

COUNCIL OF THE DISTRICT OF COLUMBIA

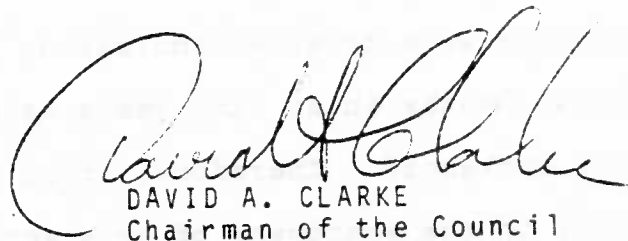
NOTICE

D.C. LAW 6-77

"Limitation on the Use of the Chokehold Act  
of 1985".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 6-15 on first and second readings, October 8, 1985, and October 22, 1985, respectively. Following the signature of the Mayor on November 4, 1985, this legislation was assigned Act No. 6-100, published in the November 15, 1985, edition of the D.C. Register, (Vol. 32 page 6497) and transmitted to Congress on November 7, 1985 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 6-77, effective January 25, 1986.

  
DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

November 7,8,12,13,14,15,18,19,20,21,22  
December 2,3,4,5,6,9,10,11,12,13,16,17,18,19,20  
January 21,22,23,24

D.C. LAW 6 - 77

AN ACT

EFFECTIVE  
DATE JAN 25 1986D.C. ACT 6 - 100

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOV 04 1985

To specify the circumstances and procedures under which the chokehold is permitted; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Limitation on the Use of the Chokehold Act of 1985".

Sec. 2. The Council of the District of Columbia finds and declares that the use of restraints generally known as chokeholds by law enforcement officers constitutes the use of lethal force, and that the unrestricted use of force presents an unnecessary danger to the public. These conclusions are based upon the testimony presented at the police oversight hearing conducted by the Committee on the Judiciary on February 23, 1984. During the hearing, statistics were revealed indicating that there have been 2 civilian deaths in as many years caused by an officer's use of the chokehold. Therefore, it is the intent of the Council in the enactment of this act to specify the circumstances and procedures under which these restraints shall be permitted and to classify the chokehold as a service weapon.

New,  
D.C. Code,  
sec. 4-188  
(1986 supp.)

Sec. 3. For the purposes of this act, the term:

(1) A "trachea hold", "arm bar hold", or "bar-arm

New,  
D.C. Code,  
sec. 4-189  
(1986 supp.)

hold" means any weaponless technique or any technique using the officer's arm, a long or short police baton, or a flashlight or other firm object that attempts to control or disable a person by applying force or pressure against the trachea, windpipe, or the frontal area of the neck with the purpose or intent of controlling a person's movement or rendering a person unconscious by blocking the passage of air through the windpipe.

(2) A "carotid artery hold", "sleeper hold", or "v hold" means any weaponless technique which is applied in an effort to control or disable a person by applying pressure or force to the carotid artery or the jugular vein or the sides of the neck with the intent or purpose of controlling a person's movement or rendering a person unconscious by constricting the flow of blood to and from the brain.

Sec. 4.(a) The use of the trachea hold by any police officer shall be prohibited under any circumstances and the carotid artery hold shall be prohibited except under those circumstances and conditions under which the use of lethal force is necessary to protect the life of a civilian or a law enforcement officer, and has been effected to control or subdue an individual, and the Metropolitan Police Department has issued procedures and policies which require, at a minimum, all the following:

New,  
D.C. Code,  
sec. 4-190  
(1986 supp.)

- (1) That an officer shall have satisfactorily completed a course of training on the carotid artery hold;
- (2) That the officer who has applied the carotid

hold on an individual render that person immediate first aid and emergency medical treatment if the person becomes unconscious as a result of the hold pending immediate transport of the person to the hospital;

(3) That upon resuscitation of the unconscious person, the individual shall be transported immediately to an emergency medical facility for examination, treatment, and observation by a competent and qualified emergency medical technician or physician within a reasonable period of time not to exceed 1 hour; and

(4) That where the person rendered unconscious through the use of a hold is unconscious for a period of 3 minutes or more, or appears to be under the influence of alcohol or drugs, or has shown signs of acute mental disturbance, that person shall be immediately transported to an emergency medical or acute care facility for examination, treatment, or observation by competent and qualified medical personnel within a reasonable period not to exceed 1 hour.

(b) The failure to provide immediately appropriate medical aid as required in subsection (a)(3) and (4) of this section to a person who has been rendered unconscious or subdued by the use of a hold shall for purposes of civil liability create a presumption, affecting the burden of proof, of willful negligence and reckless disregard for the safety and well-being of that person.

(c)(1) Every police officer who under color of authority willfully and intentionally violates the standards prescribed in section 4 or any regulations issued pursuant

to this act shall, upon conviction, be subject to a fine of \$5,000, or imprisonment not exceeding 1 year, or both, and removal from office.

(2) Such conduct shall also be subject to any civil remedies related to a violation of standards set forth in the police manual or general orders of the Metropolitan Police Department.

(d) The trachea hold is prohibited and the carotid artery hold shall be classified as a service weapon and all relevant Metropolitan Police Department general orders, special orders, and circulars shall be applicable.

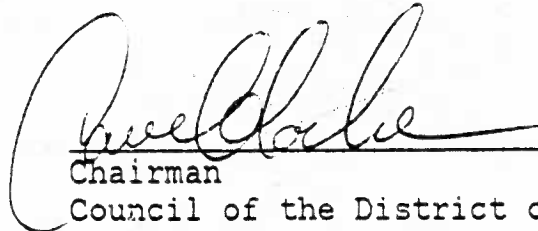
Sec. 5. The Mayor may issue rules to implement the provisions of this act pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Code, sec. 1-1501 et seq.).

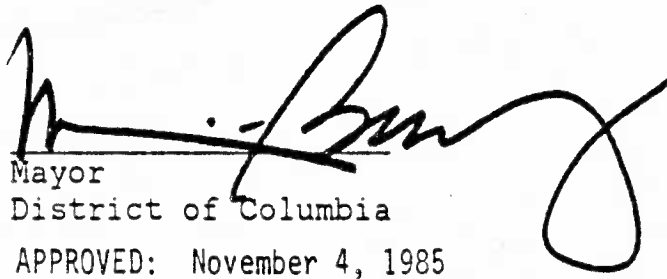
Note,  
D.C. Code,  
secs. 4-188  
to 4-190  
(1986 supp.)

Sec. 6. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act,

approved December 24, 1973 (87 Stat. 813; D.C. Code, sec.

1-233(c)(1)).

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED: November 4, 1985

