



# ZACH KLEIN

COLUMBUS CITY ATTORNEY

eNewsletter

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## From the Desk of City Attorney Zach Klein

I recently stood with Mayor Andrew Ginther, City Council President Shannon Hardin and Police Chief Thomas Quinlan to announce an independent, outside, after-action research review of the City of Columbus' response to the protests we have seen in our city over the past few months.

As leaders, we must hold ourselves accountable to the residents of Columbus. City officials have the responsibility to recognize, assess and improve areas where we fell short in our response to the recent protests. And, equally so, we need to identify and build upon what we got right. To provide solid and holistic analysis, we need an outside, objective team.

That's why I was proud that we joined together to choose former U.S. Attorney for the Southern District of Ohio Carter Stewart and the Ohio State John Glenn College of Public Affairs to do the independent research necessary to help this city heal and ultimately be a national leader in how we handle protests in the future.

With Carter Stewart serving as lead investigator and the Glenn School overseeing the project, we hope to obtain a holistic and operational analysis of the city's response to the protests from late-May to mid-July with the goal of delivering recommendations for enhancing the work of the Division of Police.

We expect the scope of this independent and impartial review to cover areas such as:

- The city's preparedness for the protests
- How protestors' rights were or were not balanced with public safety concerns
- Police preparedness, tactics and wellness
- Internal communications and community relations

Our goal will be to have a report on the analysis, along with recommendations for change, by the end of this year in order to make any necessary policy alterations as soon as practicable.

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## Expanding Criminal Justice Reform

City Attorney Klein recently expanded the office's efforts to identify the root causes of crimes and prioritize defendants' basic needs over jail time.



Cases in court show that people often commit low-level, non-violent crimes because they don't have access to basic necessities. Someone who's hungry might steal to eat. Someone with underlying mental health needs might turn to drugs. By addressing the root causes of crime, the City Attorney's program aims to help meet people's needs and put them on a path forward without resorting to jail time. City prosecutors already pursue non-jail alternatives, when appropriate, and City Attorney Klein has expanded those efforts to provide prosecutors with more tools to help defendants.

When assessing non-violent offenses, city prosecutors will now review with defendants their areas of need, including employment, substance abuse treatment, health insurance, mental health services and transportation. Prosecutors, defendants and their attorneys may then work to create individualized plans to help defendants attain services. City prosecutors will consider these plans when resolving cases.

The ultimate goal is to try to assist those who may need help becoming productive members of the workforce and involved in their community. By taking a more holistic approach to working with those who have committed non-violent, low-level crimes, the program can help those community members, improve public safety and focus on prosecuting violent crimes.

Last year, the City Attorney's office implemented the nation's first-of-its-kind theft diversion program to connect those accused of non-violent misdemeanor theft offenses to community services. Since last May, 63 Columbus residents have taken part in the program, which also connects them to basic needs, employment resources, and educational tools, among other necessities.

These initiatives are part of City Attorney Klein's broader effort to comprehensively address fundamental inefficiencies and inequalities in the criminal justice system. Since taking office, the City Attorney has spearheaded efforts intended to prioritize jail space for violent offenders awaiting trial, save taxpayer money, and reduce the amount of time individuals spend in jail while awaiting trial for non-violent misdemeanor offenses. That also includes eliminating cash bail, ending the prosecution of low-level marijuana cases and not arresting non-violent defendants with warrants.

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## Columbus Joins Coalition to Protect the Census

The City of Columbus recently joined a large coalition of states, cities, and counties—led by New York Attorney General Letitia James—in filing a lawsuit against the Trump administration for its latest attempt to illegally erase millions of people from the census.



The lawsuit seeks to stop the politicization of the census and instead aims to ensure the administration counts the “whole number of persons” residing in the country for apportionment, as the U.S. Constitution requires.

The Constitution states that, for purposes of apportioning members of the House of Representatives among the states, every person residing in the U.S. during the census—regardless of legal status—must be counted. However, in a recent presidential memorandum, the administration declared its intent to exclude undocumented immigrants from the apportionment base. This is the first time such action has been taken in our nation’s history.

This effort by Trump is the latest in this administration’s illegal maneuvers to manipulate the census count and congressional apportionment. In 2018, Commerce Secretary Wilbur Ross directed the Census Bureau to use the 2020 census to demand information on the citizenship status of every resident in the country. Columbus was a plaintiff in the legal battle against the administration that made its way through multiple federal courts last year. Ultimately, the U.S. Supreme Court ruled in favor of the plaintiffs and prohibited the Trump administration from adding a citizenship question to the census.

The coalition’s lawsuit argues that apportionment based on a population count that unlawfully excludes undocumented immigrants will:

- Lead to the loss of congressional seats and presidential electors in the Electoral College
- Skew the division of electoral districts within jurisdictions by impairing state and local redistricting efforts that rely on the census count
- Reduce federal funds to state and local jurisdictions by deterring immigrants from responding to the decennial census that is currently underway
- Degrade the quality of census data that states and local jurisdictions rely on to perform critical governmental functions

The coalition also makes clear that public statements and actions by President Trump and his administration have established that the rationale for excluding undocumented immigrants from the apportionment base has always been motivated by racial animus against immigrants of color, and a desire to curb the political power of immigrant communities of color.

Joining Columbus and New York in filing today’s lawsuit are the attorneys general of Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, and the District of Columbia. The attorneys general are joined by the cities of Central Falls, RI; Chicago, IL; New York, NY; Philadelphia, PA; Phoenix, AZ; Pittsburgh, PA; Providence, RI; Seattle, WA; and the city and county of San

## Policy Implemented Due to Pandemic Made Permanent

City Attorney Zach Klein joined with other city officials to announce their agreement to make permanent a policy aimed at decreasing the number of individuals arrested for non-violent offenses.

Under the policy, most defendants with non-violent misdemeanor warrants will no longer be arrested on their outstanding warrant. Instead, they will receive a second summons, or order to appear in front of a judge.



“We have been called to fundamentally rethink our criminal justice system – through big, systemic reforms and in day-to-day changes,” City Attorney Klein explained during the announcement. “This policy will make a real impact on our system and reduce the number of non-violent people we’re unnecessarily arresting. This change also frees up police officers to focus on real issues and violent crime in our community.”

Officers will still maintain discretion in deciding whether or not to provide the second summons based on the details of the occurring incident. And, if a defendant repeatedly fails to make their court date, judges have the ability to indicate that they should not be eligible for a new summons.

The initiative was first implemented in response to concerns about jail capacity throughout the Covid-19 pandemic, and the City Attorney, Clerk of Courts, Municipal Court and Columbus Police recently decided to make the policy permanent. Since April 14, CPD has issued second summonses 234 times.

The initiative is also part of City Attorney Klein’s broader effort to comprehensively address fundamental inefficiencies and inequalities in the criminal justice system. Since taking office, the City Attorney has spearheaded efforts intended to promote public safety, prioritize jail space for violent offenders awaiting trial, save taxpayer money, and reduce the amount of time individuals spend in jail while awaiting trial for non-violent misdemeanor offenses. That includes eliminating cash bail, ending the prosecution of low-level marijuana cases and implementing a first-of-its-kind theft diversion program.

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