



# Deterring Police Violence: How State Legislatures Engage in Banning Chokeholds

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## Overview

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On May 25, 2020, George Floyd was accused of buying cigarettes with a counterfeit 20-dollar bill and was pinned under three Minneapolis police officers for over eight minutes – due to Officer Chauvin’s knee being on George Floyd’s neck for an elongated period of time, he was unable to breathe and died. A national conversation has been sparked regarding the use of chokeholds and strangleholds by police officers across the United States.

Chokeholds and strangleholds are techniques used by police departments in order to detain civilians in an arrest situation, yet the varied ways in which these techniques are used can be lethal. Neck restraints are defined by the two categories mentioned, chokeholds and strangleholds. A chokehold restricts the airway when pressure is applied to the front of the neck, and a stranglehold restricts blood flow to the brain. While it is argued that there is a place for neck restraints in responsible policing if there is proper training and continued training regarding execution, neck restraints are used frequently – sometimes resulting in unconsciousness.

In Minneapolis, where George Floyd died, the police had used 237 neck restraints since 2015, and 44 persons became unconscious. In New York City, where there is an explicit rule in their handbook banning chokeholds, there has been hundreds of complaints annually regarding this technique. Police departments have, in the past, banned certain neck restraints, yet there is a [lack of enforcement](#) by the police departments and other types of restraints can be used.

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## Recently Enacted Chokehold Bans

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- **California**

Carotid holds, which involve putting pressure on the sides of a person's neck to restrict blood flow, have been banned in over a dozen law enforcement agencies in [CA](#).

Governor Newsom instructed the State police training program to stop the training in these types of neck restraints. Chokeholds are already banned in the State.

- **New York**

On June 8, 2020, the State of New York passed the [Eric Garner Anti-Chokehold Act](#). The bill criminalizes the use of chokeholds that result in injury or death. Police officers who injure or kill someone through a chokehold or similar restraint can be charged with a Class C felony.

- **City of Minneapolis**

On June 5, 2020, the City of Minneapolis banned chokeholds and neck restraints by all police officers. This ban also requires officers to stop any other officers that are using improper [force](#).

- **Denver, Dallas, Houston, and D.C.**

The City of [Denver](#), City of [Dallas](#), City of [Houston](#), and [Washington D.C.](#) all banned the use of chokeholds and techniques that restrict the airways of persons used by police officers in their respective cities and district.

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## National Push for Police Reform

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- Democrats in the **United States House of Representatives** have proposed legislation that includes sweeping **reforms of police departments** across the country.
- One of the [reforms](#) introduced in the proposed bill is a ban on chokehold restraints.

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## Challenges of Chokehold Bans

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- Although banning chokeholds has been adopted and passed in numerous cities, towns, and states across the United States, there is a continued issue of enforcement of this ban. New York City is an example of a city that has passed a chokehold ban in 1993, yet they have continued to use variations of neck restraints in recent [years](#).

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## Considerations for Delaware Legislators

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- [Delaware House Bill 350](#) was signed August 13, 2020, joining a movement in United States to ban the technique. Under the law, law enforcement officers will be charged with 'aggravated strangulation' if they use a chokehold, except to protect the life of a civilian or law-enforcement officer.
- The Office of the Attorney General released an [agenda](#) to address the racial impact of police activity. Modifications include independent review boards to investigate misconduct, reforming LEOBOR, and detailing what "use of force" entails.
- The Attorney General's agenda aligns with policies proposed nationally. These policies can be quick to implement by states and raise the accountability of an officer's actions. Vox published a balanced breakdown of the impacts [here](#).