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REPORT No. 232/22
PETITION 2152-15
REPORT ON ADMISSIBILITY

SANDRA BLAND ET AL.
UNITED STATES OF AMERICA

Approved electronically by the Commission on August 28, 2022.

Cite as: IACHR, Report No. 232/22, Petition 2152-15. Admissibility. Sandra Bland et al. United States of America. August 28, 2022.

I. INFORMATION ABOUT THE PETITION

Petitioner:	Veronica Patton
Alleged victims:	Sandra Bland, Natasha McKenna, Joyce Curnell, Alexis McGovern, Ralkina Jones, Kindra Chapman, and Raynetta Turner
Respondent State:	United States of America ¹
Rights invoked:	Article II of the 1948 United Nations Convention on Genocide ("1948 Genocide Convention") and Articles 7 and 9 of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women ("Belem do Para Convention")

II. PROCEEDINGS BEFORE THE IACHR²

Filing of the petition:	December 17, 2015
Additional information received at the stage of initial review:	December 18, 2015, March 14, 2016, January 3, 2019, and May 8, 2019
Notification of the petition to the State:	October 23, 2019
State's first response:	April 30, 2020
Additional observations from the petitioner:	January 4, 2020, June 6, 2020, and September 25, 2020

III. COMPETENCE

Competence <i>Ratione personae</i>:	Yes
Competence <i>Ratione loci</i>:	Yes
Competence <i>Ratione temporis</i>:	Yes
Competence <i>Ratione materiae</i>:	Yes, American Declaration of the Rights and Duties of Man ³ (ratification of the OAS Charter on June 19, 1951)

IV. DUPLICATION OF PROCEDURES AND INTERNATIONAL *RES JUDICATA*, COLORABLE CLAIM, EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION

Duplication of procedures and International <i>res judicata</i>:	No
Rights declared admissible	Articles I (right to liberty and security of the person); II (right to equality before the law); XXV (right to humane treatment); and XXVI (right to due process of law) of the American Declaration in relation to the alleged victims Natasha McKenna, Joyce Curnell, Alexis McGovern, Ralkina Jones, and Kindra Chapman
Exhaustion of domestic remedies or applicability of an exception to the rule:	Yes, in terms of section VI
Timeliness of the petition:	Yes, in terms of section VI

¹ Hereinafter "the United States", "the U.S." or "the State."

² The observations submitted by each party were duly transmitted to the opposing party.

³ Hereinafter "Declaration" or "American Declaration."

V. ALLEGED FACTS

1. This petition alleges that between February and July 2015, seven African-American women were arrested and subsequently died at the hands of police officers while in custody. The petition contends that these deaths represent a pattern of genocide against African-American women of child-bearing age. The seven women named in the petition (hereafter “the alleged victims”) are Sandra Bland, Natasha McKenna, Joyce Curnell, Alexis McGovern, Ralkina Jones, Kindra Chapman, and Raynetta Turner⁴. According to the petitioner, none of these deaths in 2015 has resulted in the indictment of any police officers.

2. The petitioner provides the following information on each of the alleged victims.

Sandra Bland

3. On July 10, 2015, Sandra Bland (“Ms. Bland”) was pulled over by a police officer while driving a motorcar in Waller County Texas. The police officer stopped her because of an apparent minor traffic violation (improper lane use). Ms. Bland was subsequently charged with resisting arrest, and ultimately taken into police custody. Three days later (July 13, 2015), the police announced that Ms. Bland had died in her cell because of an apparent suicide. According to the petitioner, the supposed method of suicide was a clear plastic bag covering Ms. Bland’s head; and that the plastic bag was held in place by a “sturdy rope”. The petitioner contends that this was not a suicide (but a homicide). The petitioner submits the report of the autopsy conducted on Ms. Bland on July 22, 2015, by Sara Doyle, MD, Assistant Medical Examiner. This report established that the cause of death was hanging, and that the manner of death was suicide. In this regard, the report found that there was ligature furrow around the neck, and that the ligature itself was a transparent white plastic trash bag.

