



Legislation Text

File #: 1169-2021, **Version:** 2

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. Their recommendations were informed by and consistent with an independent operational review of the Columbus Division of Police conducted by Matrix Consulting.

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 fully in criminal or administrative investigations involving Division personnel. The Commission also recommended the City implement a process for independent investigation of 1) officer use of force, including but not limited to, officer use of force resulting in death, officer involved shootings, and in-custody injuries and deaths; and 2) complaints about serious Columbus Division of Police officer misconduct.

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 form the basis for this ordinance.

In April 2021, Mayor Ginther appointed, with Columbus City Council's concurrence, the inaugural members of the Columbus Civilian Police Review Board. This ordinance supplements the Charter provisions by conferring upon the newly appointed 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.

EMERGENCY DESIGNATION: An emergency exists in that it is necessary to pass this ordinance in order to allow for the timely establishment and structure of the Civilian Police Review Board and the initiation of the establishment of the Office of the Inspector General, all for the preservation of the public health, peace, property and safety.

To **enact Chapter 235** to codify the composition of the Civilian Police Review Board and Department of the Inspector General for the Division of Police; to supplement the City Charter by conferring expanded authority to the Board and the Department of the Inspector General to exercise certain duties and responsibilities, including the 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; 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 fully in criminal or 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. On November 3, 2020, Columbus voters overwhelmingly approved the amendment by nearly 75 percent; and

WHEREAS, it is in the best interest of both the residents of the City of Columbus and the Department of Public Safety, Division of Police that additional, civilian oversight of the Columbus Division of Police be instituted; and

WHEREAS, an emergency exists in the usual daily operation of the Civilian Police Review Board and the Department of the Inspector General for the Division of Police such that the newly appointed Board be given the expanded authority necessary to provide oversight of the Columbus Division of Police as soon as possible; **NOW, THEREFORE**,

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

SECTION 1. That Title 2 of Columbus City Codes is hereby supplemented by the enactment of new Chapter 235, entitled “Civilian Police Review Board and Department of the Inspector General for the Division of Police,” and will read as follows:

Chapter 235 - The Civilian Police Review Board and Department of the Inspector General for the Division of Police

235.01 - Civilian Police Review Board - Membership Terms

(A) The Civilian Police Review Board shall consist of eleven (11) citizen members appointed by the mayor with the approval of city council. In making an appointment, the mayor and council, in addition to assuring that the Board is representative of the diverse Columbus community as provided for in Sec. 215, may consider the following factors in evaluating applicants: residency in and/or connection to the City of Columbus and relevant knowledge and/or experience in a similar role. The members of the Board shall serve without compensation for a term of three (3) years, except that the terms of the initial board members shall be six (6) members for two (2) years, and five (5) members for three (3) years. Members may serve more than one term but may not serve more than two terms consecutively. Members shall hold their seat on the Board until their successors are chosen, qualified, and installed. The mayor shall appoint one of the Board members to serve as chairperson whose role it will be to preside over meetings of the Board.

(B) Prior to being presented to city council for approval, all potential board member appointees shall execute a signed release and submit to a full background check, including a criminal background check, as a condition of their appointment. Notwithstanding these requirements, the initial board members shall, upon appointment but prior to beginning their duties, be subject to a request for release and submission to a full background check, including a criminal background check, as a condition of continued appointment to the Board.

(C) The initial Board, in consultation with the City Attorney or designee, shall develop Standards of Professional Conduct, policies pertaining to Board membership, and a comprehensive training program for Board appointees. Upon appointment but prior to beginning their duties, each newly appointed member of the Board shall be required to complete this basic course of training, including instruction in police tactics, ride-alongs with patrol officers, seminars on relevant

constitutional and criminal law, instruction in de-escalation techniques, and training in **diversity, inclusion, cultural competency**, and implicit bias. Members of the initial Board shall be required to attend and complete the comprehensive training program, once established, during their initial term of office or if not practicable, upon any re-appointment to the Board.

(D) The Board shall develop rules for recommending to the mayor the removal of one of its members for cause. **At the recommendation of the board, the mayor, with the concurrence of Council**, may remove any member so appointed, for inefficiency, neglect of duty (including failure to attend meetings or complete mandatory training), or malfeasance in office, having first given to such member a copy of the charges and an opportunity to be heard in person or by defense counsel, before the city council. Such removal shall be final.

235.02 - Civilian Police Review Board - Organization

(A) Within sixty (60) days after the effective date of this ordinance, the Board shall meet and organize **under the leadership of an appointed chairperson and** elect a vice-chairperson. **Following the completion of the first term of the appointed chairperson of the board, the board shall annually elect from its membership a chairperson who shall preside over its meetings and a vice-chairperson who shall serve in the absence of the chairperson.**

(B) The Board shall adopt by-laws to govern the conduct of its business which shall include provisions for regular or special meetings, voting procedures, amendment of its by-laws or rules, minutes of meetings, the formation of committees, or any other procedural matters the Board deems necessary to regulate the conduct of its business. Where the by-laws are silent, questions of parliamentary procedure shall be governed by Robert's Rules of Order.

