



eNewsletter

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From the Desk of City Attorney Zach Klein

With 2020 being one of the most difficult and challenging years our country and city have faced in recent memory, our office has been fielding a wide-range of questions and concerns raised by Columbus residents.

Many of the topics relate to what matters most to all of us and what we focus on every day in the City Attorney's office. Protecting neighborhoods, promoting equitable justice and increasing economic opportunity remain our highest priorities—and addressing issues that impact the safety and quality of life in our community is such an integral part of all those objectives. Columbus residents deserve to live in a healthy, safe and clean environment, especially when so many across our city are still working and learning from home due to the coronavirus pandemic.

In this newsletter, you can read about how:

- We're part of an important new initiative with the United States Attorney's office to bring local and federal prosecutors and law enforcement together to address the disturbing rise in gun violence we've seen in Columbus over the past several months.
- Our efforts working with officials in Mayor Ginther's administration has led to more than triple the number of illegal dumping prosecutions this year.
- We recently wrapped up a three-week trial that resulted in a guilty verdict against two pet store owners who were charged with 20 counts of animal cruelty.

We also jointly filed a lawsuit with the City of Cincinnati against FirstEnergy to stop House Bill 6 (HB 6) from going into effect. We're asking the Franklin County Court of Common Pleas to strike down HB 6 as unconstitutional and to protect Ohioans, including the residents of Cincinnati and Columbus, from being forced to pay nearly a billion dollars in new fees that will be collected through their utility bills over the next six years.

Our residents, and the rest of our fellow Ohioans, should not have to pay this \$900 million corporate bailout to FirstEnergy that was created through corruption, bribery and deception. In Columbus alone, ratepayers are on the hook for \$25 million of their own money that could otherwise be used to support their families, especially as we head into the winter months during a pandemic that is showing no signs of dissipating.

Until next time, I want to encourage folks to continue contacting our office to let us know about what's important to them by calling 614.645.7385 or emailing CityAttorney@columbus.gov.

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Working with Federal Authorities to Combat Gun Violence

Last week, the United States Attorney for the Southern District of Ohio, which includes Columbus, announced a multi-jurisdictional partnership with the City Attorney's office and other important agencies to address the alarming increase in gun violence in the Hilltop and Linden neighborhoods.



City Attorney Klein joined U. S. Attorney

David M. DeVillers, the Franklin County Prosecutor's office and officials from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the Columbus Division of Police in explaining the new "hot zone" firearms initiative—a concerted effort by federal and local law enforcement agencies and prosecuting authorities to work together to identify dangerous offenders for federal prosecution.

Under federal law, it is illegal to possess a firearm for individuals who fall into one of nine prohibited categories, including being a felon, having been previously convicted of a domestic violence offense or being under a court-authorized restraining order. These crimes, called possessing a weapon under disability, can be punished by up to 10 years in federal prison.

It is also unlawful to possess a firearm while trafficking drugs or committing other violent offenses. Defendants convicted of these crimes face a mandatory minimum of five years and up to life in prison.

According to crime statistics, 35 shootings and 20 homicides were committed from January to mid-September 2020 in police zone three, which includes the Hilltop. During the same time period, 36 shootings and 24 homicides were committed in police zone four, which encompasses Linden. Just in the area located along Cleveland Ave. east of I-71 and north of I-670, 23 of the zone's 24 homicides and 30 of the zone's 36 non-fatal shootings occurred.

The Columbus Division of Police also has seized more than 1,500 illegal firearms via search warrants and misdemeanor and felony investigations so far this year. Just last month alone, officers seized 244 firearms.

The U.S. Attorney's office announced it is shifting resources in order to handle the anticipated increase in federal firearms prosecutions. City and county prosecutors will help by serving as Special Assistant United States Attorneys to prosecute firearms offenses at the federal level. Top prosecutors from the City Attorney's office, Melanie Tobias and Joe Gibson, who currently serve as special assistant U.S. attorneys under a [joint agreement to target violent domestic abusers](#) announced last year, will serve on this new initiative.

