

January 24, 2022

Kristen M. Clarke  
Assistant Attorney General  
Civil Rights Division  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Assistant Attorney General Clarke:

We write in follow up to the April 29, 2021 letter from Attorney Sean Walton, which letter requested on behalf of the Columbus Police Accountability Project ("CPAP") that the U.S. Department of Justice initiate a "pattern or practice" investigation of the Columbus, Ohio Division of Police pursuant to 42 U.S.C. 14141 and in follow up to the June 18, 2021 letter from Jonathan Beard in support of the same. This letter serves as a status report submitted by the co-chairs of the Testimony Committee of the Columbus Police Accountability Project, which committee has been receiving testimony and affidavits from Columbus citizens about abuses of law and constitutional rights, by Columbus Division of Police personnel.

The Columbus Police Accountability Project is a collection of Black citizens – all of whom have been viewed as community leaders in one arena or another over time -- united in our desire to reform Columbus policing.

As you likely know, on September 4, 2002, Assistant Attorney General Ralph F. Boyd, Jr. authorized the dismissal without prejudice of the "pattern or practice" lawsuit filed at United States v. City of Columbus (CA No. C2-99-1097). This dismissal was based upon the city's representation that it was implementing changes designed to address the issues raised by the department in the following areas:

- 1) Internal investigations
- 2) Uses of force
- 3) Racial profiling, and
- 4) Installation of audio and video in police cruisers

More specifically, the withdrawal of the lawsuit was predicated on the following, as detailed in the letter by Assistant Attorney General Boyd under the new Bush Administration: "since the time the lawsuit was filed, the CDP has made substantial alterations to many of the policies, procedures, and training that we sought to change through the lawsuit. For example, the Columbus Division of Police has expanded staffing of the Internal Affairs Bureau, extended the time in which citizen complains 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 the 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 internal investigations conducted by the chain of command."

Further, Attorney Boyd stated "over the last year, the CDP has also made significant changes to its use of force policies and procedures ... revised its policy regarding the use of chemical spray and intermediate weapons ... if implemented properly, these changes should address many of our concerns regarding the CDP's use of force policies. ... in addition, the Columbus Division of Police has recently taken steps to address allegations of racially discriminatory policing by explicitly prohibiting bias-based profiling ... 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."

There was to be one year of compliance tracking, and in his September 4<sup>th</sup> letter Assistant Attorney General Boyd clarified "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. Sec. 14141."

Unfortunately, the city has failed to live up to its promises – beginning almost immediately after the Department of Justice ended its one year of tracking -- and members of the Columbus Police Accountability Project now urge the United States to refile its claims under 42 U.S.C. Sec. 14141 to remedy what we assert to be Columbus's continuing "pattern or practice" of unlawful and unconstitutional policing against Black Columbus.

In this letter, we will revisit history and document the failed promises of Columbus's 2002 commitment, re-emphasize the continuing concerns of Columbus's Black community leaders, and provide concrete examples excerpted from some of the testimony and sworn affidavits we have taken from residents of all races in the months since the City engaged the DOJ Community Oriented Policing Services Division to engage in an insufficient review of policies and procedures (for which the city just two years ago paid the Matrix Consulting Group \$420,000 for the same thing, resulting in a 300 page report with 140 recommendations).<sup>1</sup> Further, we will document past abuses of constitutional rights, highlight examples of current abuses and take seriously residents as they express the chilling effect on free speech that on-going police misconduct is having.

We have received serious and well-documented allegations of wrong-doing, which we as citizens are in no position to investigate, nor do we – or those who reported them to us – trust the City of Columbus to investigate. In most cases we have redacted names, dates and other identifying information from this letter because Columbus city officials (Mayor, City Attorney, and Council President) refused to promise nonretaliation against affiants as requested in our May 18, 2021 email requesting the same, and we further seek to avoid spurious libel claims designed as harassment. We would certainly provide such information directly to the Department of Justice for further investigation should the Civil Rights Division seek to engage further. The allegations made by affiants which are excerpted herein are beyond the ability of this citizens' group to further investigate: however, we believe these serious allegations are credible and presented by Columbus residents seeking solely to improve the city and the lives and liberty of its residents. We were impressed by the diligence residents took to have their claims addressed by the Division of Police internally, and by the level of detail and written, audio, and visual

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<sup>1</sup> WCBE.org. *300-Plus Page Report Outlines Recommendations for Columbus Police*, August 21, 2019.

documentation they were able to provide in support of their assertions that the Division has failed to do so.

### **Failure to Live Up to 2002 Commitments**

Many in Columbus's Black community were skeptical of the local politicians' proposed reforms in the first year of this century: we had heard it all before. The city promised the Department of Justice that it would reform its ability to police itself by improving the Internal Affairs Division. Unfortunately, hiring 15 more sergeants may have been an effective play to gain union concessions during contract negotiations, but it did not translate into better internal regulation over that element within the Columbus Division of Police that is rogue and undisciplined.

