

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, TO IMMEDIATELY BAN USE OF
CAROTID RESTRAINT BY THE FRESNO POLICE
DEPARTMENT

WHEREAS, pursuant to the Charter of the City of Fresno, all powers of legislation in municipal affairs adequate to a complete system of local government are vested in the Council; and

WHEREAS, pursuant to Charter Section 706, Council may, through official policy, provide direction to City departments; and

WHEREAS, on June 4, AB 1196 was introduced in the California State Assembly, which would make it illegal to use a carotid artery restraint tactic to forcibly detain a suspect; and

WHEREAS, AB 1196 defines “carotid restraint” as a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person’s neck for the purpose of restricting blood flow to render the person unconscious or otherwise subdue or control the person; and

WHEREAS, on June 5, Governor Newsom ordered an immediate end to training for police on the carotid restraint, that stops blood flow to the brain, saying, “At the end of the day, the carotid hold that literally is designed to stop people’s blood from flowing into their brain, that has no place any longer in 21st century practices.”; and

WHEREAS, on June 5, Police Chief Hall has issued a temporary ban on use of the carotid restraint control hold, joining a growing list of law enforcement agencies taking action on policy about the hold; and

Date Adopted:
Date Approved:
Effective Date:
City Attorney Approval: _____

Resolution No.

WHEREAS, Chief Hall said in his briefing memo, “Until we receive clear direction from the governor or our legal counsel, I am directing all officers to refrain from using the carotid restraint control hold unless such use is for the preservation of life or to prevent serious bodily injury to the officer”; and

WHEREAS, the Council believes it is in the best interest of the City to provide policy direction to the Police Department to immediately discontinue use of carotid restraint.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Fresno Police Department is directed to immediately discontinue use of carotid restraint unless such use is for the preservation of life or to prevent serious bodily injury. The Department shall not use choke holds or strangle holds for any reason.
2. This Resolution shall be effective immediately.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2020.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2020
Mayor Approval/No Return: _____, 2020
Mayor Veto: _____, 2020
Council Override Vote: _____, 2020

YVONNE SPENCE, MMC CRM
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Katie Doerr Date
Chief Assistant City Attorney