

# Death of Eric Garner

On July 17, 2014, **Eric Garner** died in **Staten Island, New York City**, after a **New York City Police Department (NYPD)** officer put him in what has been described as a chokehold for about 15 to 19 seconds while arresting him. The **New York City Medical Examiner's Office** attributed Garner's death to a combination of a chokehold, compression of his chest, and poor health. NYPD policy prohibits the use of chokeholds, and the **Patrolmen's Benevolent Association (PBA)**, a NYPD police union, said that the officer did not use a chokehold.

NYPD officers approached Garner on suspicion of selling "loosies" (single cigarettes) from packs without tax stamps. After Garner told the police that he was tired of being harassed and that he was not selling cigarettes, the officers went to arrest Garner. When officer Daniel Pantaleo took Garner's wrist behind his back, Garner swatted his arms away. Pantaleo then put his arm around Garner's neck and pulled him backwards and down onto the ground. After Pantaleo removed his arm from Garner's neck, he pushed Garner's face into the ground while four officers moved to restrain Garner, who repeated "I can't breathe" eleven times while lying facedown on the sidewalk. After Garner lost consciousness, officers turned him onto his side to ease his breathing. Garner remained lying on the sidewalk for seven minutes while the officers waited for an ambulance to arrive. The officers and EMTs did not perform CPR on Garner at the scene; according to a spokesman for the PBA, this was because they believed that Garner was breathing and that it would be improper to perform CPR on someone who was still breathing. He was pronounced dead at the hospital approximately one hour later.

The medical examiner concluded that Garner was killed by "compression of neck (choke hold), compression of chest and prone positioning during physical restraint by police." No damage to Garner's windpipe or neck bones was found. The medical examiner ruled Garner's death a **homicide**. According to the medical examiner's definition, a homicide is a death caused by the intentional actions of another person or persons, which is not necessarily an intentional death or a criminal death.

On December 3, 2014, the **Richmond County grand jury** decided not to indict Pantaleo. On that day, the **United States Department of Justice** announced it would conduct an independent investigation. The event stirred public protests and rallies, with charges of **police brutality** made by protesters. By December 28, 2014, at least 50 demonstrations had been held nationwide specifically for Garner while hundreds of demonstrations against general police

brutality counted Garner as a focal point. On July 13, 2015, an **out-of-court settlement** was announced in which the City of New York would pay the Garner family \$5.9 million.

## 1 Background

### 1.1 Eric Garner



*Garner's Facebook profile photo*

Eric Garner (September 15, 1970 – July 17, 2014) was a 6 ft 3 in (1.91 m) tall, 350-pound (160 kg), 43-year-old African American man.<sup>[1][2]</sup> He had been a horticulturist at the **New York City Department of Parks and Recreation**, but quit for health reasons.<sup>[3]</sup> Garner, who was married to Esaw Garner,<sup>[4]</sup> had been described by his friends as a "neighborhood peacemaker" and as a generous, congenial person.<sup>[5]</sup> He was the father of six children and three grandchildren;<sup>[6]</sup> and at the time of his death had a 3-month-old child.<sup>[7]</sup>

Garner had been arrested by the NYPD thirty times since 1980 on charges such as assault, resisting arrest, and grand larceny. An official said he had been arrested mul-

multiple times for allegedly selling unlicensed cigarettes.<sup>[8]</sup> In 2007, he filed a handwritten complaint<sup>[9]</sup> in federal court accusing a police officer of conducting a cavity search of him on the street, “digging his fingers in my rectum in the middle of the street” while people passed by.<sup>[6]</sup> Garner had, according to *The New York Times*, “recently ... told lawyers at Legal Aid that he intended to take all the cases against him to trial”.<sup>[6]</sup> At the time of the incident, he was out on bail for selling untaxed cigarettes, driving without a license, marijuana possession, and false impersonation.<sup>[10]</sup>

## 1.2 Daniel Pantaleo

Daniel Pantaleo<sup>[11]</sup> is a New York City Police Department officer who was, at the time of Garner’s death, age 29 and living in Eltingville, Staten Island.<sup>[12]</sup> His father was a New York City Fire Department firefighter, and his uncle was an NYPD officer. He graduated from Monsignor Farrell High School and received a bachelor’s degree from the College of Staten Island. He joined the NYPD in 2006.<sup>[13]</sup> Pantaleo was the subject of two civil rights lawsuits in 2013 where plaintiffs accused him of falsely arresting them and abusing them. In one of the cases, he and other officers allegedly ordered two black men to strip naked on the street for a search and the charges against the men were dismissed.<sup>[14][15][16][17]</sup>