Nor did the move of the Internal Affairs Bureau from the police headquarters to 750 E. Long Street effect any independence from interference. That move — unbeknownst to the DOJ at the time — was simply part of a real estate play where Mayor Coleman had dislocated the Edna Bryce housing development proposed by the nonprofit Columbus Neighborhood Housing Services, Inc. in favor of city-sponsored development by Gideon Development LLC (the Gateway Project) more akin to the Mayor's more upscale tastes and that development needed a credit-worthy tenant (the city) to finance the construction (and the IAB was that tenant). Below is a table drawn from the City Council website listing some of the ordinances passed by the council in that timeframe, indicating the city's real estate interests.

<u>0087-2009</u>	2/10/2009	To appropriate \$1,777,006 within the Special Income Tax Fund for the Finance and Management Department, Real Estate Management Office; to authorize the Finance and Management Director to renew, extend, enter into, and make payments for lease agreements with various lessors for the lease of office and warehouse space for the Department of Public Safety and the lease of office space for the Department of Development; to authorize the expenditure of \$1,395,523.30 from the Special Income Tax Fund; and to declare an emergency.
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<u>1600-2006</u>	10/4/2006	To authorize the Director of the Department of Development to amend the Enterprise Zone Agreement between the City of Columbus and Gideon Development Partners, LLC to include the King Lincoln Gateway, LLC, the holding company; and to declare an emergency.
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<u>1579-2005</u>	10/6/2005	To authorize the Director of the Department of Development to execute those documents necessary to enter into a lease agreement between the City and King Lincoln Gateway, LLC for forty (40) parking
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spaces in the City owned parking lot located at northwest corner of East Long and Garfield; and to declare an emergency.

0920-2005    6/9/2005    To amend Ordinance No. 2212-2004, passed December 13, 2004, by changing the fund number used to deposit the proceeds of the sale of property located at 742 East Long Street; and to declare an emergency.

2212-2004    12/15/2004    To authorize the Director of Development to convey a 0.48 acre parcel of real property located at 742 East Long Street to Gideon Development Partners, LLC for \$32,000.00; to authorize the Director of Public Safety to execute an office lease with Gideon Development Partners, LLC for office space in a new office building to be constructed by Gideon Development Partners LLC at 742 East Long Street, to waive the competitive bidding procedures of Chapter 329 of the Columbus City Codes, to authorize the appropriation and expenditure of \$1,056,293 from the special income tax fund and Public Safety's

1399-2004    12/15/2004    To authorize the Director of Development to enter into an agreement with Gideon Development Partners, LLC for a tax abatement of seventy-five percent (75%) for a period of ten (10) years in consideration of a proposed \$6,235,000 investment in real property improvements and the creation of 3 (three) new jobs; and to declare an emergency.

In short, the city's commitment to move the Internal Affairs Bureau ("IAB") into a new facility had little to nothing to do with establishing independence for the IAB, but had everything to do with trying to jumpstart the Mayor's "King-Lincoln District" redevelopment interests. And by the time IAB was in the new building, the Department of Justice's year of oversight had ended.

We offer the following excerpts from sworn testimony in support of our contention that the Internal Affairs Bureau is not doing the job that citizens expect and is in fact facilitating the lawless behavior of Columbus police.

- "I served as an Information technology ("IT") system administrator for 12 years for multiple Central Ohio Police Departments, including working for a period on an interagency project with Columbus Police on 911 Systems and other IT Services that several Central Ohio Police Dept use, until recently being terminated by the City of Gahanna. **Over that time period, I was routinely ordered verbally and via email to delete/ manipulate / alter Police videos before trials, phone call logs, Police Evidence photographs and drug evidence...** These practices are widespread and should be the first element of a Department of Justice investigation into Columbus Police.

- I have public record and statements from City of Columbus Internal Affairs Bureau of current and retired Police Officers and citizens, saying there is corruption and cover ups on OVI and Internal Affairs in the Police Department.
- [NAME REDACTED] observed the same things that I observed and was also harassed by Columbus HR Manager [Name Redacted] and also saw the cover ups of Police misconduct in the Internal Affairs Bureau by Columbus HR Manager [Name Redacted] along with Franklin County Prosecutor Ron O'Brien the Ohio AG Office.
- City of Columbus Police Department Human Resources Manager / Columbus Police Foundation Board President [Name Redacted] is involved in covering up Police misconduct in her role with internal investigations (Internal Affairs Bureau) of the police. In meetings she admitted to over 100,000 Police videos being deleted, and she has told me "Law Enforcement can't change -- its all about the status quo" and threatened to call Police on my last day of employment Aug 6 to come to my home if I spoke out or act as an City Employee. (it was determined to be unjustified termination by Ohio Unemployment.
- I participated in the Baker-Hoestetler follow up investigations per Mayor Ginther Public Addressing on Police Protest Investigation (Case #211); however, there was no follow up. The Baker-Hoestetler or Columbus Police investigators did not contact any of the witnesses I named, and when I tried to follow up by email shortly after filing, all the emails bounced back as undeliverable, so misconducts can be covered up as usual tactic in Police Dept known as 3 D's- Deny, Deflect, Delay. As an IT Professional I would also include another as we are asked repeatedly without written documentation to cover up misconducts: D- Delete.
- I also have records of Public Officers bribery and illegal awards such as Gun Bags purchased by Taxpayers money of getting most speeding tickets on I-270, tinted windows, parking tickets and etc of numerous unethical Police Activities the public is unaware of.
- I also have records of Public Safety Director admitting "All Individuals are hesitant to come forward with written statement at this time due to the fear of retaliation taking place"
- The problem is that people who speak up, like myself, get harassed and fired. The reason things keep going on is because people are scared to speak up and retaliation is rampant in Police Dept with these numerous misconduct records I have observed in documents.
- To the best of my knowledge, there has been no thorough investigation of my complaint of abuse, where I believe my First Amendment right to petition my government for redress were violated with that unreasonable and likely unlawful use of force by Columbus Police Dept.
- I have an Internal Affairs record that states "officers are scared to provide written statements for fear of retaliation." If we can protect good officers, others up the chain of command can be held accountable.
- Different types of offenses have different video retention periods. Videos are routinely reclassified to events with a shorter retention period, so they are automatically deleted after a shorter period of time.
- I recommend that Department of Justice talk with IT staff to find out about audit files and records that have been deleted. Investigators first need to look at data, and ensure IT staff is safe to

