



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Details

File #:	15-1565	Version:	2	Name:	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
Type:	Ordinance	Status:			Approved
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On agenda:	2/10/2015	Final action:			4/1/2015
Title:	SUBSTITUTE FOR FILE # 15-1565 CRIMINAL JUSTICE COMMITTEE MEETING 4/1/2015				

DISTRIBUTED ON 3/27/2015

ORDINANCE AMENDING CHAPTER 46 OF THE COOK COUNTY CODE OF ORDINANCES CONCERNING "LAW ENFORCEMENT" BY ADDING A NEW SECTION 46-6 PROHIBITING THE USE OF CAROTID CONTROL HOLDS BY THE COOK COUNTY HEALTH AND HOSPITALS SYSTEM POLICE.

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 sworn officers employed by the Cook County Health and Hospitals System will maintain a courteous and professional demeanor when dealing with the public, in addition to and including individuals detained in the Cook County Jail and the Juvenile Temporary Detention Center, pursuant to current standing orders, policies and procedures; and,

WHEREAS, the sworn officers employed by the Cook County Health and Hospitals System, will maintain compliance with all laws, 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 President and Board of Commissioners of Cook County intend to modify the County Code of Ordinances with respect to the current orders, policies and procedures of the Office of the sworn officers employed by the Cook County Health and Hospitals System, 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 holds by the sworn officers employed by the Cook County Health and Hospitals System, with the exception of conditions expressly enumerated in section 46-6(c) of this ordinance;

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that the above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners that Chapter 46, Law Enforcement, Sec. 46-6 of the Cook County Code of Ordinances is hereby enacted as follows:
Sec. 46-6 Policy on Use of Force-choke holds prohibited

(a) Employees of the Cook County Health and Hospitals System 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 officer reasonably believes 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 total control of a subject, Employees of the Cook County Health and Hospitals System 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 Cook County Health and Hospitals System 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 Cook County Health and Hospitals System refers to any individual employed by the aforementioned agency 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.

(e) 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 Court Services Department, the Cook County Health and Hospitals System, 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.

(f) Notwithstanding the foregoing provisions, an Employee of the Cook County Health and Hospitals System need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. Any such officer or employee is justified in the use of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, the officer or employee is justified in using force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person, or when he reasonably believes both that:

(1) Such force is necessary to prevent the arrest from being defeated by resistance or escape;
and

(2) The person to be arrested has committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.

Effective date: This ordinance shall be in full force and effect upon its passage and adoption.

Sponsors: RICHARD R. BOYKIN

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/1/2015	1	Criminal Justice Committee	recommend for approval	Pass
4/1/2015	1	Board of Commissioners	approve as substituted	Pass
4/1/2015	1	Criminal Justice Committee	accept as substituted	Pass
4/1/2015	1	Criminal Justice Committee	recommend for approval as substituted	Pass
3/11/2015	1	Board of Commissioners	defer	
3/10/2015	1	Criminal Justice Committee	recommend for deferral	Fail
2/10/2015	1	Board of Commissioners	refer	Pass