

1 **RESOLUTION URGING FULTON COUNTY LAW ENFORCEMENT PARTNERS TO**
2 **REINFORCE AND ENACT ADDITIONAL POLICIES LIMITING ALL PERSONNEL**
3 **FROM EMPLOYING A NECK RESTRAINT OR CHOKEHOLD TO RESTRAIN**
4 **PEOPLE BEING TAKEN INTO OR IN POLICE CUSTODY.**

5
6 **WHEREAS**, law enforcement brutality and misconduct are among the most
7 serious ongoing human rights and civil liberties violations in the United States and have
8 led to community destabilization, a decrease in public safety, and the exacerbation of
9 structural inequities across the country; and

10
11 **WHEREAS**, neck restraints and chokeholds were once viewed as a safe,
12 effective tool for law enforcement to control combative individuals without inflicting
13 injuries on suspects, while preventing injuries of officers; and

14
15 **WHEREAS**, a neck restraint technique involves the use of an arm or other firm
16 object to attempt to control or disable a subject by applying pressure against the
17 windpipe, or the frontal area of the neck with the purpose, intent or effect of controlling a
18 subject's movement or rendering a subject unconscious by blocking the passage of air
19 through the windpipe; and

20
21 **WHEREAS**, research published by the Department of Justice more than two
22 decades ago has shown that neck restraints are not safe and warned that neck
23 restraints and chokeholds utilized by law enforcement agencies could lead to asphyxia
24 or sudden death; and

25
26 **WHEREAS**, law enforcement's employment of neck restraints or chokeholds to
27 restrain people being taken in or already in police custody have robbed countless
28 communities of precious lives, most notably the lives of Eric Garner and George Floyd,
29 which have inflicted intergenerational harm and trauma to families and eroded public
30 confidence in law enforcement; and

1 **WHEREAS**, after the death of George Floyd, numerous communities, to include
2 New York State and the City of Minneapolis, have outlawed the use of chokeholds and/
3 or neck restraints by law enforcement; and
4

5 **WHEREAS**, the evolution of national law enforcement practices and
6 jurisprudence have failed to protect nonviolent offenders from the use of neck restraint
7 and/or chokeholds by law enforcement officers, which violate both the letter and the
8 spirit of the oath which each law enforcement officer swears to uphold and which has
9 led to the nationwide impression that law enforcement officers sometimes act above or
10 outside the law to the detriment of the citizenry; and
11

12 **WHEREAS**, Fulton County Law Enforcement Partners have previously
13 recognized the danger of law enforcement officers employing neck restraints and/or
14 chokeholds and have created policies that prohibit the use of any type of physical neck
15 restraint or restraint used in such a manner to choke or restrict the breathing of a
16 person, and does not train its law enforcement officers to use such control techniques.
17

18 **NOW, THEREFORE, BE IT RESOLVED** that the Fulton County Board of
19 Commissioners commends its Fulton County Law Enforcement Partners, including the
20 Fulton County Sheriff, the Fulton County Police Department, and the Fulton County
21 Marshal, for creating policies prohibiting the use of neck restraints and chokeholds and
22 requests that they re-affirm their commitment to the community and reinforce or create
23 additional policies, practices and a culture which limit the use of neck restraints or
24 chokeholds.
25

26 **BE IT FURTHER RESOLVED** that the Fulton County Board of Commissioners
27 urges that each incident involving the use of a neck restraint and/or chokehold by a
28 Fulton County Deputy Sheriff, Police Officer or Deputy Marshal be reported and
29 thoroughly investigated and that all such incidents being found to violate either the letter
30 and/or spirit of the law result in appropriate punishment up to and including termination

1 of employment, recommended loss of law enforcement certification, and appropriate
2 reporting of potential criminal activity to the Fulton County District Attorney.

3
4 **BE IT FURTHER RESOLVED** that Fulton County Board of Commissioners
5 encourages the Georgia General Assembly to enact laws, regulations, and/or policies
6 that prohibit the use of neck restraints and/or chokeholds by Georgia’s law enforcement
7 agencies across the state.

8
9 **BE IT FINALLY RESOLVED** that this Resolution shall become effective upon its
10 adoption, and that all resolutions and parts of resolutions in conflict with this Resolution
11 are hereby repealed to the extent of the conflict.

12
13 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,
14 Georgia, this _____ day of June, 2020.

15
16 **FULTON COUNTY BOARD OF**
17 **COMMISSIONERS**
18

19 _____
20 Marvin S. Arrington, Jr.
21 District 5, Vice-Chairman
22

23
24 **ATTEST:**
25

26
27 _____
28 Tonya Grier, Interim Clerk to the Commission
29

30
31 **APPROVED AS TO FORM:**
32

33
34 _____
35 Patrise Perkins-Hooker, County Attorney