



Legislation Text

File #: O-201-20, Version: 1

Council Member Komives

Enacting Section 129.09 “Right to Know Act” of the Toledo Municipal Code, to require police officers to identify themselves and provide business cards when engaged in Law Enforcement Activities.

SUMMARY & BACKGROUND:

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code Section 129.09 is hereby enacted as follows:

129.09. Right to Know Act

- (a) As used in this section, the term Law Enforcement Activity shall include the following:
- (1) Non-custodial questioning of individuals suspected of criminal activity;
 - (2) Pedestrian stops where an officer has an individualized, reasonable suspicion that the person stopped has committed, is committing, or is about to commit a crime and where a reasonable person would not feel free to end the encounter at will;
 - (3) Frisks;
 - (4) Searches of persons or property, including vehicles;
 - (5) Roadblock or checkpoint stops, but not including street closures for public events or emergencies;
 - (6) Home searches; and
 - (7) Investigatory questioning of victims of or witnesses to crimes.
- (b) During a law enforcement activity, a police officer shall:
- (1) Identify himself or herself to the person who is the subject of such Law Enforcement Activity by providing his or her name, rank and assignment;
 - (2) Provide to such person an explanation of the reason for such Law Enforcement Activity, unless providing such information would impair a criminal investigation;
 - (3) Offer a business card to such person at the conclusion of any such activity containing at a minimum:
 - (i) the police officer’s name, rank and assignment; and
 - (ii) phone number for the Civilian Police Review Board and an indication that such phone number may be used to submit comments about the encounter between such police officer and such person.
- (c) A police officer shall offer a business card to any person requesting identifying information.
- (d) A police officer shall not be required to comply with this section where:
- (1) Such officer is engaged in an approved undercover activity or operation, and Law Enforcement Activity is undertaken pursuant to such undercover activity or operation; or
 - (2) Where exigent circumstances require immediate action by such police officer.
- (e) The Department of Police Operations shall ensure that police officers have an adequate number of business cards prior to

engaging in any Law Enforcement Activity.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance shall be in full force and effect from and after the earliest date allowed by law.

Passed: _____ : yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council