

Eric garner incident

[Science](#), [Social Science](#)



Eric Garner Incident The incident happened on 17th July in Tompkinsville neighborhood of n Island, New York. Eric Garner died after he was chokehold by a police officer by the name Pantaleo. Garner was first approached by officer Damico on being suspected of selling single cigarettes that had no tax stamps. Garner expressed himself to the police that he was not happy of being harassed and that he was not selling cigarettes. The officers moved to arrest him, and it is then that Pantaleo put his arm around Garner’s neck and pulled him backwards to the ground. The other officers did not offer help as they watched him die. It is evident through a video at the event that he expressed that he could not breathe. This paper discusses what federal law the NYPD officer violated and charges that Department of Justice might bring against him.

It is apparent that the NYPD officer violated federal law that covers police misconduct. The federal prosecutors will tend to pursue criminal, civil rights charges to prove that Pantaleo violated Section 1983. The existence of the recording makes it easier to prosecute. This is because misconduct is proven easily when it entails physical force instead of shooting. The amount of pressure used by Pantaleo must be proved, but it might be easy since chokehold is banned under NYPD policy. Also, the race element in civil rights violation be considered but it can be tricky to prove it (Donnelly, par 1-3). After Pantaleo was cleared of civil rights violation charges, he still faces a civil lawsuit. It is apparent that in October, the Garner’s relatives filed a lawsuit against the NYPD and six individual officers accusing them of wrongful death, intentional infliction of emotional distress and assault. The family claimed that Pantaleo negligently placed Eric Garner in a chokehold

that is banned from being used by the NYPD. They also identified that the officers involved failed to properly report the use of the chokehold maneuver to the seniors to create a cover up (Lu, par 5).

There are several penalties that might be imposed to Pantaleo if he is found guilty. One is that he could be reprimanded. As at this time, he is subjected to an internal affairs investigation within the NYPD. Pantaleo is currently on desk duty where he has been limited to access his gun. If he is found guilty for using excessive force, the NYPD advocate office will determine the level of punishment. The officer may face a disciplinary action or get terminated as a police officer. It is evident that his fate lies with the Bill; Bratton who is the NYPD commissioner (Hays & Long, par 5).

In conclusion, it is evident that the chokehold by Pantaleo caused the death of Garner in Staten Island, New York. The NYPD officer violated federal law that covers police misconduct section 1986. It is evident that chokehold is banned under NYPD policy, and it may be proven due to the availability of the video of the scene. The officer also faces a civil lawsuit where Garner's family filed against the NYPD and six individual officers accusing them of wrongful death, battery, intentional infliction of emotional distress and assault. If the Pantaleo is found guilty, he may face disciplinary action, and he can also be terminated from his job.

Work Cited

Donnelly, F. Federal investigation moving forward, but will there be criminal civil rights charges in Eric Garner case? Silive. 3rd Dec, 2014. Web. Retrieved on 17th Dec, 2014: http://www.silive.com/news/index.ssf/2014/12/legal_experts_divided_over_whe.html

<https://assignbuster.com/eric-garner-incident/>

Hays, T & Long, Colleen. NYC police investigating chokehold case.

Globalnews. 12th Dec, 2014. Web. Retrieved on 17th Dec, 2014:

<http://globalnews.ca/news/1724563/nyc-police-investigating-chokehold-case/>

Lu, A. What Will Happen To Daniel Pantaleo Now? Jail Time, Disciplinary Action-Or Nothing At All. Bustle. 5th Dec, 2014. web. Retrieved on 17th Dec, 2014: <http://www.bustle.com/articles/52261-what-will-happen-to-daniel-pantaleo-now-jail-time-disciplinary-action-or-nothing-at-all>