



ZACH KLEIN

COLUMBUS CITY ATTORNEY

eNewsletter

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From the Desk of City Attorney Zach Klein

I have heard from hundreds of Central Ohioans over the last few weeks. And, I want you to know that I am listening, learning and taking your messages to heart.

The death of George Floyd and the protests that have followed have, yet again, brought our nation's grave failings and our long history of systematic racism to the forefront.

We cannot let pleas for justice and change fall by the wayside. As leaders, we owe our citizens proactive reforms to change the culture of justice in our city.

With the endorsement of the Columbus Chapter of the NAACP, the Columbus Urban League and the Baptist Pastors Conference of Columbus, I recently introduced eight action steps that I, in my role as Columbus City Attorney, can help implement to make meaningful change.

My recommendations are the following:

PROTEST RESPONSE AND CROWD CONTROL PROCEDURES:

1. Appoint special counsel to perform an independent, outside investigation and review of the City of Columbus' handling of the recent protests.
2. Conduct a review of Columbus Division of Police policies and procedures regarding the clearing of streets during peaceful demonstrations in order to avoid unnecessary confrontations between law enforcement and those exercising their First Amendment rights.
3. Change the Columbus Division of Police policies on using chemical agents to comport with best practices as identified by Matrix Consulting, thereby ending broad use of chemical agents against nonviolent protesters and requiring verbal warnings.
4. The Columbus City Attorney's Office has submitted evidence to the Internal Affairs Bureau (IAB) and will continue to do so as it is gathered. To date, we have submitted photos and videos of uses of chemical agents being used on protestors, and we encourage members of the public to do the same. We also request members of the public submit to police any and all evidence they may have that could potentially identify individuals or groups inciting violence and destruction so that we can hold those individuals accountable. Evidence can be submitted to the Department of Public Safety's Equal Opportunity Compliance Office at reportCPD@columbus.gov or directly to IAB at IABDeskSgt@columbuspolice.org.

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SYSTEMIC CHANGES TO IMPROVE POLICE COMMUNITY RELATIONS:

5. Create a Citizen Review Board, as recommended by the Community Safety Commission. The current FOP contract places limitations on how this can be fully implemented in the short-term. Accordingly, the Columbus City Attorney's Office is reviewing the current FOP contract to identify immediate opportunities where civilian review can be implemented.
6. Move charging decisions for alleged misdemeanor criminal offenses to the Columbus City Attorney's Office for review before they are filed, similar to the charging process for the Franklin County Prosecutor with felony offenses. Officers will still have the immediate ability to arrest in a violent situation, but then the City Attorney's Office, through its charging process, will assure only appropriate charges are then filed. Citizens being charged for most non-violent offenses will receive a summons for court instead of being incarcerated prior to trial.
7. Conduct a review of the Columbus City Code relating to traffic and pedestrian offenses and examine how enforcement of those offenses can have an adverse impact on building trust between the police and the Black community.
8. Dedicate additional hours to the Columbus Division of Police's training program, separate from the current curriculum, for an immersion experience that helps build a relationship between the officers and the communities they serve prior to graduation. The purpose of these hours is for recruits to spend time building relationships and a commitment to those neighbors and community leaders, not in a law enforcement capacity but in public service, before they begin policing. The Columbus City Attorney's team who works directly with those communities will serve as a resource for officers learning about the unique struggles of those neighborhoods.

Our leaders have a responsibility to ensure that all community members are respected and safe and that law enforcement have the training, policies and procedures that reflect our expectations. I urge you to hold me, and all of our community and elected officials, accountable for implementing change.

I welcome your feedback and input. You can reach out to me any time at CityAttorney@columbus.gov.

Sincerely,



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Criminal Justice Reform Bill Moves Forward

The Ohio Senate recently passed long-awaited legislation to modernize Ohio's drug sentencing laws.

