

Experts Say George Floyd's Death Once Again Shows Police Officers Should Be Banned From Crushing People's Necks

Police experts say it's a "very, very risky" and dangerous maneuver that should be banned except in deadly force incidents.



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In a now-viral video, a Minneapolis police officer pushed his knee on George Floyd's neck for eight minutes, during which the unarmed black man repeatedly cried out, "I can't breathe!"

"Please, please, I can't breathe. Please, man, please," Floyd, 46, said as he pleaded with the officer. "I can't move. Everything hurts. Give me some water or something, please. I can't breathe, officer."

"They're going to kill me," Floyd added as the officer continued to crush his neck with his knee. "They're going to kill me, man."

Floyd died while in Minneapolis police custody on Monday, and four officers involved in his arrest were fired Tuesday.

Authorities have not released Floyd's official cause of death, but the video has prompted outrage and revived questions about excessive use of force while arresting black men.

Law enforcement experts told BuzzFeed News that the officer's restraint tactic of kneeling on Floyd's neck was rare, unacceptable, and not justified in the situation.

A retired police captain said he would "personally never apply" such a technique, while an expert who trains officers on the ethics of using force said crushing someone's neck was not "a legitimate training tactic in 2020."

Maria Haberfeld, a former sergeant with the Israel Defense Forces, said she has "never seen" a restraining technique like this in all her

years of studying, teaching, and writing about use of force by police departments in the US and abroad.

“I always try to give the benefit of the doubt to the officers,” Haberfeld, who is now a professor at the John Jay College of Criminal Justice, told BuzzFeed News. “In this case, it was just unacceptable given the totality of circumstances.”

Haberfeld, who has extensively studied police training modules in the US and teaches officers on the ethics of using force, said there are some legitimate takedown techniques by police that involve applying pressure around somebody’s neck.

“But the more I’m seeing [this video], he is crushing [Floyd’s] neck,” she said. “As far as I know, that is not a legitimate training tactic in 2020.”



George Floyd, known as Big Floyd to his friends.

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Haberfeld said that while it was possible the Minneapolis Police

Department (MPD) had trained its officers to use this particular technique, she would be “very surprised” if it did.

The MPD authorizes its officers to use two types of “neck restraints” as a “non-deadly force option,” according to its policy manual. It is defined as “compressing one or both sides of a person’s neck with an arm or leg, without applying direct pressure to the trachea or airway (front of the neck).”

MPD policy states that a “conscious neck restraint,” or applying light to moderate pressure, is to be used on people who are “actively resisting,” while an “unconscious neck restraint,” which is intended to render someone unconscious, is to be used on suspects showing “active aggression,” “active resistance,” or for “life saving purposes.”

The policy states that neck restraints should not be used against subjects who are “passively resisting.”

The MPD declined to comment to BuzzFeed News about its policy on the technique, citing the investigation, and referred to its policy manual on the website.

However, MPD spokesperson John Elder told the Star-Tribune that the technique used by the officer on Floyd was not a department-authorized chokehold.

“In my years as an officer, that would not be what I would ever consider a chokehold,” said Elder, who also works as a part-time sheriff’s deputy in another county.

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Haberfeld said most language in police manuals across the US is “convoluted” and allows for an officer’s discretion.

In this case, it appears Floyd was already handcuffed, in addition to being unarmed, and was not deemed to be violent or a threat, Haberkfeld said.

“I don’t see how [the officer] can justify using unconscious restraint,” she said.

Jon Shane, a retired Newark police captain, told BuzzFeed News his department had never used this type of knee-to-neck restraint during his time there between 1989 and 2005.

“I can’t see any justification for this,” Shane, who is now a professor at the John Jay College of Criminal Justice, told BuzzFeed News. “When you’re going after somebody’s neck, it has to be in response to a deadly force situation. I can’t see anything in the video that warrants deadly force.”

