



# ZACH KLEIN

COLUMBUS CITY ATTORNEY

eNewsletter

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## From the Desk of City Attorney Zach Klein

As we look forward to celebrating Independence Day, it's always important to reflect upon the enduring strengths of our nation while also acknowledging that the "Great American Experiment" continues and many challenges remain. As an elected official and an attorney, I appreciate that the rule of law not only has undergirded our democracy for the past 240 years but it also can serve—when wielded properly—as an instrument for enlightenment, evolution, and progress for society.

We all are part of the fabric of this great nation —*We the People*— and we all must continue to strive to live up to the ideals imbued in the Constitution—to *form a more perfect Union*. It takes humility, along with courage and resolve, to admit that we—as individuals, as a society, and as a nation—are a work in progress and must continue to try to do better than the day before. It is with this understanding that I approach the responsibilities the residents of Columbus have entrusted in me as the top legal official for the city.

One of the most basic legal tenets underpinning our form of government is the concept of *innocent until proven guilty*—except somewhere along the way, our criminal justice system became unbalanced. Many low-level, non-violent offenders awaiting trial—still innocent because they haven't had their day in court for a judge or jury to even begin to weigh their guilt or innocence—sit in jail simply because they can't afford to post bail. In challenging myself and my staff to always try to do better, we identified bail reform policies, which you can read more about later in this edition of our e-newsletter, as part of a larger effort to modernize our processes and procedures to make the criminal justice system more efficient, equitable, and fair for everyone—not just those with financial means.

You'll also be able to learn more about a highly competitive federal technical assistance grant our office secured to help prevent intimate partner homicide. Additionally, we have an important legal update on the landmark lawsuit we filed in federal court to safeguard healthcare protections for Columbus residents and millions of our fellow Americans.

Finally, I would like to thank the faculty and staff at Columbia Law School in New York for inviting me to join federal judges, district attorneys, members of Congress, and legal scholars from across the country to participate in "Rewriting the Sentence," a summit on ways to improve our nation's criminal justice system.

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## Bail Reform

Last month, the City Attorney's office instituted a new prosecution policy that emphasizes public safety while prioritizing jail space for violent offenders, saving taxpayer money, and reducing the amount of time individuals spend in jail while awaiting trial for non-violent misdemeanor offenses. It's part of City Attorney Klein's broader effort to comprehensively address fundamental inefficiencies and inequalities in the criminal justice system.



Absent unique circumstances, city prosecutors are now affirmatively requesting and advocating for recognizance bonds for all non-violent offenders appearing in arraignment court. Commonly known as ROR—or "release on own recognizance"—bonds, a recognizance bond allows individuals to be released from jail following their arraignment hearing without having to post cash for a bail bond. The judges presiding over arraignment court ultimately decide bond conditions, but generally take into account the prosecution's recommendation.

Columbus' recently announced bail reform initiative is one of several new policies the City Attorney's office has been analyzing and developing—with more reforms set to be announced soon.

Among the issues this new policy change is intended to address is the basic fact that individuals who are indigent and cannot afford to post bail must remain in jail while they await their trial, while others charged with the same offenses, but who have the financial ability to make bail, are able to go free. Generally, individuals charged with these types of non-violent misdemeanors likely will not be sentenced to jail once convicted—creating an imbalance in the criminal justice system that may keep impoverished people incarcerated before they are officially determined to be guilty or innocent, solely because they cannot afford to pay a bail bond.

It is important to note that the city prosecutor's office is **NOT** recommending recognizance bonds for cases involving violent crimes, sex offenses and OVIs.

Violent crimes include:

- Domestic violence
- Assault
- Intimate partner violence
- Menacing
- Stalking
- Violation of protection order
- Columbus City Code weapons under disability
- Child endangering

Sex offenses include:

- Public indecency
- Sexual imposition
- Unlawful sexual conduct with a minor
- Voyeurism



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## Legal Update

In June, the U.S. House of Representatives, 20 states, 13 cities and counties, four advocacy groups, a healthcare expert, and a health economist filed a total of six *amicus curiae* briefs in support of the healthcare [lawsuit](#) the City of Columbus filed against the federal government. The suit, which also includes Baltimore, Cincinnati, Chicago, and Philadelphia, challenges the Trump administration's deliberate and unlawful sabotage of the Affordable Care Act. The attacks have raised premiums and made quality health insurance plans harder to access for millions of Americans. By intentionally sabotaging the ACA, Trump also is directly violating his sworn constitutional duty to "take care that the laws be faithfully executed."

The City of Columbus and its fellow plaintiff cities have asked that the court order Trump to take certain steps to faithfully execute the ACA, which includes restoring funding for advertising and healthcare Navigator groups, expanding open enrollment periods, and promoting the availability of comprehensive, reasonably-priced health insurance for individuals and families with pre-existing conditions. In these most recent *amicus* briefs, the filers outline the "extraordinary financial and human costs" to millions of Americans caused by the Trump administration's "relentless" and "methodical" dismantling of the ACA.

