

Janet E. Jackson, Esq.  
City Attorney  
City of Columbus  
90 West Broad Street  
Columbus, Ohio 43215-9013

Dear Ms. Jackson:

As you are aware, the Civil Rights Division has been conducting a civil investigation pursuant to federal civil rights laws of allegations of police misconduct by officers of the Columbus Division of Police ("CDP"). As a result of our investigation, we have determined that CDP officers are engaged in a pattern or practice of using excessive force, making false arrests and lodging false charges, and conducting improper searches and seizures in violation of the Fourth and Fourteenth Amendments to the Constitution. Accordingly, I have authorized the filing of a civil suit in United States District Court, pursuant to 42 U.S.C. § 14141, to obtain equitable and declaratory relief to eliminate the pattern or practice of misconduct. We would be willing to defer filing suit, however, if you are interested in negotiating a voluntary settlement in the form of a consent decree to be filed with our civil complaint.

Our investigation further has examined whether the CDP discriminates on the basis of race in its treatment of civilians, in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d(c). These statutes, together, prohibit law enforcement agencies that receive Justice Department financial assistance (such as the CDP) from discriminating on the basis of race, color, national origin, sex, or religion. At this juncture, we have not reached any conclusion about whether the CDP has violated these statutes in its treatment of civilians, and our investigation of this issue is continuing. We also understand that a separate investigation is being conducted by the Office for Civil Rights in the Justice Department's Office of Justice Programs into allegations that the CDP is engaging in employment discrimination in violation of Title VI and the Safe Streets Act.

The information we have reviewed in conducting this investigation includes: CDP internal files relating to over 300 citizen complaints of misconduct filed with the CDP; documents from recent civil lawsuits against the City and CDP officers relating to police misconduct; CDP "use of force" reports, "injury to prisoner" reports, and reports on the use of mace; statistical data on citizen complaints and other matters that are maintained on computer by the CDP; policies and procedures of the CDP relating to the supervision and monitoring of officers, the receipt of citizen complaints, and the investigation and adjudication of citizen complaints; the June 30, 1997 Mayoral Investigative Report of the Columbus Division of Police; the April 14, 1998 report of Chief Jackson to the mayor; and other city documents that address whether reforms are needed in CDP management practices. We also have interviewed numerous individuals, and have met with city officials including you, the Chief of Police, and the Director of Public Safety.

Our investigation indicates that incidents of police misconduct in Columbus frequently share many common elements. Many of the victims of excessive force, false arrest or charges, and/or an improper search are, at the time when the misconduct occurs, carrying out some ordinary, routine daily activity (either not violating the law or committing some minor infraction). Misconduct often is triggered by the officer's perception that the victim in some way disrespected the officer, although often the victim's conduct in fact is relatively or completely innocuous. On other occasions, the misconduct stems from some emotional turmoil experienced by the officer resulting from some unrelated, prior occurrence, or involves other misconduct. Often, victims are arrested and charged with such crimes as disorderly conduct, resisting arrest, and/or obstruction of official business, but the charges then are dismissed or the victim is found not guilty. Victims frequently are African American, or are young, female, or lower income whites. The officers involved in misconduct many times have a history of complaints against them, and fail to report accurately to their superiors what transpired in the incident (changing the facts to

portray the victim as responsible for the arrest, the use of force, and/or the search).

Our investigation further indicates that the pattern or practice of misconduct is tolerated by the failure of the CDP to adopt and implement proper management practices and procedures. There exist significant problems with the manner in which the CDP trains, supervises, and monitors police officers, investigates and adjudicates citizen complaints, and disciplines officers who are found guilty of misconduct.

The management deficiencies include:

inadequate academy and in-service training, and the absence of an appropriate system for reviewing the effectiveness of training or for reviewing individual incidents to determine the training needs of police personnel;

an overly restrictive definition of what constitutes a use of force (which excludes, among other things, the use of mace and some forms of "hands on" force); the restrictive definition in turn limits reporting and supervision of uses of force, undermines citizen complaints of excessive force where the force used is not "force" according to the CDP, and encourages the use and misuse of force that is not "force" according to the CDP;

a complaint process that discourages complainants at intake and transforms about half of the complaints that are filed into "inquiries" that are not properly investigated;

a process for investigating complaints, uses of force (lethal and non-lethal), and injuries to prisoners that is biased in favor of the involved officers; and

the absence of any comprehensive, effective system for monitoring and addressing patterns of conduct by individual officers, and patterns of conduct that are unit-wide or Division-wide.

We recognize that city officials have discussed some potential reforms and that, in particular, efforts are being made to improve training. We also have spoken with city officials who expressed a desire to work toward positive reform of police practices. We hope to build on this and work together with all involved to settle this matter through the entry of a consent decree enforceable by the United States District Court. To that end, Mark A. Posner, an attorney in the Civil Rights Division, will contact you shortly to discuss this matter.

Sincerely,

Bill Lann Lee  
Acting Assistant Attorney General  
Civil Rights Division