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2 February 2023

Subject: Mr. Keenan Anderson

Excellency,

I write on behalf of the United Nations International Independent Expert Mechanism mandated to advance racial justice and equality in the context of law enforcement, established pursuant to operative paragraph 10 of Human Rights Council resolution 47/21¹.

The Expert Mechanism writes in the spirit of dialogue, to initiate bilateral contacts with your Excellency's Government regarding the case of Mr. **Keenan Anderson**.

According to publicly available information, including video footages, on 3 January 2023, in Los Angeles, Mr. Keenan Anderson, a 31-year-old American man of African descent, was detained by several police officers after a traffic collision in which he was reportedly involved in.

Publicly available videos show that Mr. Anderson appeared to be experiencing a mental health condition, behaving erratically and expressing fear that someone wanted to harm him, and fear of the police itself. Mr. Anderson is initially seen cooperating with the police officer for several minutes, sitting down as directed, although he later decided to run away, ignoring calls to stop. When the police reached Mr. Anderson, the latter appeared on the ground, as three officers were holding him down, and he could be heard in distress begging for help. Two other police officers arrived on the scene, for a total of five officers trying to restrain him. Videos further show an officer placing his elbow on Mr. Anderson's neck. Then, after an officer reportedly warned him several times to "stop [resisting arrest] or I'm going to tase you", and other officers were holding him Mr. Anderson down, an officer is shown using his conducted electrical weapon (taser) on the victim five to six times in a row.

¹ The international independent expert mechanism to advance racial justice and equality in the context of law enforcement was established in July 2021 by the Human Rights Council to make recommendations, inter alia, on the concrete steps needed to ensure access to justice, accountability and redress for excessive use of force and other human rights violations by law enforcement officials against Africans and people of African descent. **Justice Yvonne Mokgoro** (South Africa, chairperson); **Dr. Tracie Keesee** (United States of America) and **Professor Juan Méndez** (Argentina) were appointed in December 2021 by the President of the Human Rights Council to serve as independent experts on the mechanism.



Reports further indicate that Mr. Anderson was eventually handcuffed and restrained by the legs, checked by paramedics and transferred by ambulance to a hospital in Santa Monica, where he was pronounced dead a few hours later following a cardiac arrest. It was reported that during the incident, Keenan Anderson was in an “altered mental state”. It was further reported that preliminary blood examinations showed the use of cannabis and cocaine.

The Los Angeles County Coroner’s Office and the LAPD Force Investigation and Critical Incident Review Divisions are reportedly investigating the incident.

The Expert Mechanism would like to express serious concern, and stress that in this case, the use of taser appears to have violated international standards prohibiting torture or other cruel, inhuman or degrading treatment, as well as standards set out under the United Nations Code of Conduct for Law Enforcement Officials, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and the United Nations Human Rights Guidance on Less-lethal Weapons in Law Enforcement.

These standards require that force should be used as a last resort, only when strictly necessary, and that officers must apply only the minimum amount of force necessary to obtain a lawful objective. They also provide that all use of force and harm expected must be proportionate to the threat posed and conducted to avoid unwarranted pain or injury. Law enforcement officials should be trained to know that when conducted electrical weapons (tasers) are used, the risk of death is increased when the individual have taken certain prescribed or recreational drugs or alcohol, or both.

In this case, it would seem that the use of force applied by the police officers was disproportionate to the aim of controlling the individual sought to be arrested. More specifically, the use of the taser on repeated occasions was unjustified, and, as such, constituted an excessive use of force, especially as during the incident, Keenan Anderson was visibly in an “altered mental state”.

This case should be seen within the context of numerous allegations of excessive use of force against Africans and people of African descent by law enforcement officials in the United States of America².

In this regard, the Expert Mechanism notes that in the span of 48 hours, three men died at the hands of the Los Angeles Police Department: **Takar Smith** (a Black man reportedly also experiencing a mental health crisis), **Oscar Leon Sanchez** (a man of Latin American origin, also reportedly experiencing a mental health crisis), and **Keenan Anderson**.

