story.html>; <https://www.sun-sentinel.com/local/broward/fort-lauderdale/fl-ne-steven-poherence-shoves-kneeling-protestor-relieved-of-duty-20200601-v5x2m5hucnfkphfcwf7eyy7g34-story.html>; <https://www.youtube.com/watch?v=RtUsULKsyOI>.

arresting protesters. Additionally, State Attorneys need to ensure that individuals who are arrested for protest-related nonviolent actions (sit-ins, speech, peaceful assembly, mere curfew violations, standing in a street) are not required to pay money bail for protest-related offenses. See, <https://www.news4jax.com/i-team/2020/06/02/i-team-bail-increasing-for-protesters-arrested-over-the-weekend/>. Money bail for nonviolent protest-related activities is nothing more than a tax on speech, a literal way to prevent protesters from expressive activities by locking them up unless they pay. Those who can afford to pay are released and can continue to speak out and those who are too poor are locked up and silenced.

### Sheriffs: Stop Arresting Protesters and Stop Using Unnecessary Force

We call upon law enforcement to take immediate action to safeguard the health and safety of protesters and protect their constitutional rights to free expression and assembly. In the past week, thousands of Floridians have engaged in the American tradition of protest and dissent. The vast majority have done so through peaceful means fully protected by the First Amendment. Residents have come together to express their pain and outrage and to advocate for racial justice and police reform in the wake of the police killings of George Floyd, Breonna Taylor, Tony McDade, and Michael Ramos by police. The protests are happening against the backdrop of centuries of racism and unequal justice in our society.

While some local leaders and law enforcement officers have respected these peaceful protesters' First Amendment rights, very few leaders in Florida law enforcement have stood in solidarity with the protesters and been outspoken about the horrific acts of violence perpetrated against Black bodies at the hands of the police and fewer still have called out meaningful and systemic change.

As demonstrated above, there have been several instances where the police have responded with excessive use of force, broad arrests of large groups of protesters, and use of crowd control weapons and tactics typically used by the military and that inflict pain on protesters. Shutting down protests against police brutality with more police brutality is as ironic as it is cruel and reprehensible. These practices directly undermine the fundamental rights of peaceful assembly and freedom of expression, threaten the health and safety of protesters and communities, and further compound the harms of police violence that protesters are asking government officials to urgently address.

Additionally, we have grave concerns about the arrest of protesters throughout the state. Arrests should only be made where absolutely necessary to protect the public from physical harm and should be effectuated through the use of civil citations. Due to the ease in which COVID-19 is spread in jails because of the close quarters, transient nature of the jail population, inability to socially distance, and lack of PPE – jail should be a last resort. Unfortunately, hundreds of peaceful protesters have been arrested for exercising their First Amendment rights.

## Protect Public Safety and Constitutional Rights

In this moment, we are counting on you to keep protesters safe and uphold our constitutional rights. We call upon all State Attorneys and Sheriffs to adopt the following practices to address some of the most pressing issues impacting the safety of Florida's communities and the rights of protesters:

1. Safeguard constitutional rights by supporting protesters' right to protest and protecting the vital role of the media in covering such protests.
2. Immediately stop using rubber bullets, bean bag rounds, stun grenades, tear gas, and other weapons aimed at crowds. Force should be used only as a last resort if there is an imminent and real threat to human life and property.
3. Stop implementing curfews that give license for broad arrests of civilians participating in peaceful protests or conducting routine activities in their communities. Any limited curfews must allow the media to operate freely.
4. Stop arresting individuals for mere curfew violations or unlawful assembly or peacefully protesting. Focus police resources on protecting protesters' right to peacefully protest, not arresting individuals.
5. Reduce unnecessary arrests and incarceration by citing people and releasing them rather than arresting and jailing them in facilities where they are exposed to increased risk of COVID-19.
6. Ensure that anyone who is arrested is processed quickly, given access to an attorney, and eligible for low- or no-money bail as soon as possible.
7. Avoid further militarization of protest events by declining assistance from federal agencies not trained in community policing tactics.
8. Hold officers accountable if they violate the law.
9. Commit your agency to long-term reforms to ensure equitable, fair, and community-based policing.

You can change the course of this moment and our history by breaking with harmful tactics of the past and demonstrating a new kind of leadership for the future. Now more than ever, law enforcement should be respecting the First Amendment rights of people who are protesting in the streets — not attempting to silence them with punitive measures, crowd control weapons, and blatant brutality.

We welcome the opportunity to meet with you and discuss the action items above. Thank you for your prompt attention to these critical issues -- we look forward to working together to find a way forward that works for all Floridians.

Sincerely,



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