



Legislation Text

File #: 1817-2020, **Version:** 1

This ordinance establishes new Chapter 1943, Prohibition on Hate Group Affiliation, in Columbus City Codes.

To establish Chapter 1943, Prohibition on Hate Group Affiliation in Columbus City Codes; to direct the Division of Police to comply with the provisions of Section 1943.04; to direct the Civil Service Commission to adopt rules and background standards to prohibit candidates for employment with the Division of Police from associating with or affiliating with hate groups; and to declare an emergency.

WHEREAS, the number of hate groups operating in the United States since 2016 have seen a significant increase, rising from 892 in 2015 to 940 in 2019; and

WHEREAS, many hate groups operate in a covert manner, the number of identifiable hate groups currently ranges anywhere from 1000-1100 according to the Southern Poverty Law Center; and

WHEREAS, the number of identifiable hate groups currently operating in Ohio ranges from 40-50; and

WHEREAS, recognizing that officers are held to a higher standard, that it is a privilege to serve this noble cause, and that officers have an extraordinary leadership role in society and the opportunity to make a difference; and

WHEREAS, it is well settled that a law enforcement agency has a heightened need for order, loyalty, morale and harmony, which affords a police department more latitude in responding to the affiliations of its officers than other government employers; and

WHEREAS, the First Amendment in part protects one's right to freedom of speech, belief, association and assembly; however that right is not absolute; and

WHEREAS, the Code of Ethics for the Division of Police requires officers to make decisions based on the values of the Division, which include compassion, accountability, respect, integrity, and excellence; and

WHEREAS, affiliating with organizations that do not value the diversity of our community, specifically those that espouse and advocate divisive and prejudicial beliefs and objectives, and that espouse acts of violence and crime against a group of persons based on their race, ethnicity, nation, religion, disability, gender, gender identity or sexual orientation, is a direct violation of the Division of Police's Code of Ethics; and

WHEREAS, the Oath for the Division of Police requires officers to faithfully support the Constitution of the United States of America, the Constitution and Laws of the State of Ohio, the Laws and Ordinances of the City of Columbus, and the Rules and Regulations of the Department of Public Safety, Division of Police; and

WHEREAS, on July 13, 2020, Columbus City Council held a public hearing on hate group affiliation background checks to understand the history of hate groups in the United States and review the city's current background check policies and procedures; and

WHEREAS, the Community Safety Advisory Commission recommended that all officers affirm a morality clause committing to equal protection for all citizens, denouncement of any cultural supremacist groups, and to report any

officer's malfeasance; and

WHEREAS, public testimony has been given in favor of requiring police officers to denounce all hate groups as a condition of their employment as a police officer; **NOW, THEREFORE,**

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

SECTION 1. There is hereby created in Columbus City Codes Chapter 1943 - Prohibition on Hate Group Affiliation, which is as follows:

Chapter 1943 - Prohibition on Hate Group Affiliation

1943.01 Definitions

As used in this section:

- A. “Affiliation” means donating to, being a member of, or participating in activities including attending meetings, social media groups, or rallies organized by or executed on behalf of a hate group.
- B. “Hate group” means any group that advocates for violence or the commission of crimes against a group of persons based on their race, ethnicity, nation, religion, disability, gender, gender identity or sexual orientation.

1943.02 Hate group affiliation prohibited

- A. To mitigate disruption and to maintain loyalty, morale, and harmony with their fellow officers and the community they serve, no candidate for employment, recruit, sworn police officer, or employee of the Columbus Division of Police shall affiliate with a hate group.
- B. This section does not apply to Division personnel when affiliation is necessary for conducting official duties.

1943.03 Removal from candidacy

A candidate for employment with the Division of Police that is determined, under the existing regulations or background standards, by the Civil Service Commission or the Division of Police to have violated Section 1943.02 shall be automatically removed from candidacy.

1943.04 Directives to Division of Police

- A. The Division of Police shall adopt policies that prohibit sworn officers of the Division of Police and employees of the Division of Police from affiliating with hate groups and shall disseminate those policies to all sworn officers and employees of the Division of Police.
- B. The Division of Police shall adopt an Oath of Office to be administered to new officers at the time of swearing in that includes a prohibition for Division of Police sworn officers from affiliating with hate groups.
- C. The Division of Police shall adopt policies to be incorporated in to the Rules of Conduct and Code of Ethics that prohibit sworn officers of the Division of Police from affiliating with hate groups.

1943.05 Penalty

Any recruit, sworn officer or employee of the Columbus Division of Police that violates Section 1943.02 is subject to disciplinary action as specified in the governing collective bargaining agreement.

SECTION 2. The Civil Service Commission shall adopt rules to prohibit candidates for employment with the Division of Police from affiliating with hate groups.

SECTION 3. The Civil Service Commission shall adopt background standards that prohibit a candidate for employment with the Division of Police from affiliating with hate groups.

SECTION 4. That the Division of Police shall have ninety (90) days following the passage of this ordinance to comply with the requirements of Section 1943.04 of Columbus City Codes.

SECTION 5. That with regard to the actions directed by Section 2 and Section 3 of this ordinance, the Civil Service Commission shall perform the actions no later than ninety (90) days after passage of this ordinance.

SECTION 6. For the reasons stated in the Preamble hereto, which is hereby made a part hereof, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.