secure data. I can review audit logs and show investigators where files may have secretly been stored or deleted.

- **Central Ohio cities are switching phone systems, finance and email systems to cover up the records, and asking IT department to cover up or delete the records.**
- Columbus Mayor Ginther announced the city was spending \$4 million and Gov DeWine **spending \$10 million on body cameras, but they are useless and a waste of money when the Police ask IT to delete records, reclassify Police Videos to delete video against retention policy and audit logs- which has been requested for IT Dept to perform numerous times with no workorders or written documentation in systems for reason for change when requested by IT Staff but as usual Police Administration abuses their intimidation of IT Staff with lack of accountability.**
- I met with Columbus City Council President Shannon Hardin and told him these issues. He said he would follow up, but he has not contacted me. The video on City of Columbus Council Meeting of disrespect "motioning- move on don't want to hear you" as this is usual tactic of City Administration when employees and citizens bring issues to Police/ City Officials when I was speaking to Council is shown at [www.makeCOLUMBUSgreat.com](http://www.makeCOLUMBUSgreat.com).
- It is a "Good old boy" system **in the city and Police department with cover ups.**
- Police Security camera surveillance on violations of child privacy laws been happening since March 2018, with Police and City Halls tapping into schools cameras network viewing real time live and recorded data using AI ( Artificial Intelligence) without parents or school boards written permission -- tracking your kids using Milestone Camera systems, which is installed and maintained by Sound Communications in Grove City Ohio for several Central Ohio Police Agencies. I was asked to set this network and camera system up at Police Dept by Chief and IT Director and I refused to unless it was documented in writing and have written permission from school board and parents."

While the Columbus Police Accountability Project is are not independently confirming those allegations of surveillance of children in public schools by police tapping into school cameras, given the explosive nature of the testimony we received we sought to validate those elements we could, and note for the record that the Columbus Division of Police has held contracts with Sound Communications LLC since at least 2006, most recently with City Council passing ordinance 2354-2021 on September 8, 2021, to authorize a noncompetitive bid contract with Sound Communications, and an authorized expenditure of \$318,104,86. Prior ordinance language in Ordinance 1022-2006 passed on June 28, 2006 has described the need saying "The Division of Police, Department of Public Safety, needs to purchase **surveillance system**, transcription software, recorders, fax machines and car lift for the new building that will house division personnel from the Internal Affairs Bureau and from the Accident Investigative Unit. The personnel have moved into the new location and these final purchases will enable the units to be completely functional."

While the commitments city officials made to strengthen oversight by the Internal Affairs Bureau was cited a reason the DOJ discontinued its prior investigation, a health care professional has further testified that about Internal Affairs Bureau's failure to properly investigate serious allegations of

criminality by Columbus police. We believe such unaccountability has allowed unlawful behavior to flourish within the division for decades: Columbus has a history of police officers being charged with prostitution<sup>2</sup> and getting their jobs back, one Columbus police officer is now reported to be facing state charges of murder and manslaughter for his alleged killing of a prostitute he had tried to rape and has been charged in federal court with lying to federal investigators about denying he had sex with prostitutes and pressuring others to cover up his crimes,<sup>3</sup> and two Columbus police officers were recently charged in federal court with trafficking in cocaine and fentanyl.<sup>4</sup>

- “[Name Redacted] has submitted to Columbus police reports of wrong-doing by a Columbus police officer they refer to as “[Initials Redacted].”, which wrong-doing includes rape, consensual sex while on duty with sex trafficked women, and use of fentanyl with sex trafficked women.
- More than ten women have reported the unlawful behavior of “[Initials Redacted]” to [Name Redacted] who testified, and this person has seen sex trafficking victims get out of the SUV driven by “[Initials Redacted].
- **[Name Redacted] has reported these acts of “[Initials Redacted]” to the Internal Affairs Bureau and Deputy Chief Jennifer Knight, but the allegations were not sustained by the IAB.** There was an was an FBI case open, but the human trafficking victim was afraid of being killed as he asked other women to report of her whereabouts.
- The women who have confided in [Name Redacted] say that “[Initials Redacted]” puts his gun on the dashboard, demands sexual favors, and then when he is done, he pulls out his badge.
- “[Initials Redacted]” is a White male, who prefers and preys on mixed race women. He is sometimes on-duty and sometimes off-duty and engages in these activities in the very neighborhoods that he is assigned to work.
- These types of allegations against “[Initials Redacted]” go back years—and he is a 30-year veteran of the force. **He has been reported to Internal Affairs before, but nothing ever happens and he remains in the same neighborhood he has victimized for years, making victims particularly fearful to report the crimes.**
- These behaviors are part of a longstanding pattern of sexual misconduct and victimization by members of the Division of Police:
  - [Name Redacted] reports that officers have been engaged in a drug ring going back at least ten years, using human trafficking victims as runners in exchange for drugs.
  - [Name Redacted] reports that an African American Sergeant was pimping women in Columbus motels.
  - [Name Redacted] says that officer [Name Redacted] was fired for soliciting two years ago who has since been re-hired by Columbus police and placed in another part of the city.

