



## A Special Message from City Attorney Zach Klein and Police Chief Thomas Quinlan

Dear Residents of Columbus -

We're writing you today in response to a recent policy change issued by the Columbus Division of Police related to the process of arresting and incarcerating individuals who commit nonviolent misdemeanors, such as theft or trespassing.

This policy change revolves around a single premise that we support to promote public safety: Individuals who have little or no recent criminal history should not be arrested and immediately taken to jail for committing a nonviolent misdemeanor. Instead, these individuals should be detained, identified, and issued a summons with a court date to be prosecuted. **Regardless of whether the individual is arrested and immediately taken to jail or issued a summons, the individual who commits a crime will be prosecuted.**



No policy change involving public safety or victims lets an individual "off the hook" for criminal conduct. Public safety is always a top priority.

Police continue to have the discretion to arrest and immediately take individuals to jail for nonviolent misdemeanors if the individual:

- becomes violent or resists during their interaction with the police;
- has outstanding warrants;
- is a known repeat or serial offender and arrest is deemed necessary to stop the conduct; or
- has committed a prostitution-related offense and the officer believes that arrest is necessary to help save the person's life (because of addiction or to escape his or her abuser).

As you can see, based on these exceptions, we can envision no scenario where an officer cannot arrest and immediately take to jail a nonviolent misdemeanor offender when public safety is at risk or in order to stop repetitive and/or continued criminal conduct.

The actual changes in this policy are alterations to how police handle things behind the scenes and will have minimal impact on what the public is used to seeing and expecting. In fact, these changes are now simply putting on paper some of the informal and unwritten general approaches that the Division of Police have already been using to address nonviolent misdemeanors.

Formalizing these changes were not made without significant dialogue between the Deputy Chiefs, the Chief and prosecutors at the Columbus City Attorney's Office. These changes are an identified best practice by the [International Association of Chiefs of Police](#) because they free up police to focus on fighting crime that is a threat to public safety, like violent individuals and serial offenders who need to be incarcerated, instead of spending hours booking a nonviolent misdemeanor in the county jail when that nonviolent misdemeanor has little or no recent criminal history and will be prosecuted when issued a summons.

We've seen some misleading headlines in the media and some misinformation floating around social media. We know that change can be confusing or even difficult, which is why we believe communication like this is essential so we are all on the same page.

For even further clarification, please see the Q and A below that identifies and addresses the most common scenarios we received questions about. The following scenarios have to do with misdemeanor violations, not felonies. They also do not involve juveniles. As we have discussed previously, juveniles and felonies are not within the jurisdiction of the City Attorney's Office and are not subject to this change.

*Q. Officers identify an individual whom they link to a series of car break-ins. Can the officer arrest and immediately take this person to jail?*

A. Yes, the officers may choose to arrest this person because this person is a repeat offender who committed a series of thefts. Arrest and immediate incarceration could be necessary for this individual to stop committing crime. The individual will be prosecuted.

*Q. Officers identify an individual who has stolen packages from several houses. Can the officers arrest and immediately take this person to jail?*

A. Yes, the officers may choose to arrest this person because this person is a repeat offender who committed a series of thefts. Arrest and immediate incarceration could be necessary for this individual to stop committing crime. The individual will be prosecuted.

*Q. Officers identify an individual who has shoplifted repeatedly at my store or is known to be a serial shoplifter from many stores. Can police arrest this person and immediately take them to jail?*

A. Yes, the officers may choose to arrest this person because this person is a repeat offender who committed a series of thefts. Arrest and immediate incarceration could be necessary for this individual to stop committing crime. The individual will be prosecuted.

*Q. If an officer encounters a trespasser in a bank or in another local business and the person refuses to leave after being ordered to do so by the business and the officer, can that person be arrested and taken to jail even though criminal trespass is a non-violent misdemeanor?*

A. Yes. The continuing refusal to leave by the trespasser would be considered repetitive or repeated criminal behavior, and thus this person could be arrested and taken to jail. The individual will be prosecuted.

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