Shane — who is an instructor for academic programs attended by police officers — said officers are trained not to leave subjects in a “prone position” and handcuffed for very long because it runs the risk of causing the fatal condition of “positional asphyxia.”

Positional asphyxia — a phenomenon used to describe an in-custody death caused when police use dangerous restraint positions that interfere with the person’s ability to breathe — has long been written about, and debated, in policing literature.

Shane said officers usually hold subjects in a prone position on the ground to “control them,” but it needs to be done for a period of time short enough to just get their handcuffs on.

“Then you either roll them on their side or sit them up,” Shane said. “You don’t leave them in a prone position.”

Positional asphyxiation is deadly when compounded by risk factors

like intoxication due to drug or alcohol use, obesity, mental illness, and other preexisting health conditions, Lawrence Heiskell, an emergency physician and a veteran reserve police officer with the Palm Springs Police Department, wrote in a 2019 article for Police Magazine.

He wrote that officers are taught to avoid restraining people face-down or to do it for a very short period of time.

How the subject is restrained “can also increase the risk of positional asphyxia death,” Heiskell wrote. “Placing a knee or weight on the subject and particularly any type of restraint hold around the subject’s neck can be problematic.”

“These maneuvers are very, very, risky,” Shane told BuzzFeed News. “I personally would never apply one.”

Shane added that there is “no question” police departments should ban the use of this kind of neck restraint, except in deadly force situations.

Other types of neck restraints have long been the subject of litigation for decades, Shane noted, which is why many police departments have stopped using them.

Last December, a police officer in Maryland was convicted of assault after a viral cell phone video showed him kneeling a handcuffed suspect in the head.

“A knee drop to [the] back of the head of an individual in cuffs, on his stomach, with several officers around, can be nothing but a criminal act,” prosecutors told jurors during the trial.

In 2013, three police officers in Las Vegas were ordered by a federal appeals court to pay \$1.6 million to a man for using excessive force against him during a 2001 encounter in which they put him in a chokehold and kned his neck and back, forcing him to undergo nine spinal surgeries.

“A reasonable officer” would have known that their actions “violated clearly established law to use a choke hold on a non-resisting arrestee who had surrendered, pepper-spray him, and apply such knee pressure on his neck and back that it would cause the collapse of five vertebrae in his cervical spine,” the court wrote in its opinion.

In two separate incidents that were caught on video earlier this month, NYPD officers appeared to use their knees to restrain people on the ground while trying to enforce social distancing measures in the city.

An NYPD plainclothes officer is seen restraining a man with his knee during a social distancing-related encounter in Manhattan, May 2.

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Carl Takei, an ACLU attorney litigating police practices, told BuzzFeed News that many large police departments across the US prohibit these kinds of “extremely dangerous” chokeholds that carry the risk of killing a person.

Both Shane and Takei said that while it is common for officers to place their knees on suspects’ backs to restrain them, it was much more uncommon for them to push their knees on someone's neck.

Takei said it was concerning that MPD’s initial statement described Floyd’s encounter with the officers as a “medical incident.”

“This speaks to the larger problem of not holding police officers accountable for their actions,” Paige Fernandez, ACLU’s policing policy adviser, told BuzzFeed News. “This was not just some medical incident. He was begging for his life.”

Fernandez pointed out that the incident took place almost six years after Eric Garner repeatedly said “I can’t breathe” as he was put into a fatal chokehold by an NYPD officer.

“This speaks volumes to how little we have moved,” she said, adding that police departments are still hesitant to implement bold policy changes that would result in less force being used.

Haberfeld said police training procedures in the US were very “reactive” to misconduct cases that draw national attention.

“This is when police departments suddenly start to reveal their protocols and rewrite various procedures,” she said.

Haberfeld added that incidents like with Floyd expose the need for standardized police procedures based on scientific research and best practices that also change the standards of recruitment and

selection.

“We’re seeing too many of these incidents that should not be happening because there are wrong people in the profession and this profession cannot really afford that,” she said. “It’s a matter of life and death.”



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