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<sup>2</sup> <https://www.nbc4i.com/news/columbus-police-officer-charged-with-prostitution-soliciting/#:~:text=Officer%20Randall%20Mayhew%20is%20charged%20with%20three%20counts,the%20department%20for%2017%20years%2C%20according%20to%20CPD.>

<sup>3</sup> <https://news.wosu.org/news/2021-06-22/new-trial-date-set-for-ex-columbus-vice-officer-andrew-mitchell-over-sex-charges>

<sup>4</sup> <https://www.columbusmonthly.com/story/news/local/2021/09/30/what-we-know-columbus-ohio-police-john-kotchkoski-marco-merino/5921633001/>

- [Name Redacted] says in the past human trafficking victims have been killed, including some by Columbus police officers and bodies disposed in the garbage and other areas throughout the city. [Name Redacted] **would be willing to talk to federal investigators if safety can be assured, and I would be willing to reveal their identity if they were so assured their safety.**

The 2002 dismissal letter says the Department of Justice was convinced that the fact that "IAB will move to separate, renovated facility" would provide sufficient independence to conduct fair and impartial investigations. The different space does not matter in a world of instant communications, and the fallacy of that belief is illustrated by testimony submitted about a well-documented incident in 2008, where the IAB investigator told the Sergeant accused of an unlawful arrest about the complaint and then sent emails to 35 division personnel echoing the officer's false claim about the incident, justifying a later detention of at gunpoint in front of a witness of private investigators hired by the family of the complainant and compromising their defense. Further, contrary to the 2002 assurance that officers would be prohibited from investigating their own cases, we have an affidavit claiming that is exactly what happened and the IAB Sergeant then sent emails on behalf of that officer justifying further arrests of private investigators:

- "I tried to get information from Columbus police and was stonewalled for months. The first denial of my public records request came on September 26, 2008, strangely claiming "officer personal information, SSN" as the reason (I hadn't asked for anything that would have logically contained officer information). The next denial came December 29, 2008. A February 28, 2009 email shows that I had still not been provided records as of that date. **Because I wanted public records to support a formal complaint to the Internal Affairs Bureau and those records were delayed for months, the 30-day window to file a complaint against an officer allowed by the union contract expired and IAB would not take a complaint. (I have since learned that supervisors often sit on civilian complaints to allow that 30-day time period to pass, so officers don't have negative information in their files.)** A September 19, 2008 Intra-Divisional Memo from Sgt. David L. Hughes to Chief Jackson says that Officer Hill (134-B) and his probationary officer were dispatched to [Name Redacted]'s residence to take an offense report (#080822064), however I was unable to hear any record of this "dispatch" in any of the radio room transmissions (all channels) covering that period that I ultimately received through my public records requests. It also says that Officer Fronteria (103-B) and his probationary officer working cruiser #103 responded to [Name Redacted]'s residence. Again there was no radio room transmission indicating this was done officially, but rather more likely by a phone call as Officer Tortaneli reported getting from Sgt. Hughes. The Division was unable to provide record of any phone calls, saying **Sgt. Hughes does not have a city-issued cell phone and that substation phone record detail is not available.**
- My public records requests also revealed that Sgt. Hughes had called Sgt. David B. Griffith (#5235) in the Internal Affairs Bureau early afternoon on the 17<sup>th</sup>, asking whether IAB was investigating him. Sgt. Griffith told Sgt. Hughes that I had been in that morning (the 17<sup>th</sup>), but that I hadn't filed a complaint on the advice of my attorney since charges were pending. Sgt. Hughes told Sgt. Griffith that people were impersonating investigators and at 5:42PM **Sgt. Griffith then sent a High**

**Importance email with a subject line "IAB Impersonators" to 35 people in the division, copying Sgt. Hughes, repeating the falsehood that Sgt. Hughes had told him."**

The Department of Justice's 2002 dismissal of the lawsuit was predicated on "For example the CDP has expanded staffing of the IAB, extended the time in which citizen complains 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 the 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 internal investigations conducted by the chain of command." As indicated by sworn affidavits submitted by Columbus citizens, clearly, those practices were not implemented properly – the Internal Affairs Bureau is not properly run and lawlessness prevails—indeed, while in 2002 the DOJ thought the citizen complaint process was extended to 60 days, as late as in 2008 Columbus policy was that citizens had just 30 days to file a complaint against an officer for it to be investigated by the Division. Given that misleading information provided to the DOJ by city officials in 2002 along with the continuing criminality within the Division against Columbus citizens that remains unchecked, it is entirely appropriate and necessary for the Department of Justice to re-file its lawsuit to secure the constitutional rights of Columbus citizens.

