

**SUBSTITUTE FOR FILE # 15-1565**  
**CRIMINAL JUSTICE COMMITTEE MEETING**  
**3/10/2015 @ 12:15PM**

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 CAROTID CONTROL HOLDS BY THE EMPLOYEES OF THE OFFICE OF THE COOK COUNTY SHERIFF, THE SHERIFF'S POLICE DEPARTMENT, THE DEPARTMENT OF CORRECTIONS, THE JUVENILE TEMPORARY DETENTION CENTER, THE COURT SERVICES DEPARTMENT, THE FOREST PRESERVES POLICE, THE COOK COUNTY HOSPITAL POLICE, AND THE INVESTIGATORS OF THE COOK COUNTY STATE'S ATTORNEY

**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**, the Office of the Cook County Sheriff, the Sheriff's Police Department, the Department of Corrections, the Juvenile Temporary Detention Center, the Court Services Department, the Forest Preserves Police, the Cook County Hospital Police, and the Investigators of the Cook County State's Attorney will 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, pursuant to current standing orders, policies and procedures; and,

**WHEREAS**, the employees of Office of the Cook County Sheriff, the Sheriff's Police Department, the Department of Corrections, the Juvenile Temporary Detention Center, the Court Services Department, the Forest Preserves Police, the Cook County Hospital Police, and the Investigators of the Cook County State's Attorney will maintain compliance with current standing orders, policies and procedures mandating that employees of the aforementioned departments select the appropriate level of force based on a subject's actions, and that employees further modify their selection of options as the subject offers less or greater resistance; and,

**WHEREAS**, carotid control 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 modify the County Code of Ordinances to reflect the current orders, policies and procedures of the Office of the Cook County Sheriff, the Sheriff's Police Department, the Department of Corrections, the Juvenile Temporary Detention Center, the Court Services Department, the Forest Preserves Police, the Cook County Hospital Police, and the Investigators of the Cook County State's Attorney requiring a progressive and reasonable escalation and de-escalation of officer-applied force; and,

**WHEREAS**, such modification by the President and Board of Commissioners is consistent with the requirements of state and federal law while also fully authorized and consistent with the authority of Cook County as a Home Rule Unit of Government under the Constitution of the State of Illinois; and,

**WHEREAS**, the President and Board of Commissioners of Cook county further intend to expressly prohibit the use of carotid control choke holds by employees of the Office of the Cook County Sheriff, the Sheriff's Police Department, the Department of Corrections, the Juvenile Temporary Detention Center, the Court Services Department, the Forest Preserves Police, the Cook County Hospital Police, and the Investigators of the Cook County State's Attorney, with the exception of conditions expressly enumerated in section 46-38(c) of this ordinance; 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 of the Cook County Code of Ordinances concerning "Law Enforcement" is hereby amended by adding a new Section 46-38 as follows::

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

- (a) Employees of the Office of the Cook County Sheriff, the Sheriff's Police Department, the Department of Corrections, the Juvenile Temporary Detention Center, the Court Services Department, the Forest Preserves Police, the Cook County Hospital Police, and the Investigators of the Cook County State's Attorney 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, employees of the Office of the Cook County Sheriff, the Sheriff's Police Department, the Department of Corrections, the Juvenile Temporary Detention Center, the Court Services Department, the Forest Preserves Police, the Cook County Hospital Police, and the Investigators of the Cook County State's Attorney 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) If practicable, position the subject in a manner to allow free breathing;
  - (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 applicable standing orders and departmental policy directives.
- (c) No employee of the Office of the Cook County Sheriff, the Sheriff's Police Department, the Department of Corrections, the Juvenile Temporary Detention Center, the Court Services Department, the Forest Preserves Police, the Cook County Hospital Police, and the Investigators of the Cook County State's Attorney shall apply a carotid control 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 carotid control hold shall include but is not limited to, any

sustained 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:

**“Employee of the Office of the Cook County Sheriff, the Sheriff’s Police Department, the Department of Corrections, the Juvenile Temporary Detention Center, the Court Services Department, the Forest Preserves Police, the Cook County Hospital Police, and the Investigators of the Cook County State’s Attorney”** refers to any individual employed by the aforementioned departments who by virtue of that 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.

**SECTION 3.** Nothing in this ordinance shall preclude an employee of the Office of the Cook County Sheriff, the Sheriff’s Police Department, the Department of Corrections, the Juvenile Temporary Detention Center, the Court Services Department, the Forest Preserves Police, the Cook County Hospital Police, or the Investigators of the Cook County State’s Attorney from utilizing self-defense tactics which are enumerated in the Illinois Law Enforcement Training and Standards Board prescribed certification for Law Enforcement.

**SECTION 4.** Incorporating all of the foregoing provisions, this ordinance shall be in full force and effect upon its passage and publication.