Raynetta Turner

4. On July 25, 2015, Raynetta Turner (Ms. Turner) was arrested by the police in Mount Vernon, New York for two counts of theft. She was placed in custody and died 48 hours later. The petitioner submits a report of an investigation into the death of Ms. Turner conducted by the Office of the Attorney General of New York, on the orders of the Governor of New York. Based on available information, it appears that this investigation was initiated in August 2015 and was completed in March 2016. This report ultimately found that the police did not cause Ms. Turner’s death. The report also mentioned that: (a) the Medical Examiner found that Ms. Turner’s death was caused by an enlarged heart, and that chronic cocaine and morphine use contributed to her death; (b) Ms. Turner’s medical records prior to her arrest included recording indicating drug use and chronic cardiac issues; and (c) The Medical Examiner found no physical trauma suggesting any form of physical abuse by the Mount Vernon Police Department. The report also noted that Ms. Turner’s confinement was monitored by video (and that that none of the video footage showed any evidence of physical abuse being inflicted on Ms. Turner).

Natasha McKenna

5. Natasha McKenna (Ms. McKenna) was arrested by the police in Fairfax, Virginia on January 26, 2015, for assaulting a police officer. She was placed in custody; and died on February 3, 2015, as a result of “an accident with a stun gun” while in custody. The petitioner also submits a YouTube video which she describes as “Natasha McKenna death captured on video”⁵.

⁴ In support of the general claim that African-American women are targeted by the police, the petitioner submits additional information that mentions (a) alleged incidents of sexual violence inflicted by police officers on various African-American women during traffic stops (between 2016 and 2019); (b) alleged extrajudicial killings of other African- American women (that alleged took place in 2020). None of this additional information is directly connected to the specific claims relating to the seven alleged victims mentioned in the petition.

⁵ The video link submitted by the petitioner is <https://www.youtube.com/watch?v=apWnT0ihtCk>. The video shows a woman being restrained mainly by personnel wearing personal protective equipment. It is not clear from the video whether a stun gun was used. Further there is no specific scene in the video that shows the person being restrained suffered death as a result of injuries from a
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Joyce Curnell

6. On July 22, 2015, Joyce Curnell (“Ms. Curnell”) was arrested in Charleston, South Carolina for shoplifting. Ms. Curnell died in custody on July 24, 2015. According to the petitioner, this death in custody is “under investigation”. – The petitioner provides no details on the cause or manner of Ms.Curnell’s death –.

Alexis McGovern

7. In July 2015, Alexis McGovern (“Ms. McGovern”) was arrested in St. Louis, Missouri for, or as result of a “*mental health call*”. –The petitioner provides no details about this “*mental health call*”–. According to the petitioner, Ms. McGovern later died in police custody in July 2015, and that her death is “under investigation”. –No specific dates were given–.

Ralkina Jones

8. In July 2015, Ralkina Jones (“Ms. Jones”) was arrested in Cleveland, Ohio in relation to a “domestic disturbance”. She later died in police custody during July 2015. The petitioner states that Ms. Jones’ death is “under investigation”. –No specific dates were given–.

Kindra Chapman

9. In July 2015, Kindra Chapman (“Ms. Chapman”) was arrested in Homewood, Alabama on a charge of theft of a cellular phone. Ms. Chapman died in custody (during the month of July 2015), with the police reporting that she had committed suicide. According to the petitioner, the police reported that Ms. Chapman hanged herself using bed sheets.

State’s response

10. The United States in its response rejects the petition as inadmissible principally on the grounds of failure to pursue and exhaust domestic remedies; failure to state facts that tend to establish a violation of the American Declaration; and that the petition is manifestly groundless.

