

**CONSERVATIVE PARTY of NEW YORK STATE**  
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*2020 Legislative Memo...*

*In Opposition to Establishing  
the crime of aggravated strangulation*

**A.6144-B Mosley**

**S. 6670-B Benjamin**

**Purpose:** This bill seeks to establish criminal penalties for the use of a choke hold by a police or peace officer.

**Party Position:** The Memorandum of Support for this bill clearly states that the NYC Police Department completely banned its officers from using a procedure commonly referred to as a “chokehold” in 1993.

We are all moved by the death of George Floyd in Minneapolis on May 25, 2020. It is heart-wrenching to hear him say, “Please, let me stand up.” What happened to George Floyd was horrendous. Without a doubt, no one should ever be subjected to that depraved indifference by another human being, especially by one who has taken an oath to protect all citizens.

The person responsible has been charged with murder; a jury will provide the proper punishment for having his knee on his neck for almost 9 minutes.

The two New Yorkers, the memo sites, Anthony Baez and Eric Garner, died after the 1993 NYPD directive banning chokeholds. The officers responsible were convicted and dismissed as they should have been. Neither man committed a crime so serious that a chokehold was the only way to subdue them.

Chokeholds are against good police tactics. However, if the use of a chokehold takes place in the split-second a decision must be made that it is the only way to subdue a perpetrator because to the suspected perpetrator is acting as if they are on a hallucinogenic or much larger than the law enforcement person this bill would tie the hands of the law enforcement personnel and possibly hurt innocent by-standers.

Every member of law enforcement trained by law enforcement agencies are taught to deescalate situations and that chokeholds are banned. Those who disregard the ban, will and should be held to a higher standard. The Conservative Party fully supports the current ban on chokeholds, but this proposed new law is unnecessary.