## 2 Death

On July 17, 2014, at approximately 3:30 p.m., Garner was approached by a plainclothes police officer, Justin Damico, in front of a beauty supply store at 202 Bay Street in Tompkinsville, Staten Island. According to bystanders, including Ramsey Orta, a friend of Garner’s who recorded the incident on his cell phone,<sup>[19][20]</sup> Garner had just broken up a fight, which may have drawn the attention of the police,<sup>[21]</sup> although Garner may also have been selling “loosies”—singular cigarettes—in violation of New York state law.<sup>[22]</sup> Garner is heard on the video saying, “Get away [garbled] for what? Every time you see me, you want to mess with me. I’m tired of it. It stops today. Why would you...? Everyone standing here will tell you I didn’t do nothing. I did not sell nothing. Because every time you see me, you want to harass me. You want to stop me [garbled] selling cigarettes. I’m minding my business, officer, I’m minding my business. Please just leave me alone. I told you the last time, please just leave me alone.”<sup>[23]</sup>

When Pantaleo approached Garner from behind and attempted to handcuff him, Garner swatted his arms away, saying “Don’t touch me, please.”<sup>[24]</sup> Pantaleo then put Garner in a chokehold—which is illegal under NYPD regulations—from behind.<sup>[25]</sup> Pantaleo then pulled Garner backward in an attempt to bring him to

the ground,<sup>[26][26]</sup> in the process, Pantaleo and Garner slammed into a glass window, which did not break.<sup>[3]</sup> As Garner was being brought to the ground, other uniformed officers surrounded him, and Garner went to his knees and forearms and did not say anything for a few minutes. At that point, three uniformed officers and the two plainclothes officers had surrounded him.<sup>[3]</sup> After 15 seconds,<sup>[27]</sup> the video showed Pantaleo had removed his arm from around Garner’s neck; Pantaleo then used his hands to push Garner’s face<sup>[26]</sup> into the sidewalk.<sup>[28]</sup> Garner is heard saying “I can’t breathe” eleven times while lying facedown on the sidewalk.<sup>[29]</sup> The arrest was supervised by a female African American NYPD sergeant, Kizzy Adoni, who did not intercede.<sup>[30]</sup> Adoni was quoted in the original police report as stating, “The perpetrator’s condition did not seem serious and he did not appear to get worse.”<sup>[31]</sup>

Garner lay motionless, handcuffed, and unresponsive for several minutes before an ambulance arrived, as shown in a second video.<sup>[32][33]</sup> After Garner lost consciousness, officers turned him onto his side to ease his breathing.<sup>[34]</sup> Garner remained lying on the sidewalk for seven minutes while the officers waited for an ambulance to arrive.<sup>[35]</sup> Other than one officer who told the then-unconscious Garner to “breathe in, breathe out”, the police made no attempt to resuscitate Garner.<sup>[35]</sup> The police defended their decision to not perform CPR on Garner because they stated that he was still breathing and that it would have been improper to do CPR on someone who was breathing on his own.<sup>[36][37][38]</sup> When an ambulance arrived on scene, two medics and two EMTs inside the ambulance did not administer any emergency medical aid<sup>[39]</sup> or promptly place him on a stretcher.<sup>[39]</sup> According to police, Garner had a heart attack while being transported to Richmond University Medical Center.<sup>[40]</sup> He was pronounced dead at the hospital one hour later.<sup>[41]</sup>

A funeral was held for Garner on July 23, 2014, at Bethel Baptist Church in Brooklyn. At the funeral, Al Sharpton gave a speech calling for harsher punitive measures to be taken against the officers responsible for the incident.<sup>[42]</sup>

## 3 Immediate aftermath

### 3.1 Investigation

On July 20, the officer who grabbed Garner by the neck, Daniel Pantaleo,<sup>[28]</sup> was put on desk duty and stripped of his service handgun and badge.<sup>[43]</sup> Officer Justin Damico was allowed to keep his badge and handgun but was also placed on desk duty.<sup>[44]</sup> Four of the EMTs and paramedics that took Garner to the hospital were suspended on July 21,<sup>[28]</sup> The two paramedics were soon returned to their duties, and the remaining two EMTs were doing non-medical work at the hospital pending the Richmond University Medical Center’s own investigation into the incident.<sup>[45][46]</sup>

