



EXTERNAL

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USA (Florida): Amnesty International concerned about death of homeless man following struggle with officers from the Miami Police Department

Amnesty International is deeply concerned at the death of Lewis Rivera, a homeless man, following an altercation with police officers from the Miami Police Department on 14 May 1999.

According to reports, police officers approached Rivera as he was sitting in a mall eating and tried to arrest him. When Rivera resisted arrest and ran away five or six police officers gave chase and when they caught up with him a scuffle ensued during which witnesses are reported to have said they saw police spray him with pepper spray, push him, kick him and throw him to the ground where they restrained his hands and feet before dragging him along the ground to a police car. During this time witnesses are reported to have shouted at police to stop. Witnesses also reported that Rivera attempted to defend himself by raising his hands during the struggle. Shortly after his arrest, Rivera was found dead in a holding cell at the Miami Police station. On hearing of Rivera's death, one witness reportedly said: "I cried and cried. I didn't sleep. This was a skinny homeless guy who didn't have the force to be fighting police."

Amnesty International believes that the police actions reported in this case were both inappropriate and unnecessary and that Lewis Rivera may have been subjected to cruel, inhuman and degrading treatment in violation of international standards. The police actions also appear to have violated international standards on the use of force by law enforcement officers which provide that force should be used only as a last resort and that in all cases it must be proportionate to the threat encountered and designed to minimize damage and injury. An additional concern to the organization is the use of pepper spray¹. Amnesty International has in recent years written to a number of police departments in the USA about the abusive or excessive use of pepper spray and has called on the Federal government to establish an independent, national review of the use of the spray. In the meantime it is urging law enforcement agencies which continue to use the spray to introduce strict guidelines and limitations on its use and enforce strict monitoring procedures. The organization is also concerned at research which suggests that pepper spray may have adverse and potentially fatal effects on certain subjects.

"We are seriously concerned about reported police actions in this case", the organization said. "If confirmed, the police appear to have totally overreacted to a situation where a harmless

¹ An agent derived from cayenne pepper, which inflames the mucous membranes causing choking and shortness of breath, as well as an acute burning sensation.

man who was sitting in public eating his lunch, minding his own business was dead within less than an hour of police officers having approached him.”

The organization is writing to the relevant authorities to express its concern and to seek further information.