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What The Supreme Court Ruled On the False Arrest of Sandra Bland

July 24, 2015 5:02 pm·

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Since the newly released video of Texas State Trooper Brian Encinia detaining then arresting Sandra Bland, it has become clear that the entire arrest was itself illegal.

The African American civil rights and police accountability activist had simply asserted her rights, when the trooper gave her unlawful orders, which were only permissible if phrased (and accepted) as requests.

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Three days after the false arrest, Bland was found dead in her jail cell.

Now, since that death, the video footage of the dashcam stop has come under increasing scrutiny. But long before it was judged in the court of public opinion, traffic stops just like the one in question were ruled on by the Supreme Court of the United States.

Democratic Texas state Senator Royce West weighed in on the video, saying that "once you see what occurred, you will probably agree with me she did not deserve to be placed in custody."

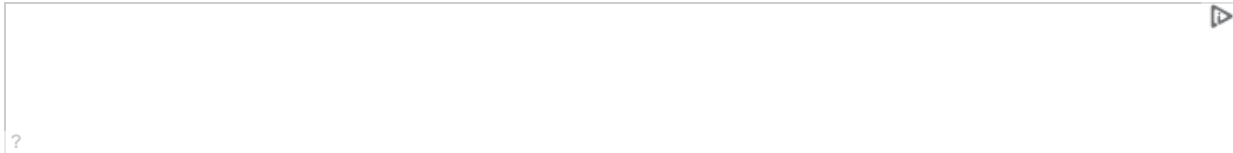The United States Supreme Court has proven to agree with this position.

Encinia's conduct clearly violates a decision handed down by the Supreme Court last April.

In the case of Rodriguez *v. United States* it was determined that police were not allowed to extend the length of a routine traffic stop. That ruling effected lengths of even a few minutes, unless there was a clearly demonstrable safety concern or an additional crime that had been committed in the course of the stop.

But what is clear now, from the video, is that there was no other crime, nor a safety concern. The officer was acting in violation of the law, as defined by the Supreme Court.

Justice Ruth Bader Ginsburg broke it down like this, saying that "[t]he tolerable duration of police inquiries in the traffic-stop context is determined by the seizure's 'mission' — to address the traffic violation that warranted the stop, and attend to related safety concerns." A police stop "may 'last no longer than is necessary to effectuate th[at] purpose.' Authority for the seizure thus ends when tasks tied to the traffic infraction are — or reasonably should have been — completed."

Encinia was clearly completing the traffic stop when he escalated things because of Bland's refusal to put out her cigarette. He later even indicates in the video that she had been "trying to sign the fucking ticket" when things got ugly.

That means his extension of the stop past that point – when there was no safety concern, nor any criminal offense that had been committed during the stop at that point – constituted illegal detention and a subsequent false arrest.

Trooper Encinia broke the law and he is not being held accountable for it.

The fact is that a lit cigarette has no jurisprudencial precedence in being regarded as a "safety threat" to police officers. He had no grounds to tell her to put it out, nor did he even phrase his request as a command.

Encinia, in fact, neglected to even mention the cigarette in his official incident report. He also failed to mention his threats or the fact that he pulled and aimed his Taser at Bland over this illegal command.

It is clear from the video that the Supreme Court ruling is directly relevant to this case. Trooper Encinia made a false arrest, and in this case, he is not exempted by qualified immunity. He can and should be held accountable and punished for the false arrest.

(*Article by Reagan Ali, M. David and S. Wooten*)

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