**Failure to Control Police Uses of Force**

The 2002 Department of Justice dismissal was also predicated on the city's commitment to expand the definition of "use of force" and reporting and use of force continuum (CDP Directive 3.25), clarify the circumstances in which use of chemical spray or intermediate weapons are appropriate in crowd control, and clarify that the current practice that the use of chemical spray for a punitive or retaliatory purpose is prohibited. (CPD Directive 3.23),

Again, the city's commitment to do these things fell flat, as evidenced by hours of testimony from victims of police efforts to quash demonstrations in the summer of 2020. Excerpts from some of these testimonies indicate that chemical sprays were used indiscriminately for crowd control and used for punitive and retaliatory purposes to the "glee" of undisciplined police officers.

One affiant said:

- "A girl got pushed to the ground and as the bike officer started pushing their line forward, people were running and falling over. **A young woman got hit with tear gas and fell, and I picked her up so she didn't get trampled. I handed her off to a medic and a Columbus police officer then doused me with bear gas up, and down.** I doubled over in pain and unable to see, and (from a video someone later showed me) another officer ran across from far away to shove/tackle me from behind -- knocking me to the ground. **Another officer then peppersprayed me again while I was down on the ground.** The only thing I had done was bring my mom to see a peaceful protest and pick a girl up from the ground. (The week following Father's Day was like payback week for the police: everything changed. **The police**

were in full force and aggressive with tear gas, wooden bullets, and grabbing people off the street.

- For instance, [Name Redacted], an African American activist, was grabbed that Monday. The thing that was most notable to me was the joy, glee, satisfaction, fist-bumping and high fiving of police who were literally laughing as they tear gassed people and threw them to the ground.
- Indicative of the change in police tactics, the police put snipers on the buildings across from City Hall: it had turned into a free for all with police abuses rampant.
- As my affidavit indicates, I personally observed Columbus police engaged in unreasonable, excessive and unlawful uses of force, arbitrary detentions of people who they had no reason to believe had committed any crime, upcharging people to levels not indicative of any actual behavior, intimidation, and disproportionate targeting of African Americans at protests.
- No reasonable person who observed what I observed would conclude this is in any ways professional policing ... more like thug and mob behavior. I do not believe Columbus police can reform itself and I believe that federal intervention and oversight is needed."

Another victim says:

- "On May 29, 2020, at 9:30 PM I was peacefully holding a sign alone "makeDEAFgreat.com" sign, when more than 30 black-clad Columbus Police Officers on bicycles rode by me on the street as seen on video at makeCOLUMBUSgreat.com and Public Records Video I finally received on Jan 25 2021 three days prior to City of Columbus Chief announce his resignation. Some of them stopped—completely unprovoked--and shot me with wooden bullets, pepper spray from two feet away and ran me over with bicycles. Because I am deaf and Police were masked and I was unable to read their lips and I had no warning of the impending assault. I was not violating any law at the time Columbus Police assaulted me."

Another said:

- "On May 30<sup>th</sup>, at Broad and High, between 11:30 and 12:00PM, Columbus police had staged in a hollow square and had a bike barricades, protesters were told to stand a few feet back, and complied.
- Without warning, the line of protestors I was in was hit with pepper spray. I had been holding a sign in front of me that deflected the pepper spray. Seeing that I had not been hit, an officer stepped forward, pulled down my sign and sprayed me directly in my face.
- Later the same day, there is video showing police firing impact munitions into crowds. A woman who was standing peacefully on the sidewalk saying "I have a question" was approached by an officer on a bike and the officer peppersprayed her in the face. There is video showing this incident that includes the audio of her trying to ask a question, the spray, and showing her doubling down and recoiling in pain.
- On May 31<sup>st</sup> at approximately 8:00PM (1 hour before curfew) I was part of a crowd in front of the statehouse. I was walking north on High Street and two grey vans with black tinted windows came

from Gay Street, turning south on High Street, accelerating and weaving through the crowd. **The doors slid open to reveal law enforcement in black tactical gear who fired impact munitions into the peaceful crowd from very close range.**

