



**Board of Commissioners of Cook County
Criminal Justice Committee**

Tuesday, March 10, 2015

12:15 PM

**Cook County Building, Board Room, 118
North Clark Street, Chicago, Illinois**

NOTICE AND AGENDA

There will be a meeting of the Committee or Subcommittee of the Board of Commissioners of Cook County at the date, time and location listed above to consider the following:

PUBLIC TESTIMONY

Authorization as a public speaker shall only be granted to those individuals who have submitted in writing, their name, address, subject matter, and organization (if any) to the Secretary 24 hours in advance of the meeting. Duly authorized public speakers shall be called upon to deliver testimony at a time specified in the meeting agenda. Authorized public speakers who are not present during the specified time for public testimony will forfeit their allotted time to speak at the meeting. Public testimony must be germane to a specific item(s) on the meeting agenda, and the testimony must not exceed three minutes; the Secretary will keep track of the time and advise when the time for public testimony has expired. Persons authorized to provide public testimony shall not use vulgar, abusive, or otherwise inappropriate language when addressing the Board; failure to act appropriately; failure to speak to an item that is germane to the meeting, or failure to adhere to the time requirements may result in expulsion from the meeting and/or disqualify the person from providing future testimony.

15-1565

Sponsored by: RICHARD R. BOYKIN, County Commissioner

PROPOSED ORDINANCE

**ORDINANCE AMENDING CHAPTER 46 OF THE COOK COUNTY CODE OF ORDINANCES
CONCERNING "LAW ENFORCEMENT" BY ADDING A NEW SECTION 46-38 PROHIBITING THE USE
OF CHOKE HOLDS BY COOK COUNTY LAW ENFORCEMENT OFFICERS**

WHEREAS, the County of Cook is a Home Rule Unit of Government pursuant to the 1970 Illinois Constitution, Article VII, Section 6; and,

WHEREAS, pursuant to its home rule power the County of Cook may exercise any power and perform any function relating to its government and affairs, including the power to regulate for the protection of the public health, safety, morals and welfare; and,

WHEREAS, Cook County Police Officers and those public servants under the direction of the Cook County Sheriff strive to maintain a courteous and professional demeanor when dealing with the public, in addition to

and including individuals detained in Cook County Jail and the Juvenile Temporary Detention Center; and,

WHEREAS, the Cook County Sheriff trains his officers to select the appropriate level of force based on a subject's actions, and to modify their selection of options as the subject offers less or greater resistance; and,

WHEREAS, choke holds are largely ineffective and create the potential for a subject to panic and react with greater resistance than he or she otherwise might deploy during an officer restraint; and,

WHEREAS, the children in the Juvenile Temporary Detention Center, due to their ages, are not as likely to appreciate the consequences of impulsively resistant behavior in the same manner as an adult inmate; and,

WHEREAS, the President and Board of Commissioners of Cook County intend to codify the Cook County Sheriff's commitment to a progressive and reasonable escalation and de-escalation of officer-applied force into the County Codes and Ordinances, and further intend to expressly prohibit the use of choke holds by Cook County police officers as well as any private security personnel employed by Cook County;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF COMMISSIONERS OF COOK COUNTY:

SECTION 1. The above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

SECTION 2. Chapter 46-38 of the Cook County Code of Ordinances concerning "Law Enforcement" is hereby enacted as follows:

Sec. 46-38 Policy on Use of Force- choke holds prohibited

(a) Members of the Cook County Sheriff's Department and Cook County police officers as well as any private security personnel employed by Cook County shall use an amount of force reasonably necessary based on the totality of the circumstances to perform a lawful task, effect an arrest, overcome resistance, control a subject, or protect themselves or others from injury. Circumstances that may govern the reasonableness of using a particular force option include but are not limited to: (1) whether the subject poses an immediate threat to the safety of officers or others; and (2) whether the subject is actively resisting arrest or attempting to evade arrest by flight.

(b) After gaining control of a subject, members of the Cook County Sheriff's Department and Cook County police officers as well as any private security personnel employed by Cook County shall:

(1) Avoid sitting, kneeling, or standing on a subject's chest, which may result in chest compression, thereby reducing the subject's ability to breathe;

(2) Position the subject in a manner to allow free breathing and, whenever feasible, avoid placing the subject on his or her stomach;

(3) Monitor an arrestee until transported to a secure location; and,

(4) Seek medical attention for an arrestee who has injuries or illnesses consistent with Sheriff's Department Policy Directives.

(c) No Cook County Sheriff's Department, Cook County police officer or private security personnel employed by Cook County shall apply a choke hold in the performance of his or her duties unless faced with a situation in which the use of deadly force is justified under applicable law. A choke hold shall include but is not limited to, any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air.

(d) For purposes of this section the following terms shall have the following meaning:

"Police officer" means any person who by virtue of his or her public employment is vested by law with a duty to maintain public order or make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses.

"Private security personnel" means a person or persons acting in the capacity of his or her employment by a private contractor who engages in the business of providing a private security officer, watchman, patrol, guard dog, canine odor detection or a similar service by any other title, or name on a contractual basis for another person, firm, corporation, or other entity for a fee or other consideration and performing one or more of the

following functions:

- (1) The prevention or detection of intrusion, entry, theft, vandalism, abuse, fire or trespass on Cook County governmental property or private property within jurisdiction of Cook County law enforcement;
- (2) The prevention, observation or detection of any unauthorized activity on Cook County governmental property or private property within jurisdiction of Cook County law enforcement;
- (3) The protection of persons authorized to be on the premises of the person, firm, or other entity for which the security contractor contractually provides security services;
- (4) The prevention of the misappropriation of the concealment of goods, money, stocks, bonds, notes, documents or papers;
- (5) The control, regulation, or direction of the movement of the public for the time specifically required for the protection of the property owned or controlled by the client;
- (6) The protection of individuals from bodily harm or death (body guard functions).

Effective date: This ordinance shall be in effect immediately upon adoption.

Legislative History: 2/10/15 Board of Commissioners referred to the Criminal Justice Committee


Secretary

Chairman:	Garcia
Vice-Chairman:	Moore
Members:	Committee of the Whole