



## Statement on HB 350 presented to the House Administration Committee on June 22, 2020

The League of Women Voters of Delaware strongly supports HB 350, the “chokehold” bill, and urges its speedy enactment.

HB 350 prohibits law enforcement officers from using "aggravated strangulation" -- i.e., "chokeholds" that are intended to restrict another's airway or prevent or restrict breathing or constrict the flow of blood by applying pressure or force to the carotid artery, jugular vein or side of the neck of another person except when acting in the official capacity of the law enforcement officer and only justifiable when that person reasonably believes that the use of deadly force is necessary to protect the life of a civilian or law enforcement officer. It makes aggravated strangulation at Class D felony except when the chokehold causes injury or death, in which case it is a Class C felony.

Excerpts from the March 5, 2019 *Police* magazine on **Unlocking the Confusion Around Chokeholds**<sup>1</sup>:

“In *Tennessee v. Garner* the U.S. Supreme Court held that under the Fourth Amendment, police officers need to have probable cause to believe there is an imminent threat of death or great bodily harm to the officer or someone else to justify the use of deadly force. As a result, I would recommend that this choke only be used against a deadly force assailant. A deadly force assailant can be defined as one whose actions are likely to cause death or great bodily harm to the officer or someone else....

“If you are going to use a chokehold, you need proper training and need to know if it is permitted by policy. Proper training includes recognizing unconsciousness, so that chokes are not applied any longer than necessary, especially the air choke. Further, it is vital that officers understand that certain members of the population are at higher risk of incurring injury or death as a result of a chokehold. Such individuals include those with cardiac disorders and younger people whose central nervous systems have not completely developed....

“Both the air choke and blood choke require initial and continued training, as it is vital that officers understand possible medical issues, necessary precautions, the anatomy of the neck, and proper application before attempting to perform such techniques....

“[R]eaders should seek appropriate training in order to practice such maneuvers in a safe environment, before attempting to use them in the field. Importantly, officers should follow their state laws and their departmental policies and procedures involving such techniques, and train as much as possible.”

Definitions of “aggravated strangulation” in HB 350 are clear. Chokeholds should not be used except in extreme cases described in the bill and should be classified as a felony in any other situation.

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<sup>1</sup> By Dr. Michael Schlosser, Ph.D., director of the University of Illinois Police Training Institute, and the Institute's lead control and arrest tactics instructor. He retired from the Rantoul (IL) Police Department as a lieutenant.