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Securing Justice in Animal Cruelty Case

A Grove City couple was found guilty in one of the largest animal cruelty cases in recent memory, in which humane agents rescued nearly 200 animals from desperate, deplorable conditions. Douglas and Britny DeVaul were charged with 20 counts of animal cruelty and found guilty by a jury at the conclusion of a three-week trial.



Veterinarians and [Columbus Humane](#) investigators testified in court that the animals were trapped in terrible conditions by the DeVauls. City prosecutors also presented medical records and hundreds of photos to the jury to help secure the guilty verdict.

The husband and wife were under investigation at both their primary residence in Grove City and their retail pet store, the *Petting Zoo* (formerly *Grove City Reptiles*) on W. Broad St. in Columbus as authorities received approximately 30 complaints, many of which were filed by individuals who purchased puppies that died soon after purchase. Puppies were also sold under the business names of *Fireside Puppies* and *Buckeye Puppies*.

On initial visits, authorities found minor animal care violations which were corrected. However, during a final inspection the situation had greatly worsened with unsanitary, overcrowded conditions and inadequate food and water. Authorities thereafter seized approximately 190 animals, including 97 dogs, from the DeVaul's Grove City property.

Several of the animals were suffering from untreated diseases including parvovirus, which is extremely lethal to dogs.

Each count of the charges against the couple is a misdemeanor of the second degree. Sentencing is scheduled for Jan. 5, 2021.

The convictions automatically result in the loss of the DeVaul's animal broker license.

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More than Tripling Illegal Dumping Prosecutions

City Attorney Klein recently announced that his office increased the number of prosecutions for illegal dumping 350 percent this year after assigning an assistant city prosecutor to work directly with investigators from the city's division of refuse collection and other partner agencies. So far this year, the city has filed 46 criminal cases. In all of 2019, 13 criminal cases were filed.

Starting this past March, Klein appointed Assistant City Prosecutor Christopher C. Clark to work in the *Zone Initiative*, the city attorney's highly-regarded unit that focuses on neighborhood safety and quality-of-life issues, to begin aggressively prosecuting illegal acts of open and excessive dumping that have long vexed neighborhoods throughout the city.

Charges are brought under [Columbus City Code Section 1305](#) and are misdemeanors of the third degree, carrying a maximum penalty of up to 60 days in jail and a \$500 fine.

Defendants also are usually ordered to perform community service as part of their sentence and must complete their required hours through the [Community Cleanup Crew](#), which is administered through the Franklin County Environmental Court with funding from the City of Columbus and Franklin County. Tasks include litter collection, community cleanups, graffiti removal and special projects to assist local seniors and disabled residents.

Stacks of filthy mattresses, discarded hot tubs, construction debris spilling out into alleyways and mounds of trash so large they block entire garages are just a few examples from the tons of detritus left behind by some of the city's worst illegal dumpers. Many are caught on cameras that have been strategically placed by the City of Columbus in dumping hot zones. Others are caught by neighbors or other concerned residents who take photos of the incidents and report them to the city's 311 customer service center.

The bulk of the investigations are performed by solid waste inspectors from the division of refuse collection. They initiate investigations as well as follow up on community complaints to gather evidence and issue citations. Once the offenders are identified and probable cause is established, the inspectors bring everything associated with the case to the City Attorney's office for prosecutorial review.

Offenders could also face civil sanctions after Columbus City Council passed legislation that went into effect on Aug. 30, 2020. The new ordinance allows the city to file civil complaints against illegal dumpers, seeking up to \$1,000 in civil penalties in order to "reimburse the city for a portion of the costs incurred by it in the enforcement of infractions and, for some infractions, the increased costs of solid waste disposal." These civil complaints can be filed in addition to, or separate from, any criminal charges filed against a defendant—depending on the circumstances of the case.

Residents who want to report illegal dumping should contact the city's customer service center by calling 311 or visiting [311.columbus.gov](#). Reports should be as thorough as possible, including location and description of the issue.

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