We take this opportunity to recall that the United States is bound by several international human rights law provisions, notably those contained in the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. The Human Rights Committee and the Committee on the Elimination of Racial Discrimination – which monitor the implementation of these treaties – have made numerous recommendations regarding the use of force by law enforcement officials against people of African descent and related

² A/HRC/47/53 and its accompanying conference room paper (A/HRC/47/CRP.1).



obligations of investigations and prosecutions. These recommendations can be found in concluding observations and statements addressed to the United States³, as well as in general comments⁴ and recommendations⁵. The Human Rights Committee, inter alia, has clarified that States parties are expected to take all necessary measures to prevent arbitrary deprivation of life by their law enforcement officials. These measures include putting in place appropriate legislation controlling the use of lethal force by law enforcement officials, procedures designed to ensure that law enforcement actions are adequately planned in a manner consistent with the need to minimize the risk they pose to human life, as well as mandatory reporting, review and investigation of lethal incidents.⁶

Other UN human rights mechanisms – such as the Working Group of Experts on people of African descent and the Special rapporteur on contemporary forms of racism – have also issued pertinent recommendations to the United States within their respective mandates.

In light of these international human rights obligations, and in order to make further findings and recommendations regarding concrete steps to ensure racial justice and equality for Africans and people of African descent in the context of law enforcement, the Mechanism would be grateful if the Government of the United States could provide it with information regarding the case of Mr. Keenan Anderson.

While acknowledging the swift release of the body camera footage of the 3 January 2023 incident; the prompt opening of investigations; and the suspension of the officers involved, the Mechanism would welcome the following information:

- Details and circumstances of the incident concerning Mr. Anderson.
- Details of all ongoing investigations and related proceedings, whether internal, independent, administrative or criminal, including on the use of force, and the authorities in charge of the investigations.
- Detailed reports on the use of force by the various law enforcement agencies involved, including at least: the number of law enforcement officers deployed and involved; law enforcement agencies involved; type and manner of force used; type and amount of weapons used, including lethal and less lethal weapons and type and amount of ammunition; type and amount of protective equipment that was available to law enforcement officers; measures taken to avoid the use of force and de-escalate the situation; other measures taken to reduce the risk of injury and death.
- Local legislation and/or manuals or protocols regulating the use of force by the Los Angeles Police Department, including the type of lethal and less lethal weapons and protective equipment authorized, as well as protocols for the use of tasers.

³ E.g. CCPR/C/USA/CO/4, para.11; CERD/C/USA/CO/7-9, para.17; <https://www.ohchr.org/sites/default/files/Documents/HRBodies/CERD/earlywarning/statements/USA.PD>

⁴ E.g. General comment No. 36 on Article 6: right to life (CCPR/C/GC/36).

⁵ E.g. General Recommendations No. 36 on Preventing and Combating Racial Profiling by Law Enforcement Officials (CERD/C/GC/36); No. 34 on Racial discrimination against people of African descent (CERD/C/GC/34); and No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system.

⁶ General comment No. 36 on Article 6: right to life (CCPR/C/GC/36), para. 13.



- Information, in law, policy, and practice, concerning the management of mental health crises and related protocols, including the respective roles, if any, of mental evaluation teams and law enforcement officials in situations of stop and searches.
- Data, disaggregated by race or ethnic origin of the victims, on other past cases of use of force by the Los Angeles Police Department, including deaths and serious injuries and related investigations, prosecutions, convictions and any disciplinary actions; any steps taken by the Los Angeles Police Department to drive and assess responses to such incidents.
- Measures being taken to ensure racial justice and equality in the context of law enforcement in both affected communities, in the State of California, and in the United States of America in general, and measures for non-recurrence being taken.

Other relevant information deemed necessary for purposes of the mandate of the Mechanism.

Given the seriousness of the matter, we would appreciate a response to these points at your earliest convenience and no later than 60 days after receipt of this letter. Please note that we may decide to make our views and concerns public, and that any such public statement will reflect that we have raised our concerns with your Excellency's Government.

Please accept, Excellency, the assurances of our highest consideration.

Sincerely,

Yvonne Mokgoro
Chairperson
United Nations International Independent Expert Mechanism
to Advance Racial Justice and Equality in the Context of Law Enforcement

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