11. Regarding the issue of exhaustion of domestic remedies, the State contends that the petition contains no references as to whether and how petitioner attempted to invoke or exhaust domestic remedies related to the allegations in the petition, through criminal, civil, or administrative processes. The State further argues that it was petitioner’s duty to initiate judicial proceedings if she believed the United States needed to address the alleged violations, but nothing in the record indicates that petitioner did so. Additionally, the State contends that the petitioner provides no explanation or evidence of whether she attempted to pursue claims against those actors she alleges are responsible for the alleged violations; and the petitioner presents no indication of any attempt to litigate the violations alleged in the petition in U.S. courts at either the state or federal level; and there is no record of any domestic proceedings related to the abuses alleged to have been committed.

12. The State contends that the petition fails to state facts that tend to establish a violation of the American Declaration and is otherwise manifestly groundless. In this regard, the State argues that the petitioner alleges without basis that several States in the U.S. have engaged in “*the genocide of childbearing aged Black Women.*” Further, the State argues that the petition contains unfounded statements and opinions by petitioner about the deaths of seven women in 2015, which do not state facts that tend to establish a violation of the American Declaration.

[... continuation]

stun gun. Further, there is no information from the petitioner to corroborate the claim that the woman in the video is indeed Natasha McKenna

13. The State notes that the petition invokes the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (“Belém do Pará Convention”) and the Convention on the Prevention and Punishment of the Crime of Genocide (“1948 Genocide Convention”). The State indicates that it is not a party to the Belém do Pará Convention. The State also indicates that the Commission has no competence to apply the 1948 Genocide Convention, and more broadly, that it lacks the competence to apply any instrument to the United States other than the American Declaration. Ultimately, the State argues that each of these instruments (invoked by the petitioner) is outside the Commission's competence *ratione materiae*. Accordingly, any claims made by the petitioners' claims, which are based on such instruments, are inadmissible.

VI. ANALYSIS OF EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION

14. This matter concerns allegations of extrajudicial killing of seven alleged victims while in police custody. In this regard, the State contends that the petitioner has failed to invoke or exhaust domestic remedies. On the other hand, the petitioner generally claims that none of the deaths has resulted in the indictment of any police officer. Generally, the petitioner has not provided information concerning whether her petition meets the requirement of exhaustion of domestic remedies or whether an exception to this requirement is applicable.

15. However, as a general principle, the Commission has established that in cases where persons die while in State custody, that the appropriate and effective remedy is for the State to conduct a serious, impartial, and effective investigation; and that such an investigation must be conducted within a reasonable time and not as a mere formality⁶.

16. As it relates to five of the alleged victims (Ms. McKenna, Ms. Curnell, Ms. McGovern, Ms. Jones, and Ms. Chapman), there is no information on the record to indicate that any investigations were conducted or completed by the State into their deaths. The Commission notes more than five years have elapsed since the deaths of these alleged victims. The Commission considers that this lapse of time could, *prima facie*, constitute an unwarranted delay in rendering judgment; and that this would accordingly confer an exception to the requirement of exhaustion of domestic remedies pursuant to Article 31 (2) (c) of the Commission's Rules of Procedure. Moreover, the Commission notes that the petition was filed on December 17, 2015. In view of the context and characteristics of the claims relating to these five alleged victims, the Commission considers that the petition was filed within a reasonable period of time and that the admissibility requirement regarding timeliness is satisfied. It is also important to note that this conclusion does not prejudice on the effectiveness of the domestic proceedings, which is a matter that must be assessed in the merits stage of this case.

17. In relation to the remaining alleged victims (Ms. Bland and Ms. Turner), the petitioner has submitted documentation showing that the State investigated their deaths. Ultimately, these investigations established that neither Ms. Bland nor Ms. Turner were the victims of extrajudicial killing by the police. In the case of Ms. Bland, an autopsy report (conducted on July 22, 2015) established that she committed suicide (by hanging). In the case of Ms. Turner, an investigation was conducted by the Attorney General of the State of New York. This investigation commenced in August 2015 and was concluded in March 2016. The report of this investigation incorporated a finding by a medical examiner that Ms. Turner's death was caused by an enlarged heart. There was also a finding that chronic cocaine and morphine use by Ms. Turner also contributed to her death.

