The right of assembly plays a fundamental role in public participation in democracy, holding governments accountable, expressing the will of the people, and in amplifying the voices of people who are marginalized. In 2020, the U.S. experienced increased protests following the law-enforcement killings of George Floyd, Breonna Taylor and many others.

An analysis of nearly 8,000 Black Lives Matter demonstrations that took place across the country during the summer of 2020 found that over 90% were peaceful. Only a small number of protests involved demonstrators engaging in violence, according to research cited in an AMA Board of Trustees report adopted at the June 2021 AMA Special Meeting.

“Crowd-control tactics used by law enforcement at some anti-racism protests have been called a public health threat, with excessive use of force raising health and human rights concerns as well as undermining freedom of peaceful assembly,” says the report. “Concerns have specifically been raised regarding law enforcement’s use of crowd-control weapons or less-lethal weapons against protesters resulting in preventable injury, disability and death.”

While the right to peaceably assemble is protected by the First Amendment to the Constitution, it is not without limits. This is because jurisdictions have a duty to maintain public order and safety and may regulate the time, place and manner of protests. There are also certain circumstances where the use of force may be permitted, but law-enforcement officers should only use the amount necessary to mitigate an incident, make an arrest or protect themselves and others from harm, the report says.

The board report also recognizes that prohibiting all less-lethal weapons—including all kinetic impact projectiles and chemical irritants—could increase morbidity and mortality, requiring law enforcement officials to choose a more deadly form of force.

There is some data available to suggest that the use of less lethal weapons decreases the likelihood
of injury, which is why a complete ban of all kinetic impact projectiles and chemical irritants is not recommended now, says the board report. However, the AMA strongly encourages prioritizing the development and testing of crowd-control techniques that pose a more limited risk of physical harm.

To that end, the AMA House of Delegates adopted policy on less-lethal weapons that:

- Supports prohibiting the use of rubber bullets—including rubber or plastic-coated metal bullets and those with composites of metal and plastic—by law enforcement for the purposes of crowd control and management in the United States.
- Supports prohibiting the use of chemical irritants and kinetic impact projectiles to control crowds that do not pose an immediate threat.
- Recommends that law-enforcement agencies have in place specific guidelines, rigorous training and an accountability system, including the collection and reporting of data on injuries, for the use of kinetic impact projectiles and chemical irritants.
- Encourages guidelines on the use of kinetic impact projectiles and chemical irritants to include considerations such as the proximity of nonviolent individuals and bystanders; for kinetic impact projectiles, a safe shooting distance and avoidance of vital organs (head, neck, chest and abdomen), and for all less-lethal weapons, the issuance of a warning followed by sufficient time for compliance with the order prior to discharge.
- Recommends that law-enforcement personnel use appropriate de-escalation techniques to minimize the risk of violence in crowd control and provide transparency about less-lethal weapons in use and the criteria for their use.
- Encourages relevant stakeholders including, but not limited to, manufacturers and government agencies to develop and test crowd-control techniques which pose a more limited risk of physical harm.

Read about the other highlights from the June 2021 AMA Special Meeting.