

H.E. Michelle Bachelet  
United Nations High Commissioner for Human Rights  
Palais Wilson  
52 rue des Pâquis  
CH-1201 Geneva, Switzerland

Dear High Commissioner:

We appreciate the opportunity to submit this statement with regard to the Human Rights Council resolution (A/HRC/RES/43/1) *on the promotion and protection of the human rights and fundamental freedoms of Africans and people of African descent against excessive use of force and other human rights violations by law enforcement officers.*

The Talking Drum Incorporated is a non-profit organization working on the issues of homelessness and mass incarceration. This work has provided insight into the business of mass incarceration and the systemic racist culture that has facilitated this modern-day slavery. The evolution of slave patrols from the past is evidenced in the over-policing of impoverished communities which feed the local jails and prisons with labor. Our communities have been turned into hunting grounds. Our citizens are unjustly imprisoned, brutalized and murdered on a consistent basis with law enforcement rarely held accountable for the trauma they inflict.

The need to focus on the scope of this resolution and to investigate and report on systemic racism, violations of international human rights law against Africans and people of African descent, especially focusing the decades long instances of deaths and serious bodily injuries within the United States highlighted by the recent deaths of George Floyd and others, cannot be more urgently sought.

Investigation of the practice and patterns of extrajudicial killings of Black Americans is requested. An examination of the history of racist policing in America will provide detailed context for what we are seeking from the United Nations. As you may know, these issues have been brought before the United Nations previously.

From the National Negro Congress "(1946) *Petition to the United Nations on behalf of 13 million oppressed Negro Citizens of the United States of America in 1946*" and "*An Appeal to the World: A Statement of Denial of Human Rights to Minorities in the Case of citizens of Negro Descent in the United States of America and an Appeal to the United Nations for Redress*" submitted by W.E.B. DuBois and the NAACP in 1947 to "*We Charge Genocide: The Historic Petition to the United Nations for Relief From a Crime of The United States Government Against the Negro People*" submitted by Paul Robeson in 1951 to pleas by Malcolm X and Dr. Martin Luther King, Jr. in 1964, calls for justice have been made to this body.

We are encouraged by this resolution and the opportunity to provide the following information gathered from our work in the State of Maryland and within Prince George's County specifically.

The State of Maryland, like many States, has a history of police brutality and violence against Black Americans. It has been documented from the 1960s into the present. "For example, the police department created an undercover "Death Squad"<sup>1</sup> in the 1960s that lured young black men to commit robberies and then arrested them.

There is an obvious lack of reporting on these incidents across the nation since law enforcement is tasked with investigating and monitoring itself. However, "from the data that is available, Maryland has a high number of police-involved civilian deaths relative to other states."<sup>2</sup> "According to an ACLU report, FBI data from 2012, listed Maryland as having the 6<sup>th</sup> highest number of homicides by police out of 39 states reporting."<sup>3</sup>

The Justice Policy Institute reported that "more than 70 percent of Maryland's prison population is black, compared to 31 percent of the state population."<sup>4</sup> This proportion is more than double the national average of the black prison population of 32 percent. This study reported that the disparity is the result of decades of unbalanced policies that have disproportionately caused over-policing of the under-resourced communities of color in Maryland.

Prince George's County, Maryland has the largest black population within the state at 64.4%, followed by Baltimore City at 62.5%<sup>5</sup>. The County is a tale of two worlds where some cities are wealthy and as such place the County as THE wealthiest Black American county in the nation; and others, typically those located within the Beltway experience extreme levels of generational poverty.

The disproportionate incarceration rates, the criminalization of poverty in Prince George's County and the intentional over-policing have resulted in numerous deaths and serious bodily injuries at the hands of law enforcement. For decades, families who have sought justice for the loss of their loved ones have been met with silence, indifference and walls of procedural roadblocks that prevent justice and some sense of closure for the families who are asking "WHY" did this happen.

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<sup>1</sup> 1976 Slayings By P.G. Police Squad Probed

Feinstein, Meyer, & Writers <https://www.washingtonpost.com/archive/politics/1979/02/11/1976-slayings-by-pg-police-squad-probed/90037a7e-0080-4bd6-bd37-67529757331e/>

<sup>2</sup>ACLU of Maryland, Briefing Paper on Deaths in Police Encounters in Maryland, 2010-2014; [https://www.aclu-md.org/sites/default/files/legacy/files/md\\_deaths\\_in\\_police\\_encounters.pdf](https://www.aclu-md.org/sites/default/files/legacy/files/md_deaths_in_police_encounters.pdf)

<sup>3</sup> Ibid.

<sup>4</sup>Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland, [http://www.justicepolicy.org/uploads/justicepolicy/documents/Rethinking\\_Approaches\\_to\\_Over\\_Incarceration\\_MD.pdf, November 2019.](http://www.justicepolicy.org/uploads/justicepolicy/documents/Rethinking_Approaches_to_Over_Incarceration_MD.pdf, November 2019.)

<sup>5</sup> <https://www.indexmundi.com/facts/united-states/quick-facts/maryland/black-population-percentage#map>

Police officers within the ranks of the County department have publicly reported on the racist culture of the department. Prince George's County Police Department (PGCPD) has been under investigation by the FBI, in 1999, and subsequently by the Justice Department due to excessive force practices in 2000. Most recently, in December 2018, Black and Hispanic law enforcement unions filed a discrimination lawsuit against the department<sup>6</sup>. This lawsuit has revealed troubling insight into the continuation of racist treatment of the citizenry, as well as the officers who filed the complaint. While these actions, over the years, have shed light on the issues, the citizens of the County continually face threat of death or serious bodily harm because of a chance encounter with an officer who has ill intent.

