



Legislation Details (With Text)

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Title: To amend Chapter 2321 by enacting a new section to codify the offense of contempt; and to declare an emergency.

Sponsors: Rob Dorans

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Attachments:

Date	Ver.	Action By	Action	Result
12/14/2022	1	CITY CLERK	Attest	
12/13/2022	1	MAYOR	Signed	
12/12/2022	1	COUNCIL PRESIDENT	Signed	
12/12/2022	1	Columbus City Council	Approved	Pass

In January 2020, the Columbus Community Safety Advisory Commission presented final recommendations for police reform. Among their recommendations, the Commission called for the establishment of an independent civilian review board, and an amendment to the City Charter to create a city-funded, operationally independent, professionally-staffed, public-facing entity empowered to participate in administrative investigations involving Division personnel.

In July 2020, consistent with the recommendations of the Columbus Community Safety Advisory Commission, Mayor Ginther and City Council announced their intent to place an issue on the November ballot to amend the City Charter to establish a civilian police review board and a Department of the Inspector General for the Columbus Division of Police. On November 3, 2020, Columbus voters overwhelmingly approved the amendment by nearly 75 percent.

Also consistent with the Community Safety Advisory Commission Civilian Review Board recommendations, the City established the Civilian Review Board Work Group to develop the board's roles and responsibilities. In December 2020, the work group provided their recommendations to the Mayor which formed the basis for ordinance 1169-2021, supplementing the Charter provisions by conferring upon the board expanded authority to develop administrative rules; receive, initiate, review, and cause the investigation of complaints of misconduct; make recommendations on resolutions of complaints; make recommendations on discipline; and in specific circumstances, to subpoena witnesses and evidence.

This ordinance seeks to build upon the Charter and existing City Code authority of the Board by providing a means by which subpoenas issued by or on behalf of the Board might be enforced, consistent with sections of the City Charter, to aid in the investigation and/or review of allegations of misconduct where warranted.

EMERGENCY DESIGNATION: An emergency exists in that it is necessary to pass this ordinance in order to allow for the timely issuance of subpoenas in the event they are necessary now that the Board has before them the first set of completed investigations for review, all for the preservation of the public health, peace, property and safety.

To amend Chapter 2321 by enacting a new section to codify the offense of contempt; and to declare an emergency.

WHEREAS, in January 2020, the Columbus Community Safety Advisory Commission presented final recommendations

for police reform focused on areas such as de-escalation, crisis intervention, and implicit bias training; use of force policies; diversity recruitment and retention; and early intervention and officer wellness programs; and

WHEREAS, among their recommendations, the Commission called for the establishment of an independent civilian review board, and an amendment to the City Charter to create a city-funded, operationally independent, professionally-staffed, public-facing entity empowered to participate in administrative investigations involving Division of Police personnel; and

WHEREAS in July 2020, consistent with the recommendation of the Columbus Community Safety Advisory Commission, Mayor Ginther and City Council announced their intent to place an issue on the November ballot to amend the City Charter to establish a civilian police review board and a Department of the Inspector General for the Columbus Division of Police which, on November 3, 2020, Columbus voters overwhelmingly approved the amendment by nearly 75 percent; and

WHEREAS, the City Charter and Columbus City Codes authorize the Civilian Police Review Board and the Department of the Inspector General, in specific circumstances, to request that a subpoena issue to compel the attendance of witnesses and the production of evidence for use in any matter under investigation and/or review; and

WHEREAS, Section 63 of the City Charter authorizes the Mayor to cause the “conduct of any officer or employee to be examined” including by use of power to compel the attendance of witnesses, and the production of books and papers and other evidence and to cause witnesses to be punished for contempt; and

WHEREAS, an emergency exists in the usual daily operation of the Department of the Inspector General and the Civilian Police Review Board such that it is necessary to pass this ordinance in order to allow for the timely issuance of subpoenas now that the Board has before them the first set of completed investigations for review, all for the preservation of the public health, peace, property and safety; **NOW, THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That Chapter 2321 of the Columbus City Codes is hereby amended by the enactment of new section 2321.20 which will read as follows:

2321.30 - Contempt

(A) No person, having been duly served a subpoena issued pursuant to the Charter authority conferred upon the Mayor or a designee of the Mayor, to give testimony or to produce books, papers or other evidence upon any matter under inquiry by the appointed mayoral designee shall knowingly fail to appear, or, having appeared, refuse to testify regarding any acts within the person’s knowledge, or to produce any papers or books in the person’s possession, or under the person’s control, relating to the matter under inquiry.

(B) No witness shall be excused from testifying regarding the witness' knowledge of the matter under investigation in any such inquiry, but such testimony shall not be used against the witness in any criminal prosecution except for perjury committed upon such inquiry.

(C) Whoever violates this section is guilty of contempt, a misdemeanor of the third degree.

SECTION 2. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.