For the last two years, City Attorney Klein has been working with a bipartisan group of legislative and local leaders on a drug sentencing reform plan that eventually became the legislation contained in [Senate Bill 3](#). SB 3 is critical because it addresses a key failure of the criminal justice system: too often, people battling addiction are charged with felonies and incarcerated, instead of getting connected to treatment and recovery services that can help put them on a path to restore their lives. SB 3 allows prosecutors and other court officials working in the criminal justice system the flexibility to help those struggling with addiction while focusing the most serious criminal charges on drug traffickers. The next step will be for the Ohio House of Representatives to consider the bill, which has received considerable hearings and testimony since being introduced in the Ohio Senate Judiciary Committee in early 2019.

City Attorney Klein and Franklin County Prosecutor Ron O'Brien worked with lawmakers to craft the legislation. The City Attorney's recommendations of downgrading low-level (fourth- and fifth-degree felony) drug possession to a misdemeanor offense, with a presumption toward rehabilitation, as well as allowing for the sealing of those same convictions have been incorporated into the Senate-passed bill.



Fighting to Protect the Affordable Care Act

The City of Columbus recently signed on to a U.S. Supreme Court amicus curiae brief in defense of the Affordable Care Act. Columbus, along with 44 other municipalities from across the country, argued that the Trump administration's effort to eliminate the federal law jeopardizes the long-term health of residents.



Twenty-seven million workers and their family members have lost job-based health insurance in the past two months according to estimates from the Kaiser Family Foundation. That represents nearly one-fifth of Americans who get employer coverage. In the brief, the coalition argued that invalidating the ACA at this time would create more barriers to quality care and exacerbate the pandemic's impact.

In the brief, the group also explained that local governments shoulder many of the costs associated with providing services for uninsured residents with unmet health needs. The leaders said that the ACA has allowed communities to better spend taxpayer dollars, provide more effective health services and preserve resources for other critical government functions.

The brief was filed in response to *Texas v. California* and *United States v. House of Representatives v. Texas*, two consolidated cases pending before the U.S. Supreme Court. This represents the third time the high court has heard a lawsuit threatening to upend the federal health care law.

Amid Pandemic, Fight Against Drug Epidemic Continues

The City of Columbus recently secured an emergency court order to board-up a west side residence that was the scene of at least 24 police runs in the last year, including nine domestic violence calls, three accidental drug overdoses, three gun incidents, two stolen vehicles, a stabbing, and a fatality. It is the 17th drug-related nuisance property the City Attorney's office has taken legal action against this year, 12 of which have been located on the city's west side.



The hearing comes on the heels of a Franklin County Coroner's [report](#) showing overdose deaths were up 55 percent in the first quarter of 2020 compared to the same time period last year.

Immediately after the Franklin County Environmental Court granted City Attorney Klein's motion for an *ex parte* temporary restraining order, the Columbus Division of Police boarded up the premises at [256 West Park Avenue](#).

According to court documents, the west side residence came to the attention of Columbus police when they began responding to what became a string of domestic violence and gun incidents between July and October 2019. Officers responded to three more domestic violence calls on November 30 and December 4, 2019, and January 1, 2020.

On November 7, 2019, police and paramedics responded to the premises on report of an unresponsive individual. Attempts to resuscitate the victim were unsuccessful.

On January 19, 2020, officers responded to the premises on report of a stabbing, with the caller purportedly being stabbed in the stomach.

On March 22, 2020, an individual leaving the premises was found to be in possession of a handgun and 102 grams of methamphetamine. The individual also had multiple outstanding arrest warrants.

On April 22, 2020, a drug overdose victim was administered two doses of naloxone and transported to a local hospital for treatment. On May 7, 2020, police and paramedics once again responded to the premises due to a drug overdose.

On June 13, 2020, police recovered a stolen vehicle from the premises.

A hearing for preliminary and permanent injunctive relief against the property owners is scheduled for Thursday, July 16, 2020 at 11:00 a.m.

If the property is ultimately declared to be a statutorily defined public nuisance, state law grants the court authority to order the premises shut down for up to one year. The owners also would be permanently enjoined from "conducting, maintaining, using, occupying, or in any way permitting" a public nuisance anywhere else in Franklin County, Ohio.

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