

By Supervisors Martin, Staskunas, Clancy, Rolland, Shea, Czarnezki, Haas, Taylor, Cullen, Logsdon, Johnson Jr., Goodwin Sr., and Wasserman

**AN AMENDED RESOLUTION**

Stating opposition to the use of chokeholds and asphyxia by County employees to gain compliance from individuals when physical force is required and stating personnel should use de-escalation techniques first whenever possible; and requesting the Civil Service Commission prohibit chokeholds and asphyxia in Rule VII, Section 4 of the Civil Service Rules for the Milwaukee County Government

WHEREAS, in two nationally infamous cases, New York City police murdered Eric Garner in 2014 and Minneapolis police murdered George Floyd by asphyxiating both Black men regarding allegations of petty crime; and

WHEREAS, in a June 11, 2020 Milwaukee Journal Sentinel op-ed titled, “James Causey: In 1981 it was Ernest Lacy in Milwaukee. Today it’s George Floyd. Is the U.S. ready to have an honest talk with itself?”, the author writes of the similar cause of death suffered by 22-year-old Black Milwaukeean Ernest Lacy who allegedly fit the description of a rape suspect but was later found innocent after dying in Milwaukee Police Department custody; and

WHEREAS, the Milwaukee County Sheriff’s Department does not train staff to use chokeholds in furtherance of their duties, and the County Sheriff told journalist Adrienne Pedersen for WISN 12’s “UPFRONT” program which originally aired on Sunday June 7, 2020 the following:

“Positional asphyxia as it’s known, is something that we’ve been talking about in this profession since the ‘80s. And any agency today that has not addressed by their policy or certainly by their enforcement, telling their members not to use such methods, is a department that is still living in the Dark Ages. We’ve long advised our members to avoid tactics like that. And again, any agency that is employing that today is not thinking with their heads on straight.”

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**WHEREAS, the Los Angeles Times reported “when employing a carotid hold, an officer puts pressure on the carotid arteries to slow or block blood flow. If applied correctly, the person can fall unconscious. But it can also lead to injury or death”; and**

WHEREAS, in a June 1, 2020 NBC News analysis titled, “Minneapolis police rendered 44 people unconscious with neck restraints in five years, using Minneapolis Police Department data, the Department’s officers employed neck restraints at least 237 times since 2015, causing a loss of consciousness 15 percent of the time; however, further analysis is reportedly difficult due to insufficient publicly available data nationwide; and

**WHEREAS, a September 6, 2020 article in the Washington Post noted 62 percent of the nation’s largest police departments have banned or strengthened restrictions on the use of neck restraints, including carotid holds and chokeholds, since the death of George Floyd; and**

WHEREAS, performing chokeholds and causing asphyxia are dangerous to human life, and when physical force is required, the minimum force necessary to safely resolve an altercation should be standard procedure; and

WHEREAS, the Committee on Audit, at its meeting of September 16, 2020, recommended adoption of File No. 20-536 as amended (vote 4-0); now, therefore,

BE IT RESOLVED, Milwaukee County hereby declares all County employees must first attempt to deescalate a confrontation whenever possible before resorting to the use of physical force; and

BE IT FURTHER RESOLVED, the Milwaukee County Board of Supervisors hereby declares a Milwaukee County policy preference prohibiting any Milwaukee County employee, in furtherance of one’s duty, from using chokeholds or causing positional asphyxia on suspects or those incarcerated in the Milwaukee County Jail, House of Corrections, or the detention center located at the Vel R. Phillips Youth and Family Justice Center; and

BE IT FURTHER RESOLVED, the Milwaukee County Board of Supervisors hereby prohibits all non-civil service employees from using chokeholds or causing any form of positional asphyxia except in self-defense or to protect the lives of others when attempts at de-escalation have been exhausted or are impossible; and

80 BE IT FURTHER RESOLVED, the Milwaukee County Board of Supervisor  
81 hereby requests the Director of Human Resources propose the following amendment to  
82 the Civil Service Commission for the Commission to amend Rule VII – Separations,  
83 Suspensions, Section 4; of the Civil Service Rules for the Milwaukee County  
84 Government; and report back to the Board by September 2020:  
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86 (1) The following are declared to be cause for discharge, suspension or demotion  
87 and/or the approval of or the imposition of an employe reevaluation period as  
88 provided in rule VI, section 8, of the rules of the Milwaukee County personnel review  
89 board, of any officer or employe from the classified service of the County of  
90 Milwaukee, though charges may be based upon causes and complaints other than  
91 those here enumerated, namely:

92 (a) Theft of private or county property.