For example, in October 2020, a young Hispanic male, [Edwin Morales](#), died while handcuffed and struggling to breathe while in the custody of the Hyattsville City police department on suspicion of stealing a bike. *(The incident is still under investigation by the PGCPD. The PGCPD regularly performs internal investigations into shootings involving their own officers or officers of local city police departments. These investigations are not transparent and typically seek to vilify the victims in order to excuse or justify the deaths.)*

In January 2020, a Black man, [William H. Green](#), was shot and killed by a PGCPD officer while handcuffed and seat belted in a police cruiser. He was in custody for a traffic stop. First reports by the PGCPD indicated they suspected he was under the influence of drugs and resisted arrest. However, after witness video of the incident was released that narrative was retracted and the officer was immediately arrested and charged. [The police chief, under scrutiny, resigned shortly after this incident.](#)

In another example, the Hyattsville City police department played a prominent role in the death of a Black man, [Leonard Shand](#), in September 2019. He was publicly executed by no less than ten officers (six from Hyattsville City) who surrounded him. The narrative was he had a knife and wanted to die when he charged at the officers after they tossed a flashbang grenade behind his back. *Flashbang grenades have been regularly used against citizens during the George Floyd protest used to disperse crowds, not on individuals. The North Carolina Supreme Court ruled that flashbang grenades are weapons of mass destruction.*<sup>7</sup> None of the officers involved in this killing were charged.

In October 2019, a young Black man, [Demonte Ward-Blake](#) was paralyzed from the waist down during a traffic stop. There was partial dashcam footage of the incident, but not of the actual take down that caused the injury. The officer in this case has been charged with misdemeanor assault. However, these charges do not come close to appropriately covering the severity of the crime that was submitted.

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<sup>6</sup> <https://www.aclu-md.org/en/press-releases/prince-georges-officers-color-file-federal-lawsuit-challenging-widespread-race>

<sup>7</sup> <https://spectrumlocalnews.com/nc/triangle-sandhills/news/2020/02/29/court--flash-bang-grenades-are-weapons-of-mass-destruction>

These incidents are representative examples of patterns used to protect law enforcement against any charges of criminal misconduct. The practice of using PGCPD to perform cursory investigations of officers is unacceptable to the community. However, they have been supported with impunity at the County Executive and County State's Attorney levels for decades.

Too often, citizens are being murdered or seriously harmed over minor infractions or racially profiled for stops that lead to tragic consequences. There are stark differences in the outcomes for residents of other neighborhoods (typically white) and our communities when encountered by law enforcement for the exact same incidents. If they are stopped at all, tickets or fines may be given to white citizens whereas Black citizens are treated with deadly force or arrest. According to information found on the NAACP fact sheet on criminal justice, Black defendants are 22% more likely to have convictions involving police misconduct that eventually result in exoneration.<sup>8</sup>

### What Could Help?

Legislatively, year after year, the Maryland General Assembly has been presented with legislation that would offer much needed transparency and accountability in cases of excessive and deadly use of force by law enforcement. And, year after year, these efforts have been defeated.

A repeal of the [Maryland Law Enforcement Officers Bill of Rights](#) (LEOBOR) is being considered in the upcoming January 2021 legislative session. In 1974, Maryland was the first state to institute this type of protection for law enforcement officers. Currently 15 states adopted this legislation which, according to advocates, has been a hinderance to investigations into possible police misconduct. In discussing two high profile cases (i.e., the death of Freddie Gray and the Gun Trace Task Force), Baltimore City State's Attorney Marilyn Mosby stated, "In case after case, LEOBOR has made it harder for our office to investigate officer actions, harder to make charges stick."<sup>9</sup> Efforts to repeal have been thwarted by the strong lobbying influence of the Maryland Fraternal Order of Police.

In the past, legislative hearings on this issue have been disappointing to say the least. Testimonies are provided by family members who repeat the trauma they have experienced as they seek investigations into the incidents. The legislator's attention spans to the testimonies range from indifference to argumentative. However, we believe momentum for real debate and definitive action has grown since the worldwide unrest sparked by the deaths of George Floyd and others in 2020.

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<sup>8</sup> <https://www.naacp.org/criminal-justice-fact-sheet/>

<sup>9</sup> <https://baltimore.cbslocal.com/2020/09/24/marylands-law-enforcement-bill-of-rights-could-be-repealed-as-lawmakers-weigh-police-reforms/>

Additionally, legislation that addresses law enforcement officers “use of force” is being called for by advocates and activists in the State. It is unbelievable to find out that this type of legislation had not already been drafted and adopted. However, a [legislative policing reform work group](#) was formed earlier this year and has recommended a “statewide” use-of-force policy for police to include bans on the use of chokeholds and military-grade equipment, restrictions on the use of no-knock warrants and criminal penalties for officers who violate the excessive use of force policies.

These are some of the challenges faced by local and state advocates in the grassroots fight against the various impacts of systemic racism in the United States. The [August 3, 2020](#) demands made by more than 600 human rights organizations from around the world to establish an international investigation into system racism, police brutality, and repression of protests in the United States are **fully** supported.

Thank you for the opportunity to share our on-the-ground experiences.

Sincerely,

Beverly John  
The Talking Drum Incorporated