18. For the purpose of admissibility, the Commission considers that these investigations meet the requirement of exhaustion of domestic remedies; and that in this regard the State appears to have conducted these investigations promptly; and further, that in the absence of any contrary evidence, the

⁶ See IACHR, Report No. 110/17, Petition 802-07. Admissibility. Leonardo Vanegas and family. Colombia. September 7, 2017, para. 8.

investigations appear to meet the criteria of being serious, impartial, and effective. Accordingly, in relation to Ms. Bland and Ms. Turner, the Commission consider that the petition was filed within the six-month deadline prescribed by Article 32 (1) of the Commission's Rules of Procedure, as is therefore timely.

VII. ANALYSIS OF COLORABLE CLAIM

19. In relation to five of the alleged victims (Ms. McKenna, Ms. Curnell, Ms. McGovern, Ms. Jones, and Ms. Chapman), the Commission has already noted that there is no indication in the record that the State conducted or completed investigations into these deaths. The absence of any investigation into these deaths, could, if proven, establish violations of Article I (right to liberty and security of the person); Article II (right to equality before the law); Article XXV (right to humane treatment); and Article XXVI (right to due process of law) of the American Declaration.

20. In relation to Ms. Bland and Ms. Turner, the investigations carried out by the State established that neither Ms. Bland nor Ms. Turner were victims of extrajudicial killing while in police custody. The petitioner has not challenged the findings of these investigations; or submitted evidence that they challenge these decisions of the authorities. In the circumstances, the Commission concludes that the claims are inadmissible for failure to state *prima facie* facts that tend to establish a violation of the American Declaration; in the terms of article 34(a) of the Rules of Procedure.

21. The Commission notes that in support of a general claim that African-American women are targeted by the police, the petitioner submits additional information that mentions (a) alleged incidents of sexual violence inflicted by police officers on various African-American women during traffic stops (between 2016 and 2019; (b) alleged extrajudicial killings of other African-American women (that alleged took place in 2020). In the Commission's view none of this additional information relates to the specific claims of the seven alleged victims mentioned in the petition; however, the Commission could assess this information, and other provided the petitioner in the future, to understand the context in which the deaths of the alleged victims occurred.

22. Moreover, the petitioner has invoked the 1948 Genocide Convention and the Belem do Para Convention. In relation to the 1948 Genocide Convention the Commission lack competence *ratione materiae* to declare violations of rights embodied in instruments that are not a part of the inter-American system of human rights. Regarding the Belem do Para Convention, the IACHR has no competence *ratione materiae* to declare violations this Convention because the State has not ratified this instrument. However, in accordance to basic norms of interpretation, the Commission may consider this treaty, as well as any other relevant international human rights standards, in applying the American Declaration.

23. Finally, it is also pertinent to bear in mind that according to article 36(2) of the Rules of Procedure: "*The adoption of an admissibility report does not constitute a prejudgment as to the merits of the matter.*"

VIII. DECISION

1. To find the instant petition admissible in relation to Articles I, II, XXV and XXVI of the American Declaration in regard to the alleged victims Ms. McKenna, Ms. Curnell, Ms. McGovern, Ms. Jones, and Ms. Chapman);

2. To find the instant petition inadmissible in relation to the alleged victims Ms. Bland and Ms. Turner; and

3. To notify the parties of this decision; to continue with the analysis on the merits; and to publish this decision and include it in its Annual Report to the General Assembly of the Organization of American States.

Approved by the Inter-American Commission on Human Rights on the 28th day of the month of August, 2022. (Signed:) Julissa Mantilla Falcón, President; Margarete May Macaulay, Second Vice President; Joel Hernández, and Roberta Clarke, Commissioners.