- I witnessed multiple instances of uniformed police heckling and taunting protestors (unprofessional behavior), but one such instance stood out on December 11<sup>th</sup> at a Casey Goodson protest (Casey Goodson, Jr. was another young Black man, shot six times in the back and killed by a Franklin County Deputy Jason Meade as he entered his own home while carrying a subway sandwich), approx. 7:30PM, near the courthouse by Dorian Commons. The bulk of crowd had moved on a few of us were following. There was yellow caution tape, there were one or two Black protestors engaging in dialogue with a deputy who was yelling back something like “why don’t you hit me then? Just do it” which was a clear provocation. No officers tried to stop the provocation and thankfully the citizen didn’t take the bait.
- During the entire year of 2020 I worked in the Hertz building across from the statehouse, and was able to daily observe protests taking place during my lunches. There was a (White) Christian Faith organization that had occupied a tent on one corner who were unmolested for a long time. On the other side of the plaza, Black Lives Matters (“BLM”) protestors were there, and **I observed asymmetrical treatment of the BLM protestors versus the White Christian protestors; police were clearly targeting people who were Black, or looked poor or appeared homeless.**
- For instance, the BLM protestors had a tent similar to the tent of the White Christian protestors, which police repeatedly confiscated and sometimes destroyed in the process. On another occasion I witnessed, a Columbus police officer on a bike told the BLM protestors they couldn’t be on the sidewalk, but did not make the same demand of the White Christian group. We asked for his supervisor and he rode away. It was harassment for being literally inches on the public sidewalk and off the statehouse property.
- **Throughout this time I saw quick and unnecessary uses of force targeted to racial minorities, people who are diminutive in size or people who appear to have few financial resources. There was a clear pattern of disproportionate uses of force against people who seemed most vulnerable.**
- I did not report these incidents to the police because I didn’t believe there would be any steps taken to hold officers accountable—it would be a waste of time.”

Another person attending and documenting the George Floyd demonstrations in Columbus recounts the undisciplined police aggression in the following manner:

- “At Broad and High, there was a mixed race or lighter skinned Black man leaning over the permanent railing verbally confronting an officer, and **the officer abruptly and forcefully stiff-armed the man in the face.** The crowd instantly grabbed the citizen and held him back, thinking he might strike back (he did not), though he and the rest of the nearby crowd began yelling at the police line.
- **Another officer came from about ten feet away and maced the crowd indiscriminately.** This open-handed punch and indiscriminate macing was the event that made the crowd angry and

triggered the rioting that night. Several minutes later I was again filming – there was a person being held on the ground by police.

- A police officer looked over at me – I was filming from a small pavilion on the sidewalk – reached for his mace cannister on his belt and left the arrest scene to walk across the sidewalk to the pavilion rail to spray me. I was simply observing.
- At another point there was a standoff on the street with protesters and police more than 100 feet apart. I was in the middle, on the sidewalk, and police had impact munitions that they would aim at me—although I was simply videotaping each side and was not involved in the protest other than as a quiet observer of both side. I was specifically targeted with rubber bullets simply because I was recording.”

Another protestor says the following about unrestrained police violence:

- “The second cop shoved two females, I stepped in the space in between them and was ushering the women away and he peppersprayed me in the face, when I was keeping people away and separating the crowd from the police.
- Another day I was at Broad and High, there was a crowd of around 50 people. A protester threw a water bottle, and the crowd turned around to scold the person and kick him out. Before we could turn back around they police had thrown “flash bangs” and started shooting wooden bullets.
- I was on the sidewalk the whole time, and they were taking target practice at me. It hurt and I was badly bruised up the next day, but I wouldn’t give them the satisfaction of running so I just stood with my back turned while they kept shooting wooden bullets at me. I learned later they are supposed to bounce them off the pavement, but they were shooting directly at me.
- When police did show up to Ohio State they had riot gear with reflective and didn’t do anything to those protesters, but last Saturday (April 24<sup>th</sup>) at Broad and High they were all dressed in black, 4 cars came up and they hopped out and dispersed the crowd, which is a violation of our civil rights. They didn’t arrest anybody, but people fell and got trampled in the panic and there were only about 20 people.
- Every time I got maced I was helping somebody off the ground or pushing people away. Not just maced, but maced in the face. They just picked on the biggest or only Black dude they can find and had their fun. I’ve been maced before and I was in the military so I know what to do, I just stayed calm. They were trying to provoke me to fight them back.
- I’ve been in the military and have seen other places and then came back and this place is bad. They feel like they’re above the law.”

A White woman told us:

- “I am a White resident of Columbus and haven’t told this story before, because it seems small compared to some of the other stories and I didn’t want to impose my story into the larger conversation about policing of African Americans in Columbus. However, when I heard that the

Columbus Police Accountability Project was also taking testimony about suppression of Free Speech, I decided to tell my story.

- Along with the free speech issue, I witnessed inappropriate uses of force against protesters without any potentially perceivable “threat.” Furthermore, the post facto, publicly-given statements from the Columbus Division of Police attempting to justify the force did not align with what I saw. I did not file police reports at the time however, because my husband and I have previous experience filing a police report with no follow up so I did not believe they would address a complaint of their own misconduct. I was also concerned about police retaliation as I did not trust city officials either.
- My husband and I went downtown during the weekend of May 30, 2020. We were downtown from 10:00AM – 12:00PM. During that time, we had been indiscriminately pepper sprayed twice and witnessed the pepper spraying of Congresswoman Joyce Beatty, City Council President Shannon Hardin, and County Commissioner Kevin Boyce. We went home after that, but as I watched social media, I was seeing footage from friends of police continuing to blast civilians with tear gas and rubber bullets. At 7:45PM, I posted on Instagram and Snapchat that my husband and I were going to Goodale Park to continue to document more unprovoked chemical attacks against peaceful protesters.
- At 8:19PM, after no interactions between any officers and anyone in the park, we were ordered to disperse (well before the city-wide 10:00PM curfew) and we all started walking away despite the fact that there was no reason for the order—the park was open. Despite expecting two more verbal orders, as is outlined in the department’s crowd control policies, I started walking backwards away from the street but still hoping to keep my camera on the officers. Only two seconds lapsed between the officer’s only order and a loud bang. During those two seconds, I saw the officer raise his arm and I panicked, not knowing what was happening. We turned and ran. I was so rattled however, that I tripped and fell, getting up in time to run a bit further and turn around to see a big plume of smoke where we had been standing in the grassy park behind the sidewalk.
- It wasn’t even the officer with the rubber bullet gun that had thrown the smoke grenade, but rather an officer approaching from Poplar Street, who hadn’t approached or interacted with the group in the park before approaching with force.
- These actions that night reinforced the possibility of having chemical weapons used against me or being arrested for simply occupying a public space. I became terrified of Columbus police.
- A line of police came marching through the park in formation -- it was a show of force. If I was protesting, being on the sidewalk wouldn’t protect me from harm ... following curfew wouldn’t protect me from harm ... avoiding downtown wouldn’t protect me from harm ... being unarmed wouldn’t protect me from harm. So what would? I still don’t know the answer to that question.”

