



## Legislation Text

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**File #:** Res 0727-2019, **Version:** \*

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### Res. No. 727

Resolution calling on the State to implement a uniform statewide policy for New York law enforcement officers that requires officers to treat breathing difficulties as medical emergencies, and departments to conduct training concerning that policy.

By the Public Advocate (Mr. Williams)

Whereas, on May 11, 2017, Andrew Kearsse died while in custody of the Schenectady Police Department due to cardiac arrhythmia after his repeated complaints of breathing difficulties were ignored by members of the police department; and

Whereas, Attorney General Barbara Underwood investigated Mr. Kearsse's death under the powers conferred to her by Governor Andrew Cuomo's Executive Order No. 147; and

Whereas, the Attorney General recommended the New York State Legislature pass legislation requiring the New York State Division of Criminal Justice Services ("DCJS") to establish a uniform statewide policy for police departments in New York requiring that police officers treat indications of breathing difficulties by arrestees as medical emergencies and conduct training concerning the policy that makes clear that a complaint about breathing difficulties should not be dismissed because the arrestee is able to talk; and

Whereas, the inability of law enforcement officers to appropriately recognize and respond to breathing emergencies is not limited to the police department in Schenectady; and

Whereas, Eric Garner was stopped by New York City police officers on July 17, 2014, brought to the ground, placed in a chokehold, and eventually died after his complaints that he could not breathe were ignored by the police department; and

Whereas, the New York City Police Department's Patrol Guide directs officers to request an ambulance

and transport arrested individuals to the hospital “if necessary,” but fails to give additional guidance in determining when such treatment is necessary; and

Whereas, laws treating breathing difficulties as medical emergencies and training would have increased the likelihood that Mr. Kearse and Mr. Garner’s lives would have been saved by medical intervention; now, therefore, be it

Resolved, that the Council of the City of New York calls on the on the State to implement a uniform statewide policy for New York law enforcement officers that requires officers to treat breathing difficulties as medical emergencies, and departments to conduct training concerning that policy.

AS  
LS # 8731  
12/26/8