



Legislation Text

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SUBSTITUTE ORDINANCE FOR FILE 15-0304

FOREST PRESERVE DISTRICT OF COOK COUNTY BOARD OF COMMISSIONERS LEGISLATION AND INTERGOVERNMENTAL RELATIONS COMMITTEE

Sponsored by: RICHARD R .BOYKIN, Forest Preserve District of Cook County Board of Commissioner

ORDINANCE AMENDING CHAPTER 3 OF THE FOREST PRESERVE CODE OF COOK COUNTY CONCERNING “POLICE REGULATIONS” BY ADDING A NEW SECTION, 3-1-9 PROHIBITING THE USE OF CAROTID CONTROL HOLDS BY THE COOK COUNTY FOREST PRESERVE POLICE.

WHEREAS, the sworn officers employed by the Cook County Forest Preserve Police will maintain a courteous and professional demeanor when dealing with the public pursuant to current standing orders, policies and procedures; and,

WHEREAS, the sworn officers employed by the Cook County Forest Preserve Police will maintain compliance with all laws, current standing orders, policies and procedures mandating that said officers 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 Commissioners of the Forest Preserve District of Cook County intend to modify the Forest Preserve of Cook 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 Forest Preserve Police, requiring a progressive and reasonable escalation and de-escalation of officer-applied force; and,

WHEREAS, such modification by the President and Commissioners of the Forest Preserve District of Cook County is consistent with the requirements of state and federal law; 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 Forest Preserve, with the exception of conditions expressly enumerated in section 3-1-9 of this ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND COMMISSIONERS OF THE FOREST PRESERVE DISTRICT 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 3 of the Forest Preserve Code of Cook County concerning “Police Regulations” is hereby amended by adding a new Section 3-1-9 as follows:

Sec. 3-1 9 Policy on Use of Force- choke holds prohibited

1. Employees of the Cook County Forest Preserve Police 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.

2. After gaining total control of a subject, Employees of the Cook County Forest Preserve Police 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.

3. No Employee of the Cook County Forest Preserve Police 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.

4. For purposes of this section the following terms shall have the following meaning:

“Employee of the Cook County Forest Preserve Police refers to any individual employed by the Cook County Forest Preserve 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.

(a) Nothing in this ordinance shall preclude an Employee of the Cook County Forest Preserve Police from utilizing self-defense tactics which are enumerated in the Illinois Law Enforcement Training and Standards Board prescribed certification for Law Enforcement.

(b) Notwithstanding the foregoing provisions, an Employee of the Cook County Forest Preserve Police 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.

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