File No. 20-536

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

**A 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.”

; 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, 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; 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

BE IT FURTHER RESOLVED, the Milwaukee County Board of Supervisor hereby requests the Director of Human Resources propose the following amendment to the Civil Service Commission for the Commission to amend Rule VII – Separations, Suspensions, Section 4; of the Civil Service Rules for the Milwaukee County Government; and report back to the Board by September 2020:

(1)  The following are declared to be cause for discharge, suspension or demotion and/or the approval of or the imposition of an employe reevaluation period as provided in rule VI, section 8, of the rules of the Milwaukee County personnel review board, of any officer or employe from the classified service of the County of Milwaukee, though charges may be based upon causes and complaints other than those here enumerated, namely:

(a)  Theft of private or county property.

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

(c)  Unauthorized use of county premises.

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

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

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

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

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

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

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

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

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

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

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

(o)  Unexcused, unauthorized, or excessive absence.

(p)  Unexcused, unauthorized, or excessive tardiness.

(q)  Leaving early and/or failure to be at assigned work area at the start or end of shifts, breaks and/or meal periods.

(r)   Leaving place of work during working hours without authorization, wasting time or loitering.

(s)  Stopping work before designated quitting time.

(t)   Failure or inability to perform the duties of assigned position.

(u)  Substandard or careless job performance.

(v)  Restricting output or engaging in any intentional slowdown, work stoppage or strike.

(w)  Engaging in any unauthorized activity which distracts or disrupts employes in the performance of their duties.

(x)  Interference with normal work flow or departmental procedures.

(y)  Falsification, modification or unauthorized alteration of any county record or report.

(z)  Knowingly punching or marking another employe's time card, having one's time card punched or marked by another, altering time card for any unauthorized reason or inaccurately recording time worked.

(aa) Unauthorized obtaining or disclosure of confidential or privileged information.

(bb)  Commission of a criminal act which meets the nondiscriminatory practices in conformance with state statutes.

(cc)  Reporting to work or working while under the influence of intoxicating beverages and/or narcotics or other drugs or having unauthorized possession of same on county premises during working hours.

(dd)  Indecent, criminal or inappropriate conduct on county premises or during working hours.

(ee) Abusive or improper treatment toward an inmate or patient of any county facility or to a person in custody; provided the act committed was not necessarily or lawfully done in self-defense or to protect the lives of others or to prevent the escape of a person lawfully in custody.

(ff)  Offensive conduct or language toward the public or toward county officers or employes.

(gg)  Sleeping, dozing or lack of attentiveness during working hours.

(hh)  Possession of unauthorized weapons on county premises or during working hours.

(ii)  Provoking or instigating a fight or fighting during working hours or on county premises.

(jj)   Engaging in horseplay or scuffling on county premises during working hours.

(kk)  Engaging in personal activities during working hours.

(ll)   Gambling on county premises or during working hours.

(mm) Vending, soliciting or collecting contributions for any purpose without authorization on county premises.

(nn) Inducing or attempting to induce any officer or employe in the county service to commit an illegal act or to act in violation of any departmental or official regulation or order, or the rules of the commission.

(oo) Soliciting or receiving from any person or participating in any fee, gift or other thing of value in the course of one's work, when such fee, gift or other thing of value is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons.

(pp)  Threatening or attempting to use or using political influence, or giving or being in any way involved in giving any money or any other thing of value in return for appointment, promotion, transfer, leave of absence or change in appropriation or pay.

(qq)  Engaging in pernicious political activity by making use of one's position to further the candidacy of any person or engaging in political work during regular working hours. Nothing in this section shall be construed to interfere with the right of any employe in the classified service to become a member of a political club, to attend political meetings, to express his/her opinion on all political subjects, and to enjoy freedom from all interference in casting his/her vote.

(rr)  Removal of permanent residence to some place outside of Milwaukee County, except as specifically authorized by the commission or failure to establish permanent residence in Milwaukee County within the time limited by the commission.

(ss)  Willful violation of any of the provisions of the county Civil Service Act or of the rules of the commission or ordinances of Milwaukee County.

(tt)  Knowingly discriminating against anyone for employment or delivery of services, because of such individual's age, race, color, handicap, sex, creed, national origin or ancestry.

(uu) When any officer or employee engages with a disorderly person or attempts to issue a lawful arrest, the officer or employee will first attempt to deescalate the situation and gain voluntary compliance from the person if at all possible.

(vv) Notwithstanding Rule VII, Section 4.1(ee), officers or employees shall not perform chokeholds or cause any form of asphyxia unless done in self-defense or to protect the lives of others.

(2)  When used in this section, these words or terms shall have the following meaning and import:

(a)  *Property:* Anything of value.

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

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

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

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

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

(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 employes of such department.