93 (b) Unauthorized use, misuse, destruction of or damage to any property  
94 including vehicles, said damage occurring because of neglect while on  
95 county business.

96 (c) Unauthorized use of county premises.

97 (d) Violation of rules or practices relating to security of county property or  
98 county premises.

99 (e) Unauthorized use, duplication or possession of county keys, or  
100 electronically controlled access cards.

101 (f) Distributing or posting handbills, pamphlets or other written or printed  
102 material in any work area without authorization.

103 (g) Posting, removing or tampering with county bulletin board material without  
104 authorization.

105 (h) Failure to observe parking or traffic regulations as established by  
106 ordinance, statutes or departmental rules while on county business.

107 (i) Violation of rules or practices relating to safety.

108 (j) Littering, creating or contributing to unsanitary or unsafe conditions on  
109 county premises.

110 (k) Refusing or failing to obey orders of supervisor whether written or oral.

111 (l) Refusing or failing to comply with departmental work rules, policies or  
112 procedures.

113 (m) Threatening, intimidating, coercing or harassing employes or supervision at  
114 any time.

115 (n) Making false or malicious statements, either oral or written, concerning any  
116 employe, the county or its policies.

- 117 (o) Unexcused, unauthorized, or excessive absence.
- 118 (p) Unexcused, unauthorized, or excessive tardiness.
- 119 (q) Leaving early and/or failure to be at assigned work area at the start or end
- 120 of shifts, breaks and/or meal periods.
- 121 (r) Leaving place of work during working hours without authorization, wasting
- 122 time or loitering.
- 123 (s) Stopping work before designated quitting time.
- 124 (t) Failure or inability to perform the duties of assigned position.
- 125 (u) Substandard or careless job performance.
- 126 (v) Restricting output or engaging in any intentional slowdown, work stoppage
- 127 or strike.
- 128 (w) Engaging in any unauthorized activity which distracts or disrupts employes
- 129 in the performance of their duties.
- 130 (x) Interference with normal work flow or departmental procedures.
- 131 (y) Falsification, modification or unauthorized alteration of any county record or
- 132 report.
- 133 (z) Knowingly punching or marking another employe's time card, having one's
- 134 time card punched or marked by another, altering time card for any
- 135 unauthorized reason or inaccurately recording time worked.
- 136 (aa) Unauthorized obtaining or disclosure of confidential or privileged
- 137 information.
- 138 (bb) Commission of a criminal act which meets the nondiscriminatory practices
- 139 in conformance with state statutes.
- 140 (cc) Reporting to work or working while under the influence of intoxicating
- 141 beverages and/or narcotics or other drugs or having unauthorized
- 142 possession of same on county premises during working hours.
- 143 (dd) Indecent, criminal or inappropriate conduct on county premises or during
- 144 working hours.
- 145 (ee) Abusive or improper treatment toward an inmate or patient of any county
- 146 facility or to a person in custody; provided the act committed was not
- 147 necessarily or lawfully done in self-defense or to protect the lives of others
- 148 or to prevent the escape of a person lawfully in custody.
- 149 (ff) Offensive conduct or language toward the public or toward county officers
- 150 or employes.
- 151 (gg) Sleeping, dozing or lack of attentiveness during working hours.