For example, the U.S. House of Representatives' [brief](#) explains that "Congress passed the Affordable Care Act in response to serious problems plaguing America's health care system," and that the law was intended "to expand coverage while keeping health care costs in check." The brief then details the steps Trump has taken to "undermine Congress' goal" in enacting the ACA, including removing the requirement that exchanges provide standardized options (which make it easier for consumers to compare plans), shortening the open enrollment period, and reducing funding for outreach and advertisements.

The District of Columbia, California, and 18 other states [describe](#) "the profound and destabilizing impact of this administration's systematic efforts to impede the ACA." Many states are seeing a rise in health insurance premiums and an increase in the number of uninsured residents, which have caused individuals to turn to so-called "safety-net" resources such as hospital emergency rooms and free clinics to meet their healthcare needs. "But such uncompensated care—a direct result of this administration's policies—is not free. It is axiomatic that when the number of uninsured individuals rise, uncompensated care costs rise as well," the brief explains. This imposes "a serious financial strain on state and local government coffers." As a result of the Trump administration's "methodical dismantling of the ACA, one piece at a time...states, and their residents, are paying a steep price."

Click [here](#) to read more excerpts from the *amicus* briefs.

**"Receiving support from the House of Representatives and so many other states, cities, counties, advocacy groups and experts highlights the gravity of the situation as we continue to fight against the deliberate sabotage of the Affordable Care Act. The lives of our fellow Americans are literally at stake as our coalition tries to counter repeated attempts to kill healthcare protections for millions of people through what is described as a 'death by a thousand cuts' approach."**

**Columbus City Attorney Zach Klein**




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## Community Action

National statistics show that intimate partner homicide is five times more likely to occur when an abuser has access to firearms—and FBI data consistently shows that every year since 2001, 55 percent of women killed by an intimate partner were shot with a firearm. To counter this disturbing pattern, the Columbus City Attorney's office applied for a highly sought-after technical assistance grant that is designed to help communities identify and overcome challenges in implementing domestic violence-related gun laws.

The Domestic Violence Homicide Prevention Firearms Technical Assistance Project—which is administered through the National Council of Juvenile and Family Court Judges and the U.S. Department of Justice's Office on Violence Against Women—was awarded to Columbus along with: Birmingham, AL; Brooklyn, NY; Spokane, WA; the Oklahoma Tribal Nation; and the state of Vermont.

The grant program helps local governments create and implement community-specific strategies to disarm abusers by providing access to expert consultants and DOJ staff, intensive training, technical assistance, and a framework for enhanced inter-agency collaboration and cooperation. Securing this grant will help Columbus expand its ability to enforce domestic violence-related firearms laws, which data proves can significantly reduce the rate of intimate partner homicide.

In May 2018, the City of Columbus passed four ordinances that made dozens of technical and substantive changes to the city's criminal codes related to firearms offenses, including laws to prohibit convicted domestic abusers and other violent felons from possessing firearms.

The planning and assessment phase of the grant program, which includes a number of local partners, began this summer and focuses on several different subjects such as victim advocacy and law enforcement's response to the use of firearms to threaten, intimidate, and control.

Some of the focus areas for the City Attorney's office are likely to include:

- *911 call response and initial response by law enforcement at the scene:* ensuring that officers learn about and use all available legal authority to seize or obtain the surrender of firearms when responding to domestic violence incidents.
- *Pre-trial hearings:* enhancing the court's ability to learn about offenders' access to firearms and to issue pre-trial orders (bail, conditions of release, *etc.*) that effectively prevent such access.
- *Pre-trial negotiations and pleas:* ensuring that all relevant stakeholders avoid limiting or eliminating conviction-based firearm prohibitions as part of the plea negotiation process.
- *Trial, conviction, and sentencing:* implementing strategies, including meeting requirements for specific court records, to facilitate enforcement of state, local, and federal prohibitions that result from a domestic violence conviction.
- *Post-conviction probation/parole:* ensuring issuance of probation and other post-conviction orders that include clear and enforceable provisions regarding firearms, as well as post-conviction compliance monitoring.

Local partners who will help serve on the project management team include the Columbus Division of Police, Franklin County Prosecutor's office, Franklin County Pretrial and Probation Services, Columbus Public Health, Franklin County Domestic Relations Court, LSS CHOICES for Victims of Domestic Violence, and The Center for Family Safety and Healing.



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### D.E.A. Investigations Help Columbus Shut Down Franklinton 'Drug Distribution Center' and Hilltop Drug House:

These two properties were the scene of approximately 100 police runs for drug trafficking, overdoses, shots fired, robbery, sexual assault, stolen vehicles, murder investigations, wanted fugitives, dead bodies, crates of ammunition, and more. Click [here](#) to get all the details.



### Columbus Man Sentenced to Jail in Ethnic Intimidation Case:

Judge orders 90 days confinement after jury found defendant guilty of multiple misdemeanors in case involving racial slurs. Click [here](#) for more information.

### Columbus City Attorney Secures Conviction in Daycare Child Endangering Case:

Defendant found guilty of 14 counts of child endangering after posting video showing more than a dozen preschoolers fighting each other. Click [here](#) to get all the details.



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