

Amendment #1
to
CB #119804 – LEG Chokehold Prohibition ORD
Sponsor: CM Herbold

Amends definitions, reduces damages and requests notification of the DOJ, Court and Monitor

Underline indicates new language
~~Strikethrough~~ indicates deleted language

1. Amend Section 1 as follows:

Section 1. A new Section 3.28.145 of the Seattle Municipal Code is added to Subchapter I of Chapter 3.28 as follows:

3.28.145 Prohibition of the use of chokeholds

A. Officers of the Seattle Police Department are prohibited from using chokeholds in the discharge of their duties, including neck restraints or carotid restraints.

B. As used in this Section 3.28.145, “carotid restraint” means any technique applied in an effort to control or disable a subject by applying pressure to the carotid artery, jugular vein, or sides of the neck with the purpose, intent, or effect of controlling a subject’s movement or rendering a subject unconscious by constricting the flow of blood to and from the brain.

C. As used in this Section 3.28.145, “neck restraint” means any technique involving the use of an arm or other firm object to attempt to control or disable a subject by applying pressure against the windpipe, or the frontal area of the neck with the purpose, intent, or effect of

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Date: June 15, 2020

Version: D1f

controlling a subject's movement or rendering a subject unconscious by blocking the passage of air through the windpipe.

D. A person shall have a right of action against the City for injuries proximately caused by violations of subsection 3.28.145.A that occur after the effective date of this ordinance.

E. Absent evidence establishing a greater amount of damages, the damages payable to an individual for injuries proximately caused in violation of subsection 3.28.145.A shall be \$100,000, added to attorney fees and court fees.

2. Add a new Section 3 as follows and renumber sections as needed:

Section 3. In accordance with *United States of America v. City of Seattle*, 12 Civ. 1282 (JLR), during the pendency of the consent decree Council requests that notice of this action be submitted by the City Attorney to the Department of Justice, the Court, and the Monitor.

Effect: The memo makes the following changes to CB 119804:

1. Clarifies that the private right of action applies to violations of this prohibition that occur after the ordinance takes effect.
2. Requests that notice of this prohibition be given to the Department of Justice, the Court, and the Monitor in accordance with the Consent Decree. (*United States of America v. City of Seattle*, 12 Civ. 1282 (JLR))