

House Judiciary

04/02/2024 Upon Adjournment

HB24-1372 Regulating Law Enforcement Use of Prone Restraint

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Lauren Snyder For Mental Health Colorado	<p>My name is Lauren Snyder – representing Mental Health Colorado. Our organization is in support of HB-1372 and the drafted strike below amendment.</p> <p>The literature is clear that prone restraint when used inappropriately is dangerous and deadly. We believe this bill will provide better guidance and regulations around the use of this restraint method that has claimed many people’s lives.</p> <p>Mental Health Colorado is particularly concerned with the disproportionate use of prone restraint on people in a mental health and/or substance use crisis and how certain substances or mental illnesses can lead to someone being at higher risk for dying by positional asphyxia.</p> <p>According to a variety of research studies, someone who is under the influence of drugs and/or alcohol, in particular cocaine and methamphetamine intoxication or cocaine/meth-induced psychosis as well as people experiencing mania are at higher risk of death.</p> <p>Individuals under the influence of drugs or alcohol or individuals experiencing mania or psychosis may be unable to “calm” down while in a prone restraint and so heavy breathing, shouting, and physical confrontation may lead to the body’s greater demand for oxygen. This continued struggle even after being taken out of a prone restraint continues demands on the heart and furthers oxygen demands.</p> <p>We believe having proper training and policies around the use of prone restraint and particular risk factors – some someone in a mental health or substance use crises - will save lives.</p>

	<p>We ask for your support.</p> <p>Lauren Snyder</p> <p>Mental Health Colorado.</p>
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Dear Members of the Committee,

I am writing in support of HB24-1372, Regulating Law Enforcement Use of Prone Restraint.

I am a student attorney at the University of Denver Sturm College of Law Civil Rights Clinic, work that has afforded me the opportunity to meet incarcerated persons and others who have had negative—sometimes fatal—encounters with the criminal legal system throughout Colorado and nationally. However, I write today as a private citizen who happens to be a member of Colorado’s disabled community.

Prone restraint techniques present a particular danger of causing a person subject to one to enter cardiac arrest. As early as June of 1995, the U.S. Department of Justice circulated a bulletin on the dangers of positional asphyxia and recommending that “the use of maximal, prone restraint techniques should be avoided¹.” Reliable studies before the bulletin and in the near three decades since have echoed these findings².

The danger of positional asphyxiation is especially acute for people with disabilities who have contact with law enforcement. A 2016 study by the Ruderman Foundation estimated that between one third and one half of the people killed by law enforcement are individuals with disabilities³. When a disabled person comes into contact with law enforcement, structural and interpersonal ableism increases the likelihood that that the encounter will result in violence⁴. Furthermore, the risk factors associated with positional asphyxiation include underlying organic disease—i.e., a disease that affects the body and its systems—and chronic injury or paralysis⁵,

¹ Nat’l Inst. of Just., *Positional Asphyxia—Sudden Death*, NAT’L L. ENF’T TECH. CNTR. BULL., June 1995 at 3.

² See generally Victor Weedn et al., PRONE RESTRAINT CARDIAC ARREST IN IN-CUSTODY AND ARREST RELATED DEATHS, 67 J. OF FORENSIC SCI. 1899-1914 (July 22, 2022) (postulating that “atraumatic deaths during police restraint” occur as the result of Prone Restraint Cardiac Arrest); DISABILITY RIGHTS CALIFORNIA [d/b/a PROTECTION & ADVOCACY, INC.], THE LETHAL HAZARD OF PRONE RESTRAINT: POSITIONAL ASPHYXIATION (April 2002 Publication #7018.01) (reporting on deaths that occurred as a result of positional asphyxiation in the psychiatric and medical contexts); Michael Bell et al., POSITIONAL ASPHYXIATION IN ADULTS: A SERIES OF 30 CASES FROM THE DADE AND BROWARD COUNTY FLORIDA MEDICAL EXAMINER OFFICES FROM 1982 TO 1990, 13 THE AM. J. OF FORENSIC MED. & PATHOLOGY 101-107 (June 2022) (finding signs of mechanical asphyxiation in ninety-three percent of the deaths examined).

³ DAVID M. PERRY AND LAWRENCE CARTER-LONG, THE RUDERMAN WHITE PAPER ON MEDIA COVERAGE OF LAW ENFORCEMENT USE OF FORCE AND DISABILITY 7 (Ruderman Family Foundation March 2016).

⁴ Euree Kim, *More Trainings Are Not The Answer to Police Violence Against Disabled People*, TRUTHOUT, Feb. 4, 2020. (“Historically, in the U.S., people who were labeled as deviant, unproductive, dangerous, unworthy and unfit were killed by the police force or arrested and incarcerated in large, segregated institutions.”)

⁵ Roger W. Byard et al., *Conditions and Circumstances Predisposing to Death from Positional Asphyxia in Adults*, 15 J. OF FORENSIC & LEGAL MED. 415, 416 (2008).

which are “physical or mental impairment[s] that substantially limit[] one or more major life activities⁶” and therefore, by statutory definition, disabilities.

In short, prone restraint techniques are disproportionately deadly to Coloradans with disabilities, and banning their use will mean that more disabled Coloradans will live to return home to their loved ones after encounters with law enforcement. For the above reasons, I passionately urge you to submit HB24-1372 to the general assembly.

Sincerely,
Casey Dinaro

⁶ Americans with Disabilities Act, 42 U.S.C. § 12102(1)(A).