

Ralph F. Boyd, Jr.
Assistant Attorney General for Civil Rights
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Boyd:

I am proud of the nearly 1800 men and women of the Division of Police who put their lives at risk every day serving the citizens of Columbus. As reflected in the Division's Mission and Values Statements, these men and women are dedicated to improving the quality of life in Columbus by enhancing public safety through cooperative interaction with the community and with other public and private agencies. They are committed to reducing fear by maintaining order and peace and by protecting life and property, enforcing the law, and taking all appropriate measures to combat crime. These officers work to fulfill their mission of public service in a manner that inspires the public's trust and confidence and that protects the Constitutional rights of every citizen.

The City of Columbus is a vibrant, growing, increasingly diverse and constantly changing community. In meeting the law enforcement needs and expectations of this community, the Division of Police has not been stagnant. The Division is constantly reviewing its policies and procedures and exploring ways to improve its performance. Some of the initiatives that have been implemented recently, like the reengineering of our citizen complaint procedures, our efforts to address the issue of bias-based profiling, and the installation of video and audio recorders in our cruisers, have required significant investment at a time when our City faces tremendous budgetary constraints along with many other demands on our resources. This Administration has used every administrative and budgetary tool at its disposal to support the ongoing efforts of the Division of Police to provide policing of the highest quality. And with the support and cooperation of Columbus City Council, these initiatives have been accomplished.

Other changes are the result of on-going commitments. The Division of Police recently received reaccreditation by the Commission on Accreditation of Law Enforcement Agencies ("CALEA"), having demonstrated that the Division meets professionally-recognized criteria for excellence in management and service delivery. And, like every other law enforcement agency around the country in the wake of the events of September 11th, the Columbus Division of Police has taken on additional responsibilities to help ensure and maintain the security of this community and our nation.

I have no doubt that the Division of Police will continue to review its policies and practices and make positive changes to those policies and practices. This Administration is committed to making every effort to facilitate and encourage that process. However, protracted and expensive litigation between the Department of Justice and the City of Columbus is counterproductive to those efforts. For that reason, and given the substantive changes that have already taken place at the Division of Police, I believe it is in the best interest of the citizens of Columbus that the litigation be ended. For your consideration, I have summarized below what I regard as the most significant changes that have been made to the Division's policies and practices during my tenure as Mayor.

Reengineering our Citizen Complaint Procedures

- Over \$1.2 million and significant human resources, including the addition of 15 new sergeants, have been invested to expand the staffing and scope of responsibility of the Internal Affairs

Bureau ("IAB"). As a result of this expansion, approximately 10% of all the sergeants for the entire Division are now assigned to the IAB. This investment was necessary to enable a fundamental change in the way citizen complaints are handled by the Division--a change that was implemented in July, 2001.

- The time in which a citizen complaint can be filed has been expanded from twenty-eight to sixty days. As reflected in CDP Directive 3.10, all citizen complaints are forwarded to the IAB for a prompt investigation and recommended disposition. All complaints receive the same level of scrutiny. Additionally, complainants are periodically notified of the progress of the investigation. All IAB supervisors and investigators have undergone specialized training on this new process and on proper investigation practices.
- The IAB continues to actively engage in community outreach programs to publicize and explain the new citizen complaint process, and it will continue to evaluate and make improvements to that process. Finally, with an expenditure of \$1.7 million, the IAB will be moving out of police headquarters to a separate, renovated facility. The move is planned for the Fall of 2003.

Enhancing Use of Force Procedures

- The revision of CDP Directive 3.25 provides for an expanded definition of actions that constitute a use of force, enhanced reporting of all uses of force and adoption of a use of force continuum. All Division supervisors have been trained on these changes, resulting in a higher level of monitoring and accountability. That directive has also been revised to identify the potential for the use of intermediate weapons to result in serious injury or death.
- CDP Directive 3.23 provides additional guidance to officers as to the circumstances in which the use of chemical spray or intermediate weapons are appropriate under the Division's use of force continuum. This includes the procedures that are to be followed before chemical spray is used in crowd control situations. The revision clarifies the current practice that the use of chemical spray for a punitive or retaliatory purpose is prohibited.
- The Division has also implemented new procedures that provide for increased investigation and supervisory review of all incidents in which chemical spray is used to control a handcuffed individual.
- Revisions have been made to the Supervisor's Manual to include the requirement that photographs be taken as part of all use of force and injury to prisoner investigations. The revisions also require that no supervisor who was present, witnessed, participated in, or ordered a use of force is permitted to conduct the investigation of that use of force incident.
- Language has been added to the Division's training materials to reflect the guidelines officers are trained to follow when using certain defensive tactics, including boxing techniques.

Reaffirming our Commitment to Prohibit Racial Profiling

- The Division has taken a number of steps to reaffirm its commitment to all the citizens of Columbus that it will not tolerate unequal treatment of any person by stopping, questioning, searching, detaining or arresting based upon the person's ethnic or racial characteristics, gender, religion, or sexual orientation. As reflected in CDP Directive 3.53, the practice of bias-based profiling is explicitly prohibited.

- Additionally, in order to clarify the prohibition against racial profiling, Ordinance 1475-01 was passed by Columbus City Council on September 24, 2001. This ordinance amended the Columbus City Code to specifically include racial profiling as a criminal offense.
- The long-standing principles supporting the directive and the ordinance also provide the basis for new training that was specially designed to address bias-based profiling. All Division personnel have participated in this training, at a cost of more than \$250,000. This specialized training has also been added as a component of recruit training at the Training Academy.
- As reflected in Directive 3.53, the Division is collecting data on all self-initiated traffic stops. With the assistance of statistical expertise from The Ohio State University, and with input from a committee that includes representatives from Columbus' minority community, this data will undergo regular, periodic review by the Division.