Three weeks after recording his friend’s arrest on his cell phone, Ramsey Orta was arrested on weapons charges.<sup>[19]</sup> Al Sharpton made a statement that prosecuting Orta while also calling him as a witness could constitute a **conflict of interest**.<sup>[19]</sup> After prosecutors questioned whether the money raised for his bail was crowd-sourced legally, Orta was released from jail on bail on April 10, 2015.<sup>[47][48]</sup>

On August 1, Garner’s death was found by the **New York City Medical Examiner’s Office** to be a result of “compression of neck (chokehold), compression of chest and prone positioning during physical restraint by police.”<sup>[49][50][51]</sup> Asthma, heart disease, and obesity were cited as contributing factors.<sup>[52]</sup> There was no damage to the windpipe or neckbones.<sup>[53]</sup> The medical examiner ruled Garner’s death a **homicide**. According to the medical examiner’s definition, a homicide is a death caused by the intentional actions of another person or persons, which is not necessarily an intentional death or a criminal death.<sup>[54]</sup>

That day, the medical examiner’s spokesperson, Julie Bolcer, announced that Garner’s death had been ruled a homicide via chokehold.<sup>[55]</sup> However, the **Patrolmen’s Benevolent Association** stated that no chokehold had been used.<sup>[56]</sup>

### 3.2 First wave of protests

Al Sharpton organized a protest in Staten Island on the afternoon of July 19, and condemned the police’s use of the chokehold on Garner, saying that “there is no justification” for it.<sup>[57]</sup>

On July 29, a protest organized by WalkRunFly Productions and poet Daniel J. Watts was held in Times Square. The protest was in the form of poetry and many Broadway entertainers participated in the event.<sup>[58]</sup> Al Sharpton originally planned to lead a protest on August 23 in which participants would drive over the Verrazano–Narrows Bridge, then travel to the site of the altercation and the office of District Attorney Daniel M. Donovan, Jr.<sup>[59]</sup> This idea was scrapped in favor of Sharpton leading a march along Bay Street in Staten Island, where Garner died; police estimated that over 2,500 people participated in the march.<sup>[60][61]</sup>

## 4 Grand jury

### 4.1 Deliberation and verdict

On August 19, Richmond County (Staten Island) District Attorney Daniel M. Donovan, Jr. announced that the case against Pantaleo would go to a grand jury, saying that after considering the medical examiner’s findings, his office decided “it is appropriate to present evidence regarding circumstances of his death to a Richmond County Grand

Jury.”<sup>[62]</sup> On September 29, the grand jury began hearing evidence in the Garner case.<sup>[62]</sup> On November 21, Pantaleo testified before the grand jury for about two hours.<sup>[62]</sup> After having the case for two months, the grand jury decided on December 3 not to indict Pantaleo.<sup>[62][63]</sup>

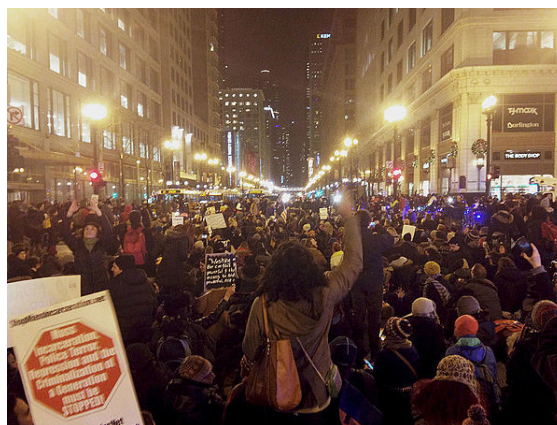
Under New York law, most of the grand jury proceedings were kept secret, including the exact charges sought by the prosecutor, the autopsy report, and transcripts of testimony. Attempts by the **New York Civil Liberties Union** and others to gain release of that information have been unsuccessful.<sup>[64]</sup>

## 4.2 Reaction

### 4.2.1 Public



*Al Sharpton and Garner’s widow, Esaw Garner (right), at a protest in Staten Island on July 19, 2014*



*Chicago protesters protesting the Staten Island grand jury’s decision, December 4, 2014*