(C) The Board has the authority to promulgate rules and regulations, in accordance with C.C.C. Section 121.05, to carry out its duties as provided for in the Charter and in this chapter. The Board and the Inspector General shall develop the procedures necessary for the Board to carry out its duties, including the procedures to convene hearings, to review investigations, to coordinate with the Division of Police, and any other operating procedures.

(D) The Board shall meet at such times as may be necessary to carry out its business, provided that at least one meeting shall be conducted each quarter in a calendar year. All meetings of the Board shall be public meetings in accordance with the general laws of the state of Ohio pertaining to the requirements of open meetings of public bodies. Meeting minutes and records shall be maintained in accordance with the general laws of the state of Ohio pertaining to public records.

235.03 - Civilian Police Review Board - Duties

(A) The duties of the Civilian Police Review Board shall be as follows:

(1) To receive, initiate, review, and, if appropriate, to direct the Inspector General to investigate and prepare a report for review, complaints alleging misconduct and/or excessive use of force by sworn personnel of the Columbus Division of Police;

(2) To direct the Inspector General to review and provide a report for review, investigations conducted by the Columbus Division of Police Internal Affairs Bureau for fairness and accuracy and, if warranted, recommend changes to Division policies and procedures based upon said reviews;

(3) To make recommendations on resolutions of complaints, if warranted, to the Chief of Police and/or the Director of Public Safety regarding matters reviewed by the Board;

(4) To make recommendations on discipline, if warranted, to the Chief of Police and/or Director of Public Safety regarding the outcome of all investigations reviewed by the Board;

(5) To evaluate and identify complaint patterns and make recommendations to reduce complaints based upon said evaluation;

(6) To review and make recommendations regarding Division of Police policies and procedures;

(7) To perform such other duties not inconsistent with the provisions of the Charter, this chapter, or as may be required of the Board by ordinance.

(B) The Civilian Police Review Board shall report annually to city council on the disposition of complaints, the outcome of investigations reviewed by the Board, **as well as the Board's actions and recommendations which may include division operations, discipline recommendations, trends and patterns, officer-involved shootings, and any issues pertaining to instances of racial profiling or bias.**

235.04 - Department of the Inspector General - Inspector General Term

(A) The Inspector General shall serve as the Director of the Department of the Inspector General for a five (5) year term in the unclassified service. The Inspector General may be re-appointed for not more than one (1) additional term of five (5) years. The Civilian Police Review Board, by a two-thirds (2/3) vote of the full Board and with the concurrence of the mayor, may at any time remove the Inspector General so appointed, for inefficiency, neglect of duty, or malfeasance in office, having first given to the Inspector General a copy of the charges and an opportunity to be heard in person or by defense counsel, before the Board. Such removal shall be final.

(B) The Inspector General shall have professional experience in the investigation of allegations of misconduct and shall conduct the duties of the Inspector General in a fair and impartial manner. Prior to being presented to the mayor for confirmation, a candidate for the position of Inspector General shall execute a signed release and submit to a full background check, including a criminal background check, as a condition of appointment.

235.05 - Department of the Inspector General - Duties

(A) The duties of the Department of the Inspector General shall be:

(1) To receive all complaints of misconduct and/or excessive use of force by sworn personnel in the Columbus Division of Police filed by citizens or initiated by the Civilian Police Review Board for review in order to determine and forward to the appropriate investigatory entity;

(2) If so directed by the Civilian Police Review Board, to investigate complaints of misconduct and/or excessive use of force by sworn personnel in the Columbus Division of Police and to prepare reports documenting findings and recommendations for review by the Civilian Police Review Board.

(3) To review and provide a report to the Civilian Police Review Board on investigations conducted by the Columbus Division of Police Internal Affairs Bureau for fairness and accuracy;

(4) To make recommendations on resolutions of complaints and, if warranted, suggested discipline on matters reviewed or investigated by the Department to the Civilian Police Review Board;

(5) To review and make recommendations to the Civilian Police Review Board regarding Division of Police policies and procedures;

(6) To perform such other duties not inconsistent with the provisions of the Charter, this chapter, or as may be required by vote of the Civilian Police Review Board or by ordinance of council.

SECTION 2. That section 235.05 enacted by Sections 1 this ordinance, shall take effect ninety (90) days from the Mayor's confirmation of the Inspector General's appointment by the Civilian Police Review Board as provided for in Sec. 217 of the City Charter. The remaining sections enacted by Section 1 shall take effect on the effective date of this ordinance.

SECTION 3. That 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 the earliest period allowed by law passage and approval by the Mayor, or ten days after passage if the Mayor does not approve the same.