

Testimony for the House Judiciary Committee
February 9, 2021
HB 139 –Law Enforcement Officers--Use of Force
FAVORABLE

To Chairman Clippinger, Vice Chair Atterbeary, and Committee members,

My name is Eugene Sheppard and when asked to speak on my experience, my dilemma was deciding which instance of police brutality/misconduct I should write about?"

Should I:

-write about the time I was beaten while hand-cuffed? I asked the officer while getting punched and hit with batons, "Why are you doing this to me?" His response was, "Because I hate you!"

-write about the time I was detained while working security because a woman was robbed and I fit the description? It didn't matter that my parking lot guardhouse was 10 feet away and I was playing with a tennis ball while on the phone. I was only released when my supervisor vouched for me. I was told "I'll let you slide, but you need to have more respect for the police."

-write about the time I was pulled over for eating fruit? My brother who was driving asked the officer why we got pulled over. The officer motioned towards me and explained that he saw me rolling up (he imitates rolling marijuana with his hands). Confused for a moment, I then realized that I just peeled an orange. He argued that he saw what he saw, but cautiously let us go with a warning and stern advice to respect the police.

-write about the time I was accused at Whole Foods of stealing a quesadilla and an Honest green tea, \$5 worth of food. I asked an officer for assistance because the Whole Food security guard took my food. I gave him my receipt as proof that I was wrongly accused and reprimanded. He then proceeded to issue me a restraining order and arrested me. The cuffs so tight, it caused nerve damage. When I asked to loosen them, he tightened them. The jailors apologize on his behalf. The officer refused to return my receipt, though he was unaware I had already taken a photo of it.

He didn't appear at trial.

In all of these instances of harassment and assault, not one person was held accountable. All that I got was the burden and financial cost of proving my own innocence, the loss of employment due to pending cases, debilitating physical and emotional trauma and a diagnosis of PTSD.

As you know, Maryland does not have statutory limits on use of force, and the Supreme Court cases fail to adequately protect the lives and safety of Maryland residents. Instead of merely codifying Graham and Garner into state law, we must elevate the “objectively reasonable” standard to prohibit officers from using force unless it is necessary as a last resort, under the totality of the circumstances, after the officer has exhausted de-escalation and other reasonable alternatives. Although there are other necessary components to a robust use of force statute, failing to change the legal standard will maintain the status quo and let officers remain unaccountable for the harm they cause.

With an influx of indisputable evidence highlighting targeted intimidation, falsified arrest, brutality and murder, we can agree that we do not want these crimes to continue. We must initiate new ideas into practice. The success of these ideas must acknowledge the necessity of accountability.

Accountability strengthens communities and strong communities are safer places to live.

That’s all we want to do.

Live.

Eugene Sheppard
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