After the Staten Island grand jury did not indict Pantaleo on December 3, citizens in New York City and San Francisco gathered in protest, demonstrating with several die-ins,<sup>[65][66]</sup> making speeches<sup>[67]</sup> and rallies against the indictment.<sup>[32]</sup> On December 5, thousands gathered in protest on the **Boston Common** in Boston, and then

marched in the downtown area, blocking traffic, especially on I-90, in addition to staging “die-ins.”<sup>[68]</sup> Protests also occurred in Chicago, Washington, D.C., Baltimore, Minneapolis, and Atlanta.<sup>[69][70]</sup> At least 300 people were arrested at the New York City protests on December 4 and 5, most of them for charges of disorderly conduct or refusal to clear the streets, but two for assault on a police officer.<sup>[71][72]</sup> On December 6, 300 protesters marched in Berkeley, California as well.<sup>[73][74]</sup> On December 10, 76 protesters were arrested at Westfield shopping centre in Shepherd’s Bush in west London, England, during a rally to show solidarity with rallies in the United States.<sup>[75]</sup> Protesters have made use of Garner’s last words, “I can’t breathe”, as a slogan and chant against police brutality since Garner’s death and Officer Pantaleo’s grand jury decision.<sup>[76][77]</sup> By December 28, at least 50 protests in support of Garner had occurred globally, and many other Black Lives Matter-related demonstrations had occurred.<sup>[78]</sup>

Counter-protests were also launched in support of police, specifically for the NYPD. On December 19, during a New York City protest about the grand jury decision, supporters of the NYPD held a counter-demonstration, wearing shirts with the phrase, “I can breathe, thanks to the NYPD”, on them, holding signs with phrases like “Blue-livesmatter”, and chanting, “Don’t resist arrest.”<sup>[79][80]</sup>

On December 20, two NYPD officers were killed in an ambush in Bedford–Stuyvesant, Brooklyn. The suspected gunman, Ismaaiyl Brinsley, “declared his intention on his Instagram account to kill police officers as retribution for the recent police killings of Michael Brown and Eric Garner”.<sup>[81]</sup> The suspect, who has a long criminal record, then entered the New York City Subway and committed suicide.<sup>[82][83][84]</sup>

Garner’s death has been cited as one of several police killings of African Americans protested by the Black Lives Matter movement.<sup>[85][86][87][88]</sup>

#### 4.2.2 Police

As a result of Garner’s death, Police Commissioner William Bratton ordered an extensive review of the NYPD’s training procedures, specifically focusing on the appropriate amount of force that can be used while detaining a suspect.<sup>[89]</sup> An unnamed NYPD official quoted in the *New York Post* said that the \$35 million retraining efforts were ineffective and a “waste of time.”<sup>[90]</sup> Patrick Lynch, leader of the police union Patrolmen’s Benevolent Association, challenged the claim that a chokehold was used, further stating that the union would be able to find many use-of-force experts who would also challenge the claim that a chokehold was used.<sup>[91]</sup> Lynch also attributed Garner’s death to resisting arrest and, “a lack of the respect for law enforcement, resulting from the slanderous, insulting, and unjust manner in which police officers are being portrayed.”<sup>[92][93]</sup> Edward D. Mullins, the

head of the union representing police sergeants, called on members not to slow down police response across the city by supervising every arrest. He also commented saying that the use of the term “chokehold” by the chief medical examiner’s office was political.<sup>[91]</sup> Police union officials and Pantaleo’s lawyer argued that Pantaleo did not use the chokehold, but instead used a NYPD-taught take-down move because Garner was resisting arrest.<sup>[94]</sup>

An Indiana police officer sold T-shirts saying “Breathe Easy. Don’t Break the Law.”<sup>[95]</sup> A veteran San Jose Police Officer, Phillip White, tweeted: “Threaten me or my family and I will use my God given and law appointed right and duty to kill you. #CopsLivesMatter”, which sparked controversy.<sup>[96]</sup>

#### 4.2.3 Family

In an interview with CNN, Garner’s daughter Erica felt that it was pride and not racism that led to the officer choking her father. She continued: “It was about the officer’s pride. It was about my father being 6’4” and 350 pounds and he wants to be the top cop that brings a man down.”<sup>[97]</sup>

Erica held a vigil and “die-in” on December 11, 2014, on Staten Island in memory of her father, near where he died.<sup>[98]</sup> On her Twitter account, she vowed to continue to lead protests in Staten Island twice a week, lying down in the spot where her father collapsed and died.<sup>[99][100]</sup>

One of Garner’s daughters, Emerald Snipes, created a fund for his kids for Christmas as Garner used to play Santa Claus.<sup>[101]</sup> Garner’s daughters Erica and Emerald, his widow Esaw, and his stepfather Ben Carr all went to the Justice for All March in Washington, D.C.<sup>[102]</sup>

