

June 2, 2020

Sheriff S. Duane Lewis  
Berkeley County Sheriff's Office  
223 North Live Oak Drive  
Moncks Corner, SC 29461

Sheriff James Alton Cannon, Jr.  
Charleston County Sheriff's Office  
3691 Leeds Avenue  
North Charleston, SC 29405

Chief Luther T. Reynolds  
Charleston Police Department  
180 Lockwood Boulevard  
Charleston, SC 29403

Chief Carl Ritchie  
Mount Pleasant Police Department  
100 Ann Edwards Lane  
Mount Pleasant, SC 29464

Chief Mark Keel  
South Carolina Law Enforcement Division  
4400 Broad River Road  
Columbia, SC 29210

RE: Law enforcement response to protests

Dear Sheriff Lewis, Sheriff Cannon, Chief Reynolds, Chief Ritchie, and Chief Keel:

Last Sunday the ACLU of South Carolina witnessed an extremely concerning response from law enforcement to non-violent protests in downtown Charleston. We arrived at Marion Square at approximately 3:30pm and witnessed a group of people peacefully protesting against police violence and for racial justice. Shortly thereafter, a large group of law enforcement officers from multiple departments arrived at Marion Square. The officers were wearing pads, gas masks, and helmets, and were accompanied by at least one armored vehicle.

An officer who identified himself as with the City of Charleston Police Department stated via loudspeaker that the department had "declared [the protest] to be an unlawful assembly" and demanded that all protestors disperse under threat of "control tactics and arrest under South

Carolina law.” In addition to the Charleston Police Department, we also witnessed members of the Charleston County Sheriff’s Office, and the Berkeley County Sheriff’s Office. Later we also witnessed members of the South Carolina Law Enforcement Division and the Mount Pleasant Police Department. There may have been additional law enforcement entities represented too.

After demanding that all protestors disperse, the law enforcement officers then began moving toward the protestors, making arrests and firing projectiles at the protestors. During this time the protestors remained non-violent. This response by law enforcement marked a clear, dangerous, and counterproductive escalation.

Your officers continued this tactic until the protestors were pushed out of Marion Square and into active streets, including Meeting Street. During this time your officers launched projectiles and what appeared to be tear gas into areas with non-violent protestors and other community members present, including small children. One individual who was shot by law enforcement showed us the circular and bloody mark that the projectile left on his stomach.

COVID-19 makes your decision to arrest non-violent protestors even more concerning. As you know, jails are home to some of the most severe COVID-19 outbreaks in the country. A recent report focusing on a new epidemiological model shows COVID-19 could claim the lives of approximately 100,000 more people nationwide than current projections stipulate if jail populations are not dramatically and immediately reduced. These projections hold even if communities across the United States continue practicing social distancing and following public health guidance.<sup>1</sup> These arrests created an additional and unnecessary risk to the individuals arrested, your officers, and our community.<sup>2</sup>

The actions we witnessed match additional complaints we have received from individuals in Charleston as well as from other parts of South Carolina.

All of the actions described above occurred before the City of Charleston’s 6:00pm curfew. With the exception of one water bottle thrown toward the law enforcement position toward the end of the encounter in Marion Square, we did not witness any violent act from the protestors. The violence we witnessed came from law enforcement itself.

We ask that you respond in writing to the following:

- What was the legal rationale for ordering protestors to disperse from Marion Square?
- Do you consider Marion Square to be a public forum? If not, what is your legal rationale?
- Why were law enforcement officers deployed in riot gear and accompanied by armored vehicles to a non-violent protest?
- Why did law enforcement conduct arrests of non-violent protestors?
- How did the COVID-19 pandemic and the acute threat of COVID-19 spread in jails impact your decision to arrest and jail non-violent protestors?
- Why did law enforcement choose to escalate from verbal commands to disperse to the use of weapons including gasses and “less than lethal” weapons, which have

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<sup>1</sup> *Flattening the Curve: Why Reducing Jail Populations Is Key to Beating COVID-19*, American Civil Liberties Union, Accessed May 31, 2020. <https://www.aclu.org/report/flattening-curve-why-reducing-jail-populations-key-beating-covid-19>.

<sup>2</sup> *Id.*

documented histories of causing death and severe bodily injury, against protestors who were non-violent?

- Why were de-escalation options not taken?
- What steps are you taking, including review of officer body-cam footage, to hold officers who used excessive force accountable?
- What steps are you taking to ensure that your officers respect and protect the fundamental right to protest during future protests?

In addition, we ask that you publicly apologize for the violent escalation that your officers took against peaceful protestors and to commit to de-escalation as your response to future protests.

Thank you for your time and please let me know if you have any questions.

Sincerely,



Frank Knaack  
Executive Director  
ACLU of South Carolina

Cc: The Honorable Henry McMaster  
The Honorable John Tecklenburg  
The Honorable Will Haynie  
The Honorable Johnny Cribb  
The Honorable J. Elliott Summey