Another White Columbus citizen reported about the ridiculous reason for her arrest, and overhearing a police officer’s explanation that arrest was designed to end the protests (in violation of the First Amendment to the Constitution of the United States):

- "On July 2, 2020, I had been sitting outside of police headquarters reading abolitionist literature (The End of Policing and The New Jim Crow), as I also had for the few days prior.
- Around 10:00PM on that day, I finished reading and walked over to City Hall where a number of people were pushing balloons into the street. **After most of the balloons had had been pushed out, I went over there and kicked a few balloons back into the street.**
- **About 5 minutes later I was arrested for littering and vehicular vandalism (which is the charge for throwing a rock onto a car from an overpass).**
- **I recorded over the police radio scanner that they had been talking about how that had been wanting to pick me up because I was the one who had been reading and they didn't know who I was.**
- The recording is on Open-MHZ, which archives scanner recordings. The relevant parts of the police radio traffic says: **"That female that has been reading from books the last few days around headquarters?" "Yeah 330, we definitely would like to get an ID on her if we can ... we have not been able to identify her."** "Can we get that female description again?" "Female white with a red sweater long sleeve shirt, black shorts, and close cropped hair, earlier today she had a black backpack."
- When I was first arrested I asked why I was arrested and they said I was only being detained; they held me for 3 hours in a police cruiser under the police station. The hatchback of the car was open and officers were standing behind the car talking. I heard the arresting officer Philip Jackson (who was also the arresting officer for [Name Redacted] say "All we can really get them for is littering." **To which officer Benjamin Mackley replied "No. We need to end this now" (referring to the protests).**
- [Name "A" Redacted] was also arrested while she was cleaning the balloons up: they had asked for a clean up, [Name "A" Redacted] went over and picked some of the balloons up and they arrested her on the spot.
- [Name "B" Redacted] was there and saw this along with other people I can get in touch with to corroborate these events."

Relaying other information about the chilling effect of Columbus policing on free speech, one resident says:

- "On another night in late June or early July, we were at an event at City Hall and there was when we heard a small commotion on Front Street, south of Broad Street. We went to see what was going on.
- Atticus Gardner, a medic, was speaking to an officer standing behind a car parked on the side of the street saying, "this is a medic's car, I'm a medic, what are you doing?" (Note: the cars used by medics are clearly marked, as was this car)
- Other people were asking "what are you doing? Couldn't you just give them a ticket?"
- The police explained that they were towing the car because they had taken out a tape measure, and found the car's tire was 14" from the curb (apparently, by city code it must be 12" or less).

- A representative of the police at a later public, digital, state official event, said **they were towing cars that day because there was a previously announced “carmada” and they were towing cars to discourage cars from participating– which would again appear to be a suppression of free speech.** Especially since a march in cars had been a popular idea that summer in order to best follow COVID-19 guidelines and stay socially distanced.
- During this whole period of protesting from May into July, I was on a temporary work assignment that I hoped would become permanent, but an arrest would have threatened that opportunity. **Not knowing what could get me arrested by a clearly arbitrary and vindictive Columbus police department was a serious deterrent to participating in activities in support of a social justice cause I believe in, when such participation is protected by the First and Fourth Amendments.”**

Another testified saying:

- “I am African American, a social worker and a community advocate, especially for the youth, and I am connected to a lot of African American families.
- **I have witnessed and experienced unlawful, unjust or immoral actions by Columbus police.**
- **I was maced three time in that one day.**
- I witnessed Columbus police trying to provoke us and trying to create a disorder that wasn’t there without their manipulations.
- At one of these events I saw Columbus police tow a street medic’s car because it was parked 14 inches from the curb ... they actually pulled out a ruler to measure the distance. The medic was right there willing to repark the car but the officers refused. I tried to reason with the officers to be a peacekeeper, but they towed the car.”

