



Legislation Details (With Text)

File #: Res 0727-2019 **Version:** * **Name:** Implement a uniform statewide policy for NY law enforcement officers that requires officers to treat breathing difficulties as medical emergencies, and departments to conduct training concerning that policy.

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In control: Committee on Public Safety

On agenda: 1/24/2019

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Title: 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.

Sponsors: Public Advocate Jumaane Williams

Indexes:

Attachments: 1. Res. No. 727, 2. January 24, 2019 - Stated Meeting Agenda with Links to Files, 3. Hearing Transcript - Stated Meeting 1-24-19, 4. Minutes of the Stated Meeting - January 24, 2019

Date	Ver.	Action By	Action	Result
1/24/2019	*	City Council	Introduced by Council	
1/24/2019	*	City Council	Referred to Comm by Council	
12/31/2021	*	City Council	Filed (End of Session)	

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 Kearsé 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. Kearsé’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. Kearsse 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