

Chicago Proposes Police Chokehold Ban as Nation Rages

Chicago city council members have proposed a ban on the use of chokeholds by police officers working within city limits in an expansive proposal coming in the wake of the chokehold death of an unarmed black man being arrested in New York.

The proposal, which includes all security personnel such as deputy sheriffs, U.S. Marshals and private security guards, is the first among U.S. municipalities attempting to regulate arrest techniques after a grand jury last week declined to indict a New York City police officer in a chokehold death.

Council members in favor of the ban, which was introduced this week to the city's finance committee, say they want Chicago in front of the issue of excessive police force that has resulted in street protests across the nation.

"Chicago would lead the way for other cities across America to expeditiously act to institute similar protections," said City Councilman Will Burns in a statement.

The Chicago ordinance defines a chokehold as "any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air."

A group of New York City council members are proposing a similar ordinance, which has not yet gone to the council for a vote. It does not include security personnel outside the police department, however.

New York City Mayor Bill de Blasio opposes criminalizing chokeholds, saying he prefers it to be a matter of department policy.

Most police departments prohibit chokeholds, but they are not

illegal. In a statement to Reuters Monday, the Chicago Police Department said officers are trained to “position anyone in a manner that allows free breathing.” It has not taken a position on the ban.

Criminalizing chokeholds may pose a legal challenge for cities because of the difficulty of recognizing the maneuver, especially if it lasts seconds, and of determining whether or not the officer intended to use it, said Arthur Lurigio, a criminal justice professor at Loyola University in Chicago.

“In a struggle in real time, things are going to transpire that may give the appearance of being a chokehold,” he said. “This is going to be challenging for them then to elevate that to a crime. It may be a bit beyond what is considered reasonable in terms of regulating police practices.”

Pat Camden, a spokesperson for the Fraternal Order of Police in Chicago, said it was unclear what liability issues may arise for officers if the proposal becomes law. He said exceptional situations may require officers to choose a chokehold to avoid risk.

“It’s easy to put a law on the books, but you have to put yourself in that situation,” he said.

Chicago Mayor Rahm Emanuel has yet to take a stance on the proposal, but its supporters, especially co-sponsor Ed Burke, are strong allies. The mayor’s office did not respond to requests for comment.

The proposal is expected to go before a full city council vote in January.

© 2014 Thomson Reuters. All rights reserved.