After the announcement of the grand jury decision, when asked whether she accepted Pantaleo’s condolences, Garner’s widow said, “The time for remorse would have been when my husband was yelling to breathe.” She added, “No, I don’t accept his apology. No, I could care less about his condolences ... He’s still working. He’s still getting a paycheck. He’s still feeding his kids, when my husband is six feet under and I’m looking for a way to feed my kids now.”<sup>[103]</sup>

Garner’s mother, Gwenn Carr, expressed surprise and disappointment with the grand jury decision.<sup>[103][104]</sup>

#### 4.2.4 Politicians

New York City Mayor Bill de Blasio called Garner’s death a “terrible tragedy.”<sup>[105]</sup> De Blasio, at a July 31 roundtable meeting in response to the death, convened with police officers and political activists, called upon mutual respect and understanding. On August 1, in a statement, the mayor urged all parties involved to create a dialogue, and find a path “to heal the wounds from decades of mistrust and create a culture where the police department and

the communities they protect respect each other.”<sup>[106][107]</sup> New York Governor Andrew Cuomo said that New York State should consider appointing a special prosecutor to handle cases of alleged police brutality. He told CNN: “We have a problem. Let’s acknowledge it.”<sup>[108]</sup>

U.S. Attorney General Eric Holder said that the Department of Justice was “closely monitoring” investigations into Garner’s death.<sup>[109]</sup>

Two U.S. Presidents have expressed thoughts about Garner’s death. Barack Obama addressed the grand jury’s decision by making a speech, stating that Garner’s death and the legal outcome of it is an “American problem.”<sup>[110]</sup> Obama also reacted by saying that Mr. Garner’s death “speaks to the larger issues” of trust between police and civilians.<sup>[111]</sup> Former U.S. President George W. Bush said he found the verdict “hard to understand” and “very sad” in an interview.<sup>[112]</sup>

Rep. Peter King (R-NY) stated that, if Garner had been healthier, he would not have died after a police officer placed him in a chokehold. “If he had not had asthma, and a heart condition, and was so obese, almost definitely he would not have died from this.” King added that there “was not a hint” that anyone used any racial epithets, and that if Garner were a “350-pound white guy, he would have been treated the same.”<sup>[113]</sup>

#### 4.2.5 Celebrities

Shady Records recording artist Kxng Crooked fka Crooked I of Slaughterhouse recorded a tribute song for Garner. Titled “I Can’t Breathe”, the song was first released exclusively through MTV News.<sup>[114]</sup> Crooked used the same instrumental that was used for 2Pac’s “Pain”, with additional production added by Jonathan Hay.<sup>[115]</sup> The cover art for the single was created by Shalé and it features an image of Garner being held in a chokehold by law enforcement officials.<sup>[116]</sup>

After the grand jury declined to indict Pantaleo, professional athletes such as NFL players Reggie Bush, Ryan Davis, Cecil Shorts III, Marqise Lee, Ace Sanders, and Allen Hurns,<sup>[117]</sup> and NBA players LeBron James, Kobe Bryant and the Los Angeles Lakers, Kyrie Irving, Kevin Garnett, Derrick Rose, Jarrett Jack, and Deron Williams, wore T-shirts bearing the phrase “I can’t breathe” during pregame warmups.<sup>[118][119][120]</sup> The Phoenix Suns also wore the shirts.<sup>[121]</sup> President Obama and attorney general Holder applauded James for wearing the shirt.<sup>[122][123]</sup>

The Georgetown University men’s basketball team wore “I can’t breathe” shirts,<sup>[124]</sup> as well as the Notre Dame Women’s Basketball team.<sup>[125]</sup>

## 5 After the grand jury

On December 3, 2014, after the grand jury decided not to indict Pantaleo, the United States Department of Justice announced it would conduct an independent investigation.<sup>[3][126][126][127]</sup> In January 2015 it was reported that the Federal Bureau of Investigation’s New York Field Office was reviewing the incident and events thereafter.<sup>[128]</sup>

In October 2014, Garner’s family announced their intention to file a wrongful death lawsuit against the City of New York, the police department, and several police officers, seeking \$75 million in damages.<sup>[129]</sup> The parties announced a \$5.9-million out-of-court settlement on July 13, 2015.<sup>[130][131]</sup> Garner’s widow earlier rejected a \$5-million settlement offer.<sup>[132]</sup>

## 6 See also

- Black Lives Matter
- Hands up, don't shoot
- List of killings by law enforcement officers in the United States, July 2014
- New York City Police Department corruption and misconduct
- Shooting of Andy Lopez
- Shooting of Jeremy McDole
- Death of Sandra Bland
- Death of Jonathan Sanders

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