



## Legislation Text

**File #:** O-203-20, **Version:** 1

Councilman Sykes

### **Enacting Section 129.11 of the Toledo Municipal Code, Duty to Intervene and Report; and declaring an emergency.**

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

Toledo City Council has determined that it is in the best interest of the public and the Department of Police Operations to codify the duty of officers to intervene and report in instances of unauthorized use of force by police officers.

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

SECTION 1. That Toledo Municipal Code Section 129.11 is hereby enacted as follows:

129.11           Duty to Intervene and Report.

- (a) Any member of the Department of Police Operations who observes another member of the Department of Police Operations use any unauthorized use of force, including any prohibited neck restraint or chokehold must attempt to safely intervene by verbal and physical means, and if they do not do so, they shall be subject to discipline to the same severity as if they themselves engaged in the prohibited use of force.
- (b) Any member of the Department of Police Operations who observes another member of the Department of Police Operations use any unauthorized use of force, including any prohibited neck restraint or chokehold has an affirmative duty to immediately report the incident while still on scene by phone or radio to their Commander or their Commander's superiors.

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 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.

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

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor