



Department Source: Law

To: City Council

From: City Manager & Staff

Council Meeting Date: January 4, 2021

Re: Prohibition of Use of Neck Restraints by Police Officers

Executive Summary

At the request of Council the bill prohibiting the use of neck restraints by City of Columbia police officers has been placed on the Council agenda for consideration.

Discussion

At the September 21, 2020 City Council meeting, Mr. Thomas requested staff prepare a draft ordinance which would prohibit the use of neck restraints. A draft bill was presented as a report at the October 19, 2020 Council meeting. At that meeting staff was requested to bring the ordinance back for further consideration at a regular Council meeting along with a copy of the Columbia Police Department policy on use of force related to the use of chokeholds.

The term "neck restraint" means one of two broad categories of restraints which are used to control a person's movement or to render a person unconscious: chokeholds and carotid restraints. The difference between the two types of restraints is that a chokehold applies pressure to the windpipe and blocks the passage of air. A carotid restraint applies pressure to the blood supply to constrict the flow of blood to and from the brain to render a subject unconscious. The attached draft would prohibit the use of both categories of neck restraints.

The current city code allows for officer justified use of force by permitting the reasonable use of discretion in determining the use of force necessary in a response to resistance. This City Code amendment would make it unlawful for a police officer to utilize either a chokehold or a carotid restraint in the discharge of their duties, regardless of the circumstances.

At the October 19th Council meeting, the City Council and members of the public provided feedback to Chief Jones on the existing CPD use of force policy. The police department has modified its policy based on public input. A separate memorandum is included with this agenda item along with a supplemental memorandum from Chief Jones which details the revised departmental policy in more detail.

In reviewing the neck restraint "bans" throughout the country, it was determined there is a wide variety of language and modes of implementation. However, in order to fully determine the scope of the "ban," the source language contained in the enacting legislation should be reviewed to determine whether or not the agency has enacted a complete prohibition or if there are exceptions to the utilization of the technique. When performing the research for this council request, it was determined that news reports of a "ban" often provided an exception allowing use of the technique to those situations where



City of Columbia

701 East Broadway, Columbia, Missouri 65201

deadly force is warranted. In essence, a jurisdiction has been considered to have enacted a “ban” when a chokehold is authorized when it is the only reasonable alternative.

Fiscal Impact

Short-Term Impact: N/A

Long-Term Impact: N/A

Strategic & Comprehensive Plan Impact

[Strategic Plan Impacts:](#)

Primary Impact: Public Safety, Secondary Impact: Operational Excellence, Tertiary Impact: Not Applicable

[Comprehensive Plan Impacts:](#)

Primary Impact: Not Applicable, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
October 19, 2020	Council Report

Suggested Council Action

None.