- 152 (hh) Possession of unauthorized weapons on county premises or during  
153 working hours.
- 154 (ii) Provoking or instigating a fight or fighting during working hours or on county  
155 premises.
- 156 (jj) Engaging in horseplay or scuffling on county premises during working  
157 hours.
- 158 (kk) Engaging in personal activities during working hours.
- 159 (ll) Gambling on county premises or during working hours.
- 160 (mm) Vending, soliciting or collecting contributions for any purpose without  
161 authorization on county premises.
- 162 (nn) Inducing or attempting to induce any officer or employe in the county  
163 service to commit an illegal act or to act in violation of any departmental or  
164 official regulation or order, or the rules of the commission.
- 165 (oo) Soliciting or receiving from any person or participating in any fee, gift or  
166 other thing of value in the course of one's work, when such fee, gift or other  
167 thing of value is given in the hope or expectation of receiving a favor or  
168 better treatment than that accorded other persons.
- 169 (pp) Threatening or attempting to use or using political influence, or giving or  
170 being in any way involved in giving any money or any other thing of value  
171 in return for appointment, promotion, transfer, leave of absence or change  
172 in appropriation or pay.
- 173 (qq) Engaging in pernicious political activity by making use of one's position to  
174 further the candidacy of any person or engaging in political work during  
175 regular working hours. Nothing in this section shall be construed to  
176 interfere with the right of any employe in the classified service to become a  
177 member of a political club, to attend political meetings, to express his/her  
178 opinion on all political subjects, and to enjoy freedom from all interference  
179 in casting his/her vote.
- 180 (rr) Removal of permanent residence to some place outside of Milwaukee  
181 County, except as specifically authorized by the commission or failure to  
182 establish permanent residence in Milwaukee County within the time limited  
183 by the commission.
- 184 (ss) Willful violation of any of the provisions of the county Civil Service Act or of  
185 the rules of the commission or ordinances of Milwaukee County.
- 186 (tt) Knowingly discriminating against anyone for employment or delivery of  
187 services, because of such individual's age, race, color, handicap, sex,  
188 creed, national origin or ancestry.
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190 (uu) When any officer or employee engages with a disorderly person or  
191 attempts to issue a lawful arrest, the officer or employee will first attempt to  
192 deescalate the situation and gain voluntary compliance from the person if  
193 at all possible.

194 ~~(vv) Notwithstanding Rule VII, Section 4.1(cc), eOfficers, subject to~~  
195 ~~Wisconsin Law Enforcement Standards Board (LESB) certification,~~  
196 ~~or employees shall not perform chokeholds or cause any form of asphyxia~~  
197 ~~unless done to prevent imminent bodily harm in self-defense or to~~  
198 ~~protect the lives of others.~~

199 **(ww) Employees shall not perform chokeholds or cause any form of**  
200 **asphyxia unless done in self-defense or to protect the lives of others.**

201 **(xx) Officers, subject to Wisconsin Law Enforcement Standards Board**  
202 **(LESB) certification, shall not perform carotid holds, carotid**  
203 **restraints, or otherwise apply vascular pressure to cut off blood flow**  
204 **to the brain unless done to prevent imminent bodily harm or to**  
205 **protect the lives of others.**

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207 **(yy) Employees shall not perform carotid holds, carotid restraints, or**  
208 **otherwise apply vascular pressure to cut off blood flow to the brain**  
209 **unless done in self-defense or to protect the lives of others.**  
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211 (2) When used in this section, these words or terms shall have the following  
212 meaning and import:

213 (a) *Property*: Anything of value.

214 (b) *County property*: Any property owned or leased by or in the custody or  
215 control of the county.

216 (c) *County premises*: Any building or structure or part thereof or any lands  
217 owned, leased or in the custody or control of the county or devoted to use  
218 by the county.

219 (d) *County*: Milwaukee County, a municipal body corporate, and all of its  
220 agencies, boards, commissions, institutions, departments and divisions.

221 (e) *Chokehold or choke hold*: The application of any pressure to the throat or  
222 windpipe which may prevent or hinder breathing or reduce intake of air

223 (f) *Asphyxia*: A lack of oxygen or excess of carbon dioxide in the body which  
224 may cause unconsciousness or death

225 **(g) Carotid hold or carotid restraint. The application of any pressure to the**  
226 **throat which may prevent or hinder blood flow to the brain.**  
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(3) A copy of this section, with any amendments thereto, shall be submitted to the head of every department to be posted by him or her in such manner as to bring it to the attention of all employees of such department.

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