

**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

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