



Legislation Details (With Text)

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Title: To amend Ordinance 1500-2020, which created new section 217.051 of the Columbus City Codes, to clarify regulations around the possession of certain law enforcement equipment; to repeal existing Ordinance 1500-2020; and to declare an emergency.

Sponsors: Elizabeth Brown

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
9/17/2020	1	ACTING CITY CLERK	Attest	
9/16/2020	1	MAYOR	Signed	
9/14/2020	1	COUNCIL PRESIDENT	Signed	
9/14/2020	1	Columbus City Council	Approved	Pass

The purpose of this ordinance is to amend Ordinance 1500-2020, which created a new section 217.051 to restrict the acquisition and possession of certain law enforcement equipment by the City of Columbus.

Ordinance 1500-2020 codified items as prohibited that were initially included in President Barack Obama's Executive Order 13688, "Federal Support for Local Law Enforcement Equipment Acquisition." The executive order, which has since been revoked by President Donald Trump, sought to identify and prohibit or control the use of certain equipment in order to mitigate the militarization of law enforcement agencies.

This ordinance revises 1500-2020 in two ways:

- More explicitly detailing grenade launchers in section 217.051 as a prohibited item, so as not to include certain controlled items, such as those devices known in the Division of Police as "gas guns."
- Allowing for the use of one prohibited item, camouflage uniforms, until acceptable replacements can be procured.

EMERGENCY DESIGNATION: Emergency action is requested in order to immediately clarify for the Division of Police guidelines for the possession of the items in the amendment.

To amend Ordinance 1500-2020, which created new section 217.051 of the Columbus City Codes, to clarify regulations around the possession of certain law enforcement equipment; to repeal existing Ordinance 1500-2020; and to declare an emergency.

WHEREAS, on January 16, 2015, President Barack Obama issued Executive Order 13688, “Federal Support for Local Law Enforcement Equipment Acquisition,” to identify actions that can improve Federal support for the appropriate use, acquisition, and transfer of controlled equipment by state, local, and tribal law enforcement agencies; and

WHEREAS, among the provisions within the President’s executive order were lists of prohibited and controlled equipment that law enforcement agencies could acquire with federal funding; and

WHEREAS, prohibited equipment includes tracked armored vehicles, high-caliber weapons and ammunition, camouflaged uniforms, and other items of a militaristic nature; and

WHEREAS, Columbus City Council is in support of President Obama’s conclusions following the 21st Century Task Force on Policing, and that the substantial risk of misusing or overusing these items, which are seen as militaristic in nature, could significantly undermine community trust and may encourage tactics and behaviors that are inconsistent with the premise of civilian law enforcement; and

WHEREAS, the City of Columbus is committed to changing how we police our neighborhoods and moving toward a community-based model that works for all; and

WHEREAS, it is now necessary to clarify prohibitions and allowances for the use of certain law enforcement equipment, specifically grenade launchers and camouflage uniforms, and to do so by amending Ordinance 1500-2020, passed by Council on July 27, 2020.

WHEREAS, an emergency exists in the usual daily operation of Columbus City Council, in that it is necessary to clarify language regarding the acquisition and possession of this law enforcement equipment 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 Ordinance 1500-2020 is amended as follows:

SECTION 1. That chapter 217 of the Columbus City Codes is hereby amended.

SECTION 2. That new section 217.051 of the Columbus City Codes is hereby enacted, reading as follows:

Section 217.051 - Prohibited Law Enforcement Equipment

The acquisition and/or possession of the following law enforcement equipment, for use by the division of police or any other City entity, is prohibited:

(A) Tracked armored vehicles, or any armored vehicle that utilizes a tracked system instead of wheels for forward motion;

(B) Aircraft, vehicles, or watercraft upon which any weapon is mounted;

(C) Firearms of .50 caliber or higher;

(D) Ammunition of .50 caliber or higher;

(E) Grenade launchers, or any firearm or firearm accessory designed to ~~launch small explosive projectiles~~ **repeatedly launch military-grade high-explosive projectiles. This does not include launchers designed specifically to deploy**

less-lethal control agents or kinetic projectiles;

(F) Bayonets;

(G) Camouflage uniforms;

(H) Manned fixed wing aircraft;

(I) Riot batons, or any non-expandable baton of length greater than twenty four (24) inches; and

(J) Signal blockers, or any device the purpose of which is to interfere with communication by mobile devices.

SECTION 3. That Section 329.34 of Columbus City Codes is hereby amended as follows:

329.34 - Sale of city-owned personal property.

(a) All personal property of the city no longer needed for public use shall be sold by the director of finance and management or designee upon written recommendation of the director of the city agency having control of such property. Such property shall first be offered for sale or transfer to any other city agency at its present value. If not sold to another city agency, such property shall be sold to the highest bidder in a manner prescribed by the director of finance and management or designee.

(b) All personal property of the city no longer needed and of value due to its recyclable materials content may be collected by the city or its contractor and may be sold to the highest bidder in a manner prescribed by the director of finance and management or designee.

(c) If after conducting the process in subsection (a) or (b) no successful bidder is identified, the property may be disposed of in a manner determined by the director of finance and management if the director or designee determines that the item has no resale or salvage value. If after conducting the process in subsection (a) or (b) no successful bidder is identified, the property may be offered as a donation to a charitable organization, if the director of finance and management or designee determines that the item has some value. The manner of donation shall be prescribed by the director of finance and management.

(d) The provisions of this Section do not apply to any equipment included in Section 217.051 of Columbus City Codes.

SECTION 4. That any equipment included in Section 217.051 of Columbus City Code that is currently the property of the City of Columbus shall be disposed of within 60 days of the effective date of this ordinance, and that such disposal shall be in accordance with any current applicable laws and in a manner that renders it permanently unusable. This requirement to dispose of equipment does not apply to camouflage uniforms, **and the possession and use of camouflage uniforms shall be permitted until such time as replacement uniforms are procured for the Division of Police.**

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION 2. That previous Ordinance 1500-2020 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.