



## Legislation Text

---

**File #:** O-220-20, **Version:** 1

---

Councilman Riley

### **Amending Section 163.07 of the Toledo Municipal Code to grant the power of subpoena to the Civilian Police Review Board; and declaring an emergency.**

#### **SUMMARY & BACKGROUND:**

Toledo City Council has determined that it is in the best interest of the City to authorize the Civilian Police Review Board the authority to issue subpoenas to compel witnesses to testify in public hearings examining complaints of police misconduct.

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

SECTION 1. That Toledo Municipal Code Section 163.07, which reads as follows, is hereby repealed:

#### 163.07. Public hearing.

- (a) In reviewing information for the public hearing, the Board may examine the appeal form and any document submitted with it, the report prepared by the Police Division investigation and any documents accumulated during its investigation. The Board may receive any oral or written statements volunteered by the complainant or the police officer or officers involved or any other citizen, and may listen to the tape recordings of the witnesses recorded by the Police Division.
- (b) The Board may require police investigating officers to appear and answer Questions within the Board's scope of review.
- (c) Witnesses other than the members of the police investigating team shall not be required to appear involuntarily before the Board as the Board does not possess subpoena powers. Complainant witnesses, involved police officers and their witnesses shall be strictly on a volunteer basis.
- (d) Both the complainant and any witnesses and the police officer and any witnesses are allowed representation by counsel.
- (e) When examining witnesses, the Board may ask any question within the Board's scope of review, provided that the question does not infringe contractual or constitutional rights. Since appearances before the Board are voluntary, witnesses can decline to answer any questions posed to them.

SECTION 2. That a new Toledo Municipal Code Section 163.07 which reads as follows is hereby enacted:

#### 163.07. Public hearing.

- (a) In reviewing information for the public hearing, the Board may examine the appeal form and any document submitted with it, the report prepared by the Police Division investigation and any documents accumulated during its investigation. The Board may receive any oral or written statements volunteered by the complainant or the police officer or officers involved or any other citizen, and may listen to the tape recordings of the witnesses recorded by the Police Division.
- (b) The Board may require police investigating officers to appear and answer Questions within the Board's scope of review.

- (c) The Board shall have the power to subpoena witnesses, compel their attendance, administer oaths, take sworn testimony and, in connection therewith, to require the production for examination of any documents relating to any matter under investigation or properly in question before the Board. Such subpoena shall be signed by the Chairman of the Board. No such subpoena however shall be issued without an affirmative vote of approval of not less than two-thirds of the total membership of the Board. Should any person refuse to testify or produce such documents after receipt of such subpoena, the Law Director shall seek to enforce the subpoena in the Court of Common Pleas.
- (d) Any City official or agency requested to provide documents or records to the Board shall do so immediately, without the necessity for the issuance of a subpoena.
- (e) Both the complainant and any witnesses and the police officer and any witnesses are allowed representation by counsel.
- (f) When examining witnesses, the Board may ask any question within the Board's scope of review, provided that the question does not infringe contractual or constitutional rights.

SECTION 3. 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 4. That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety, and property and for the further purpose of facilitating the expeditious resolution of misconduct complaints.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: 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