

# Perjury charges dismissed against Texas police officer who arrested Sandra Bland

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On Thursday, special prosecutors dropped a misdemeanor perjury charge against Brian Encinia, the Waller County, Texas police officer who arrested Sandra Bland, an African American woman who was later found hanged in a jail cell in July 2015. Encinia's conduct during Bland's arrest and her subsequent death contributed to a wave of mass protests around the country against police violence.

In exchange for the dropped charge, which carried a \$4,000 penalty and up to a year in jail, Encinia agreed to resign from the police force and "never seek, accept or engage in employment in any capacity with law enforcement." Encinia also agreed to never have the charge expunged from his legal record.

Encinia was charged in January 2016 for filing a false police report, claiming Bland had become "combative and uncooperative" during a July 10, 2015 traffic stop. Police dashboard camera footage of the incident shows an irritated but cooperative Bland being ordered out of her car by Encinia, who draws a taser on the 28-year old woman and declares "I will light you up!" Off camera Bland was tackled and aggressively subdued by Encinia.

Bland, a critic of police brutality and supporter of Black Lives Matter, was later found dead in her cell in what was ruled to be a suicide.

In December 2015, a Texas grand jury declined to bring charges against Waller County for Bland's death, despite the existence of evidence contradicting the county's claims surrounding the incident.

Special prosecutor Phoebe Smith explained that her reason for dropping the charge was skepticism that a court would return a guilty verdict. "It's pretty obvious that it's always going to be an uphill battle when you're prosecuting a case against a police officer," she said, more or less admitting that police officers are

considered to be above the law.

"The bottom line is, we never wanted him to be a police officer again and we wanted to ensure that outcome. When you take a case in front of jury there's always that risk," she added.

Representatives of the Bland family stated they had felt "blindsided" by the prosecution's decision, which had been reached without consulting the family. "It's a shame that they didn't take the time to contact the family ahead of their decision to do what they said they would not do... They assured the family they would see this through. This is the reason why the community has a hard time trusting the system," said Bland family attorney Cannon Lambert of the dismissal.

Bland's family members were less restrained. "In September, we were expecting to be in Texas sitting in the courtroom, but today they cut him a deal... Why? Why? Why? Why did you cut him a deal when you sat in our faces and you seen our pain and you told us you were going to take it to court?" stated an agitated Shante Needham, Bland's older sister, in an interview with the *Houston Chronicle*. Other members of Bland's family have previously said they did not consider the misdemeanor charge to be proportionate for Encinia's belligerent behavior.

The dismissal of charges against Encinia comes on the heels of several high profile cases in which police officers have been acquitted of criminal charges.

On June 23, the second trial of former University of Cincinnati officer Ray Tensing ended in a hung jury. Tensing had been charged with murder and voluntary manslaughter for shooting unarmed motorist Samuel DuBose in the head in July 2015. Just days earlier, a Minnesota police officer was acquitted in the 2016 killing of Philando Castile, who was shot while reaching for identification and died in front of his

girlfriend and her daughter.

The dropping of charges comes days after Texas governor Greg Abbott signed the Sandra Bland Act, which requires jails in Texas to forward prisoners with mental health and substance abuse issues to treatment.

Significantly, earlier versions of the bill were stripped of provisions requiring higher burdens of proof for officers wishing to stop and search vehicles and denying the ability to arrest in instances where giving a fine is more suitable. “It’s a complete oversight of the root causes of why she [Bland] was jailed in the first place,” stated Sharon Cooper, Bland’s sister, to the *Texas Tribune* of the new law.



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