

# Knee to head brief emergency immobilization according to 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 Bo Koltnow, “DA: No evidence to support charging Allentown police officers in restraint of man.” 69News, July 17, 2020.*

After observing these actions both officers concluded that Borrero was in distress and in need of medical attention and a danger to himself and possibly others, Martin said. They also concluded that he was likely under the influence of alcohol or drugs. Under these circumstances, police officers have a duty to intervene to provide aid to somebody who is in distress, Martin said.

Mr. Borrero began pointing aggressively toward a St. Luke’s security officer who was walking toward him with a vomit bag, Martin said. The officers concluded that his actions were aggressive and they determined that they needed to detain him for his own safety as well as for the safety of themselves and others, including medical personnel. They intended to place him into detention so that he could be taken into the hospital, Martin said.

One of the officers, based upon his training, approached Borrero from behind and slightly to his left, in an effort to handcuff him, Martin said. The officer was able to place a handcuff onto Borrero’s left wrist while both of his hands were clenched against his head. The other officer tried to take control of Borrero’s right hand and arm and to bring the left handcuffed wrist to his back in order to place both wrists into handcuffs, Martin said.

Borrero resisted the attempt, began lurching forward and tried to pull away from the officers, Martin said. In order to gain control, one officer

took Borrero to the ground. While on the ground, Borrero continued to resist and during this time was yelling and spitting, Martin said.

An officer then moved his knee to Borrero's head in order to place him into emergency immobilization so as to safely, efficiently and effectively keep him from moving his body to avoid being handcuffed and placed into custody, Martin said. The officer moved his knee to Borrero's head, not his neck, Martin said. After that, the officer immediately removed his knee from Borrero's head, but, very briefly, had to put it back on his head again, while Borrero was spitting at the officers, Martin said.

At the officers' request hospital personnel provided and placed a breathable spit shield on Borrero. Both officers then attempted to calm him and assure him that they were attempting to help him, Martin said. He was speaking incoherently but appeared less agitated, according to the news release.

He was placed into the "recovery position," and one officer conducted a search of Borrero, during which an uncapped hypodermic needle was found in his right cargo short's pocket, Martin said. Although Borrero continued to yell, he was no longer resisting or spitting, and based upon his compliance, he was then helped to his feet, and walked by the two officers into the Emergency Room, according to the release.

Martin said any determinations on whether the officers should be disciplined, suspended, or fired from their positions are internal personnel matters of the Allentown Police Department. However, he said that based on the evidence he sees no basis for such actions.

Allentown Police Department Police Chief Glenn Granitz Jr., in a statement Friday, said he reviewed Martin's decision. He said the police department's internal review by the Office of Professional Standards, as well as the department's use of force review process has determined, along with Martin's findings, that there is no basis for any discipline of the officers involved.

In the statement, Granitz said that at no time during the incident did either officer place their knee on Borrero's neck, and that there was never a point when a chokehold was applied. A review of video evidence and the interviews with witnesses corroborates this, Granitz said.

"The men and women of the Allentown Police Department remain committed to protecting the public and we take that responsibility seriously," Granitz said in the statement.

"I pledge to continue to work closely with community stakeholders and members of our department to ensure the safety and quality of life of the residents of the City of Allentown."

Allentown Mayor Ray O'Connell also released a statement following District Attorney Martin's findings. "I thank District Attorney Martin and APD's Office of Professional Standards and Use of Force Review team for their respective inquiries into the incident outside St. Luke's Sacred Heart. Public safety is my top priority," O'Connell said. "That reaches its highest level when there is trust between the police department and the residents. As mayor of the city, I am committed to strengthening the relationship between the department and the community. I take my oath of office seriously. I remain committed to the protection of the public and to improving the lives of all our citizens."