

How To End Wanton Police Brutality



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The American police have been in the news again recently, and, surprise, surprise, for all the wrong reasons. Where to begin?

On July 10, Sandra Bland was stopped in her car at Prairie View, Texas for a minor traffic violation. The police in the UK as well as the US, indeed almost everywhere, seem to delight in pouncing on motorists for the slightest irregularity. Here, the incident escalated out of all proportion, resulting in Miss Bland's arrest.

Sandra Bland was black, and appears to have had a bit of a chip on her shoulder, probably with the police. Her language was, to put it mildly, intemperate, she could certainly have been more co-operative. Nevertheless, we are fortunate in that the entire incident was captured on a police

dashcam video, and it is clear from this that in this case it took two to tango, and that the officer who stopped her, Brian Encinia, was over-officious in the extreme. Various edits of this footage are currently all over YouTube.



Sandra Bland

Actually, the video may not be complete, because there is some suggestion it was edited before being released. If that is indeed the case, then the obvious motive would be to make Brian Encinia's behaviour seem less incriminating.

What is the big interest in this dashcam video, you might ask, after all, this was a very trivial incident? It was indeed, but after her arrest for assaulting an officer of the law (conveniently off-camera), Sandra Bland was held on a \$5,000 bond. In the UK, it is doubtful if even *our* mendacious police would have provoked such an incident, and certainly if she had been charged she would have been released on bail. But three days later, Miss Bland was found dead in her jail cell, having apparently hanged herself with a plastic trash bag.

Naturally, some people have suggested her death is suspicious, but last year she suffered a miscarriage, and appears to have made a suicide attempt of sorts. Whatever, there is little doubt that the police, and in particular Brian Encinia, are morally responsible for her death.



After the dashcam footage was released, the ACLU of Texas **issued a statement** to the effect that the response of the police had been disproportionate. This is par for the course for American police be they in Texas or anywhere else, including when they raid private residential dwellings.

Granted, America has an armed citizenry, so the police are entitled to err on the side of caution when making an arrest, carrying out a raid, or even an investigation, but there are limits.

In May last year, police in Georgia raided a house which was allegedly the home of a drug dealer. How did they do it? They sent in a SWAT team, at 2am, no announcement, just wading in. There was no drug dealer present, and even if there had been, this was way over the top. Kicking in the door, they threw in a stun grenade, and it landed in the crib of a 19 month old baby, one of four siblings. He suffered serious facial injuries. Predictably, a sheriff **blamed the victims**, because there was he said, no indication that children were present. The information about the ectoplasmic drug dealer appears to have come from a confidential informant, which could mean an anonymous tip-off.

In July 2008, a raid on a family home in Maryland resulted in two dogs being shot. The home in question was that of the Mayor of Berwyn Heights, population 3,123 at the 2010 census. Again, this was a drug raid, and again, **the victims were blamed**, in this case the Mayor's mother-in-law who screamed when she saw men on the lawn, which alarmed the dogs and resulted in they're being shot.

There are many, many other examples of American police brutalising innocent members of the public and otherwise using excessive force. A seemingly endless stream of such videos is posted to social media sites. How can this gratuitous violence and wantonness be stopped?

Very simply, according to the *Daily Mail*, the family of the baby from the Georgia incident settled this April for \$1 million, over half of which is for the child's immediate medical expenses, but with whom did they settle? With the local authority, in this case Habersham County, Georgia. This is because police officers are not liable for their torts, their masters are. This is the principle of vicarious liability, and in cases of this nature, it is clearly a bad one.

The way to end police brutality is to remove the vicarious liability provision from the employer, something that would require a new statute, and to attach responsibility instead to the **Fraternal Order of Police**, or in extreme cases to the offending officer himself.

Vicarious liability means no liability at all for those police officers who act with malicious intent or depraved indifference. On the other hand, if the police union were liable for shelling out hundreds of thousands of dollars in legal fees, it would reign its members in. And if a police officer knew he could lose his pension for seriously assaulting an innocent member of the public, or using disproportionate force when arresting a suspect, there would be a sharp drop in incidents of this nature, and even an improvement in their general behaviour, because the police would realise they are the servants of the people rather than their masters.

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