

# Knee on head restraint reasonable according to the D.A.

The Bethlehem Gadfly George Floyd killing, Police July 18, 2020

 *Latest in a series of posts responding to the George Floyd killing* 

*from Manuel Gamiz, Jr., “DA: Allentown police officers were justified in takedown. Protesters: ‘We do not accept it’.” Morning Call, July 17, 2020.*

An Allentown police officer who restrained a man on the ground last weekend by pressing his knee against the man’s head did nothing wrong, said Lehigh County District Attorney Jim Martin on Friday, finding that the force used was not excessive. Martin said in a news release that he found the takedown by two Allentown officers “reasonable.” “I have concluded that there is absolutely no evidence to support filing criminal charges against either of the Allentown police officers involved in this incident,” Martin said.

Black Lives Matter Lehigh Valley responded immediately in a Facebook video, with Justan Parker, one of the founders, saying, “This is not OK. This is not right. We’re going to continue speaking about this.” Parker said the investigation should have been conducted by an outside agency and promised to mobilize the community in response. About an hour later, the Lehigh Valley Coalition of Equity, a patchwork of representatives from Black Lives Matter Lehigh Valley and other organizations, held a press conference at the Lehigh County Courthouse in Allentown. “We do not accept it,” Parker said at the press conference with fellow protesters holding signs behind him.

Parker said the coalition demands an external investigation headed by the state attorney general’s office, the release of the names of the officers involved in the July 11 incident, and the officers’ suspensions pending the external investigation’s outcome. “We’re also demanding the officers’ body cam footage be released, as video footage from St. Luke’s Hospital

has not been sufficient,” Parker said. “This goes along with our other demands of defunding the police and reallocating those funds back into the community. “The use-of-force police [recently] made public has already been violated with regard to the neck restraint and officers not intervening,” he said. “We will continue to push and fight for this until our demands are met.”

Bystander Glendon Hall of Allentown gave his take after watching the press conference. “It’s a very precarious situation,” Hall said. “The police are under extreme stress. The measure of force used was excessive, obviously, and folks have every right to protest, but police work long hours and are under even more pressure now than they were just 10 years ago. We have to find a way to come together and heal.”

The Congressional Black Caucus on Friday also called for “a full independent investigation” into the Allentown arrest, and for the officers involved to be “punished to the fullest extent of the law for the use of the banned chokehold.”

“I am satisfied that given Mr. Borrero’s obvious intoxication and his actions, he was clearly a danger to himself and potentially to others,” Martin said. “He was clearly agitated and noncompliant, and in order to gain control of him so that he was no longer a danger, and could be medically treated, it was necessary for the officers to restrain him. That restraint was reasonable.” Martin said the Allentown officer only briefly put his knee on Borrero’s head, and noted that it was not placed on his neck. “The officer’s knee remained in that position for about eight seconds and was removed as soon as he was handcuffed,” he said.

On Friday, after Martin announced his decision, POWER Lehigh Valley posted on its Facebook page, “Every. Word. of Jim Martin’s statement is an outrage.”

Martin said he would not be complying with demands to release the officer’s name, saying it would be “improper” to identify a person who

was under investigation but not criminally charged. The criminal complaint says Borrero was vomiting, yelling “in an aggressive grunting style” and lobbing obscenities at emergency room staff, five of whom were interviewed by Martin’s office. In his report, Martin noted that Borrero stumbled into the street, where at least one car swerved to avoid hitting him, and that police intervened to get him into the hospital. “Under these circumstances, police officers have a duty to intervene pursuant to the community care-taking doctrine to provide aid to an individual who is in distress,” Martin said.