



# City of Columbus

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## Legislation Text

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**File #:** 1566-2020, **Version:** 1

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### **BACKGROUND**

The purpose of this ordinance is to amend section 1903.01 of the Columbus City Codes to allow for external criminal investigations of sworn personnel in the Divisions of Police and Fire.

On June 11, 2020, Mayor Andrew Ginther announced an executive order that would require the referral of certain use-of-force cases to the Ohio Bureau of Criminal Investigation (BCI) to conduct independent reviews and investigations of those cases. Included in this was the intent that the City enter into a memorandum of understanding (MOU) with BCI to outline the agreement for investigations.

To effectuate this executive order, it is necessary for Council to amend the Columbus City Codes, section 1903.01, pertaining to investigations and reports by police. The amendment will allow for the police chief to make referrals to BCI in order to conduct criminal investigations of the actions of sworn personnel in the Divisions of Police and Fire, under the following circumstances:

- The discharge of a firearm by sworn personnel that results in an individual's injury or death
- Any use of force that results in life-threatening injury or death
- Any life-threatening injury or death while in custody, or being taken in to custody or detained
- The use, or attempted use, by an employee of a stopping tactic, or a police-involved vehicular pursuit, which results in death or life-threatening injury

The amendment also allows for the chief of police to request mutual aid for an investigation from another law enforcement agency, should BCI decline an investigation.

Independent investigations are among the recommendations of the Columbus Community Safety Advisory Commission, and Columbus City Council is committed to taking this first step toward increasing Columbus residents' trust and confidence in our Division of Police.

**EMERGENCY DESIGNATION:** Emergency action is requested in order to ensure that the Division of Police has the immediate ability to begin referring criminal investigations to BCI, according to the Mayor's executive order.

To amend section 1903.01 of the Columbus City Codes to allow for external criminal investigations of sworn personnel; to repeal existing section 1903.01, and to declare an emergency.

**WHEREAS**, on June 11, 2020, Mayor Andrew Ginther announced an executive order that would refer certain use-of-force cases to the Ohio Bureau of Criminal Investigation (BCI) to conduct independent reviews and investigations; and

**WHEREAS**, to effectuate this executive order, it is necessary for Council to amend the Columbus City Codes, section 1903.01, pertaining to investigations and reports by police; and

**WHEREAS**, the amendment will allow for the police chief to make referrals to BCI in order to conduct criminal investigations of the actions of sworn personnel in the Divisions of Police and Fire in certain cases involving life-threatening injury and death; and

**WHEREAS**, independent investigations are among the recommendations of the Columbus Community Safety Advisory Commission, and Columbus City Council is committed to taking this first step toward increasing Columbus residents' trust and confidence in our Division of Police; and

**WHEREAS**, an emergency exists in the usual daily operation of Columbus City Council, in that it is necessary to ensure that the Division of Police has the immediate ability to begin referring criminal investigations to BCI, according to the Mayor's executive order, for the immediate preservation of the public health, peace, property, safety, and welfare; **NOW, THEREFORE,**

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

**SECTION 1.** That section 1903.01 of the Columbus City Codes is hereby amended, reading as follows:

1903.01 - Investigations and reports.

(A) Except as provided in subsection (B), whenever any person is physically injured or any property is damaged or destroyed by an employee of the city, or when city property is damaged or destroyed as a result of criminal action or a traffic accident, it shall be the responsibility of the division of police to investigate such incident, as deemed appropriate by the ranking on-duty supervisor at that time, and to make a report to the chief of police.

(B) It shall be the responsibility of the Chief of Police to make a referral to the Bureau of Criminal Investigations in accordance with Revised Code Sec. 109.54 to conduct a criminal investigation of the actions of sworn personnel of the Columbus Division of Police or Columbus Division of Fire personnel who are duly authorized to carry a firearm under the following circumstances:

1. The discharge of a firearm by the employee that results in human injury or death. This excludes unintentional discharge of a firearm in which the only injury is to the employee who discharged the firearm
2. Any use of force by sworn personnel of the Division of Police resulting in life-threatening injury or death of a human.
3. The death or life-threatening injury to a person while being taken into custody, while in custody, or while being detained by sworn personnel of the Division of Police.
4. The use, or attempted use, by an employee of a stopping tactic, or a police-involved vehicular pursuit, which results in a fatality or injuries likely to cause death.

(C) In the event that a referral made to the Bureau of Criminal Investigations pursuant to paragraph (B) is declined by the Bureau, the Chief of Police or the Chief's designee will forthwith request mutual aid from another law enforcement agency or assistance from a law enforcement agency with concurrent jurisdiction to investigate the incident.

**SECTION 2.** That existing section 1903.01 of the Columbus City Codes is hereby repealed.

**SECTION 3.** 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.