

LEGISLATIVE REFERENCE BUREAU

RESOLUTION

INTRODUCED _____, 20 _____

BY _____, **District NO.** _____

BY _____, **District NO.** _____

BY _____, **District NO.** _____

BY _____, **District NO.** _____

BY _____, **District NO.** _____

See next page for additional co-sponsors.

Referred to Committee on	
Date _____	20 _____
Reported _____	20 _____
As Committed-Amended	
Recommendation	

By Hon. _____	

A CONCURRENT RESOLUTION

1 Urging all law enforcement agencies in this Commonwealth to
2 adopt departmental policies that prohibit the use of all
3 chokehold techniques.

4 WHEREAS, The use of deadly force by law enforcement personnel
5 is unacceptable when unwarranted and is contrary to our nation's
6 democratic principles of according due respect to one's fellow
7 citizens, precluding the use of cruel and unusual punishment and
8 ensuring the right of all people to be treated fairly and
9 presumed innocent until proven guilty by a jury of one's peers;
10 and

11 WHEREAS, Over the course of the last three decades, the line
12 between maintaining public order and safety in our communities
13 and utilizing excessive or unreasonable force by law enforcement
14 officers nationwide has become blurred and undefined; and

15 WHEREAS, The subject of law enforcement agencies sanctioning
16 the use of the chokehold technique on citizens and residents has
17 not been without widespread controversy; and

1 WHEREAS, The United States Supreme Court, our nation's
2 highest judicial body, has considered and deliberated the
3 matter; and

4 WHEREAS, In the case of *Tennessee v. Garner*, 471 U.S. 1
5 (1985), the United States Supreme Court framed the matter of a
6 law enforcement officer's use of deadly force within the context
7 of the fourth amendment to the Constitution of the United
8 States, relating to unreasonable searches and seizures, and
9 ruled that deadly force may only be utilized to prevent escape
10 when a law enforcement officer has probable cause to believe
11 that a suspect poses a threat of serious harm to the officer or
12 the public; and

13 WHEREAS, Similarly, in the case of *Graham v. Connor*, 490 U.S.
14 386 (1989), the United States Supreme Court ruled that the use
15 of deadly force by a law enforcement officer must meet the
16 standard of being objectively reasonable and should be
17 predicated upon the totality of the circumstances confronting
18 the officer; and

19 WHEREAS, Tragically, on July 17, 2014, our nation received an
20 up-close and personal look at the lack of application of the
21 standards prescribed by our nation's highest court as manifested
22 in the unnecessary death of a 43-year-old New York City resident
23 who was placed in a chokehold by a New York City Police
24 Department (NYPD) officer after being suspected of committing a
25 nonviolent misdemeanor offense; and

26 WHEREAS, Another corollary of failing to institute
27 departmental policies prohibiting the use of chokeholds by law
28 enforcement agencies is that numerous police departments across
29 our nation have been held civilly liable for the unreasonable
30 use of neck restraints resulting in serious injury or death; and

1 WHEREAS, It should be properly noted that the potential
2 danger of utilizing chokehold techniques increases exponentially
3 when the individual in the chokehold suffers from underlying
4 medical complications that are unknown to law enforcement
5 officers at the time of arrest; and

6 WHEREAS, In light of the aforementioned incidents, police
7 departments across our nation, including the NYPD, have banned
8 the practice of subduing suspects by chokehold due to its
9 potentially fatal effects; and

10 WHEREAS, State legislatures across our nation have
11 successfully undertaken efforts to enact laws instituting
12 restrictions on the use of chokeholds by civilians and law
13 enforcement officers alike; and

14 WHEREAS, With nonlethal tactical devices, such as pepper
15 spray, water cannons, flash grenades, blunt impact projectiles
16 and Tasers, law enforcement officials now have more humane and
17 effective tools at their disposal whereby they can more safely
18 and conveniently restrain and subdue an individual during
19 instances when either a perceived or existing threat confronts
20 them; therefore be it

21 RESOLVED, (the Senate concurring), that the General Assembly
22 strongly urge all law enforcement agencies in this Commonwealth
23 to adopt departmental policies that prohibit the use of all
24 chokehold techniques; and be it further

25 RESOLVED, That the purpose and intent of this concurrent
26 resolution is not to compromise the safety and welfare of our
27 Commonwealth's law enforcement agencies, but to further bridge
28 the gap between them and the citizens they have sworn to serve
29 and protect; and be it further

30 RESOLVED, That a copy of this concurrent resolution be

1 delivered to the Office of Attorney General for the attention of
2 the Honorable Kathleen Kane, Attorney General of Pennsylvania,
3 who serves as our Commonwealth's top law enforcement official.