

**AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE
PROHIBITING THE USE OF NECK RESTRAINTS**

#4837

Sponsor:

**Council
Member
Guy**

WHEREAS, the City Council notes that in the past two weeks, thousands of people across the country, including the City of Wilmington, and around the world, have taken to the streets to protest injustice, racism, and police brutality against Black Americans. These First Amendment assemblies have given voice to deep anger and trauma engendered by acts of violence by the police against Black Americans and have energized a national movement around racism in policing, the use of force, lack of police accountability and transparency, and systemic racial injustice and inequity.

THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. Chapter 2 (“Administration”) of the City Code is hereby amended by adding the following to Article V (“Departments & Agencies Created by Ordinance”), Division 1 (“Generally”):

Sec. 2-237 Prohibiting The Use Of Neck Restraints.

(a) The Council of the City of Wilmington finds and declares that regular police and emergency police use of neck restraints constitutes the use of lethal and excessive force. This force presents an unnecessary danger to the public. Hundreds of thousands, if not millions, of people across the world, including in the City of Wilmington, have taken to the streets to peacefully protest injustice, racism, and police brutality against people of color. Police brutality is abhorrent and does not reflect the City of Wilmington’s values. It is the intent of the Council in the enactment of this Ordinance to unequivocally ban the use of neck restraints by regular police and emergency police officers.

(b) “Neck restraint” means the use of any body part or object to attempt to control or disable a person by applying pressure against the person’s neck, including the trachea or carotid artery, with the purpose, intent, or effect of controlling or restricting the person’s movement or restricting their blood flow or breathing.

(c) It shall be unlawful for:

(1) Any regular police officer and any emergency police officer (“officer”) to apply a neck restraint; and

(2) Any officer who applies a neck restraint and any officer who is able to observe the application of a neck restraint by an officer to fail to:

(A) Immediately render, or cause to be rendered, first aid on the person on whom the neck restraint is applied or was applied; or

(B) Immediately request emergency medical services for the person on whom the neck restraint was applied.

(d) Any officer who violates the provisions of subsection (c) of this section shall be terminated from employment.

SECTION 3. This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading..... July 2, 2020
Second Reading.... July 2, 2020
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2020

Mayor

SYNOPSIS: This Ordinance amends Chapter 2 of the City Code to add a section prohibiting the use of neck restraints by any regular police officer and any emergency police officer.

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