Installing Video and Audio Recorders in Cruisers

- Keeping pace with advances in technology, and for the benefit of officers and the public, the Division has initiated an effort to install video and audio recorders in police cruisers. When the cost of equipment, record keeping, facilities, storage space and personnel are taken into consideration, this has been an expensive undertaking. Thus far, approximately 100 cruisers have been equipped at an overall expense of more than \$500,000.

Change is natural and necessary for any organization to function effectively and efficiently. Accordingly, the particulars of the above-summarized changes to the Division's policies and practices, which are reflected primarily in the referenced directive or manual, are subject to periodic review and revision. I can assure you that the City of Columbus and its Division of Police are committed to making only those changes that improve the quality of policing in our city. The changes under my Administration have been made because they are appropriate and improve our policing practices. We are committed to continued improvement in our Division of Police and have no intention of stopping this process simply because the City is no longer a defendant in a lawsuit.

Because of my confidence in our Division of Police, the City would agree to a dismissal without prejudice. Further, the City would provide the DOJ with videotape copies of pertinent recruit and in-service training courses, covering one complete recruit class and one cycle of in-service phase training. The changes referenced above will be incorporated into the on-going phase training for current officers and the recruit class training, both of which will be completed by the end of this year. Finally, the City would agree to provide copies of relevant Division of Police documents to the DOJ through the end of 2003, including documents reflecting the completion of investigations of any incidents alleged to have occurred within that time period.

It is my firm belief that this proposal provides the basis for a resolution to this litigation. This resolution would be detrimental to neither party and benefit the citizens of Columbus, whose interests are paramount to us both.

Sincerely,

Michael B. Coleman
Mayor

cc: James Phillips

VIA FAX and REGULAR MAIL

The Honorable Michael Coleman
City of Columbus Mayor's Office
90 West Broad Street, Room 247
Columbus, OH 43215

Re: United States v. City of Columbus
CA No. C2-99-1097

Dear Mayor Coleman:

Thank you for your September 4, 2002 proposal for resolving the above referenced litigation. As described in more detail below, we accept your proposal.

As you note in your letter, since the time this lawsuit was filed, the Columbus Division of Police (CDP) has made substantial alterations to many of the policies, procedures, and training that we sought to change through the lawsuit. For example, the CDP has expanded the staffing of the Internal Affairs Bureau (IAB), extended the time in which citizen complaints can be filed, eliminated the practice of treating certain complaints as "inquiries," prohibited officers involved in an incident from conducting the investigation of that incident, expanded the scope of investigations conducted by IAB, and engaged in a community outreach program regarding the citizen complaint process. If implemented properly, these changes should address the concerns we previously raised with respect to the intake of citizen complaints and the internal investigations conducted by the chain of command.

Over the last year, the CDP has also made significant changes to its use of force policies and procedures. The CDP has expanded its definition of what constitutes force, enhanced reporting of all uses of force, and adopted a use of force continuum. The CDP has revised its policy regarding the use of chemical spray and intermediate weapons, and provided for increased supervisor scrutiny of uses of chemical spray against restrained individuals. The CDP has also clarified its policy regarding what constitutes deadly force. In addition, the CDP has clarified its policies and training materials regarding the use of defensive tactics and boxing techniques. If implemented properly, these changes should address many of our concerns regarding the CDP's use of force policies.

In addition, the CDP has recently taken steps to address allegations of racially discriminatory policing by explicitly prohibiting bias-based profiling, providing additional training to CDP officers on this prohibition, and committing to the collection and analysis of data on traffic stops. The CDP has also initiated an effort to install video and audio cameras in police vehicles. Moreover, the City has advised us that it is considering enhancements to its electronic risk management system.

At this juncture, we are persuaded that the CDP has made significant changes to the policies and procedures that we sought to change through the pattern or practice lawsuit. You have committed to appropriate training on these changes by December 31, 2002. You have promised to provide us, at least several weeks in advance, with the schedules of all relevant in-service and new recruit training classes implementing these changes and to videotape any such training classes upon our request. Finally, you have promised to provide the United States with access to the appropriate information to evaluate the effect that implementation of these changes has on the practices of the CDP. Specifically, you have promised to continue to provide us with all relevant documents, including all internal reports and

investigative files regarding any incidents that occur (or are alleged to have occurred in a citizen complaint) during the training period and the twelve months after the training on the measures is completed.

Given the significant changes in circumstances since we filed our complaint, we accept these promises, and, in exchange, will enter into the necessary stipulated order of dismissal. The procedure described above allows the United States to evaluate whether the CDP fully implements the changes in policies and procedures, and whether these changes are reflected in the actual practices of the CDP. Should the City fail to live up to these promises, the United States retains the right to refile its claims under 42 U.S.C. § 14141.

The goal of the United States since this lawsuit began has been to ensure that the constitutional rights of all who come in contact with the CDP are protected, by obtaining changes in the way the CDP carries out its policing responsibilities. In light of the significant improvements in the CDP's policies and procedures that the City has initiated, the City's assurances that these changes will be completed, and the mechanism we have secured to evaluate the impact of the changes, it is our view that active litigation with the City is no longer necessary.

In closing, I would like to offer my thanks to you, to Director Mitchell Brown, and to the CDP for the continued commitment to improving the policing services provided to the citizens of Columbus. Resolving this matter without further litigation serves all parties' interests, and the resolution would not have been possible without your leadership on these issues.

Thank you again for your efforts to help resolve this matter. I look forward to full implementation of the changes to the CDP that have been undertaken.

Sincerely,

Ralph F. Boyd, Jr.
Assistant Attorney General

cc: James Phillips, Esq.
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