And when it comes to the DOJ’s prior concern about Columbus Police use of chemical irritants, and promised reforms, a federal judge recently enjoined the CDP from using chemical substances following their indiscriminate and abusive uses during protests in the summer of 2020—

“Judge Algenon Marbley of the Southern District of Ohio described the actions of the Columbus police as “the sad tale of officers, clothed with the awesome power of the state, run amok.”<sup>5</sup>

### **Allegations of Continuing Racial Animus**

In 2002, the Department of Justice wrote “in addition, the CDP has recently taken steps to address allegations of racially discriminatory policing by explicitly prohibiting bias-based profiling ... 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.” Sadly, these steps were fleeting and temporary at

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<sup>5</sup> “Judge Says Columbus Police Ran ‘Amok’ Against Protesters; Restricts Use Of Force,” Catherine Whelen, National Public Radio, May 2, 2001(<https://www.npr.org/2021/05/02/992890494/judge-says-columbus-police-ran-amok-against-protesters-restricts-use-of-force> )

best—the city stopped collecting racial data on traffic stops one year after that letter -- and residents continue to experience racial bias in policing.

The dismissal was based on the city's representation that it would scale down its uses of force, yet Columbus remains one of the most deadly places in America for Black folk assaulted by police:<sup>6</sup>

- Out of the 15 largest U.S. cities, Columbus ranks number one in percentage of police killing black people.
- In the years 2013-2016, the Columbus Police killed 24 people, 20 of them black.
- Despite only 27.6 percent of Columbus' population being black, 83.3 percent of all people killed by cops were black.

The Columbus Police Accountability Project has received sworn affidavits showing that many victims of police violence were in fact engaged in some ordinary action when confronted by police in an encounter that ended in their deaths.

Columbus residents of all races report on the Columbus Division of Police animus against Black citizens. We received testimony going back decades, and continuing to the present. For example, from one community leader filed an affidavit saying:

- "In 1977, I accepted a position at WTVN-TV Action 6 News Department working as a reporter in their news department. I was hired by then news director Earl Green who was also the lead news anchorman at the station.
- ... [Name Redacted] answered that he had been brought in for an undercover assignment to infiltrate the local Columbus, Ohio chapter of the Fraternal Order of Police (F.O.P.). [Name Redacted]'s Kenyon's direct response was this, **"There is a sub organization within the F.O.P. that would make the Ku Klux Klan (KKK) look like a team of Boy Scouts, and their sole agenda is to run Les Brown (African American) out of town."** [Name Redacted] further stated that **this sub organization within the F.O.P. kept a hit list of those who were publicly outspoken in opposition to the Columbus Police Department in the Black community.**
- At the time, Les Brown was the local morning man on Columbus' most popular Black music station WVKO. Additionally, **Les Brown was extremely outspoken on the air about the racist killings of unarmed Black men and boys who were being shot and killed by the Columbus Police Department.**
- It should be further noted that Les Brown was pulled over by the Columbus Police shortly after Jim told us his discovery. Oddly, Les was arrested as the Columbus Police indicated that he was driving while intoxicated. Also, the Columbus Police reported that Les Brown had cocaine in his suit jacket that was on the back seat of his car. Les Brown maintained that the cocaine was planted in his suit jacket by the police and that he had never ever had any cocaine in his possession."

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<sup>6</sup> "Columbus Is Number One! (In Police Killing Black People), Bob Fitakis, Columbus Free Press, May 4, 2017. <https://columbusfreepress.com/article/columbus-number-one-police-killing-black-people>

Also recalling older days, another Black community elder and minister says the shootings of Black kids in the back by Columbus police, such as the current case involving Casey Goodson, Jr. has been a longstanding problem he witnessed in the police killing of his then 20-year old brother, Calvin Lewis Reynolds, in 1982:

- “Calvin was a troubled youth. I had just gotten him out of jail, and he was breaking into a car with a screwdriver trying to steal an old 8-track stereo.
- The two off-duty police officers had staked out the apartments and saw Calvin break into the car. The account the police tell is that Calvin jumped them and fought them, and then he ran away.
- Sgt. Jerry McCulluh and officer Dennis Matko were the two Columbus police officers who killed him – **they put six bullets in his back as he was running away.**
- The Chief of Police at the time was a Black man, James G. Jackson. He made a statement that the two officers were not on duty -- but they killed Calvin with city training and city-issued guns and bullets.
- John T. Dempsey was the homicide detective that investigated the shooting. **It was a perfunctory investigation of no depth.**
- In the history of Columbus – at least in my 67 years -- no police officer has ever been indicted for killing any Black or Hispanic person. **For all these killings, none were ever found to have been wrong—with all these killings.**
- **We view Columbus police as outsiders – an occupying force.**
- Another police shooting and killing close to my heart was Keith Burk, in 1979.
- Keith was 15 years old and lived on my street. I lived at 1119 Hallidon Avenue in a CMHA housing complex.
- Keith used to come around and play with my kids who were 5 and 2 years old at the time. Keith was just an all around nice guy; we used to call him “little Keithy.”
- Keith didn’t have a criminal record or anything. Just one day he and another young friend stole a cab that was running -- they jumped in and took off on a joy ride – things that kids do.
- From reports at the time, **as police found them, the police started shooting at the car as they drove.**
- As they were driving up High Street heading towards OSU’s campus – in front of Club 2001, which was a disco...**Keith jumped out of the car and started running away. The police shot him in the back as he was running away, unarmed.**
- When they shot Keith, it tore up the whole family – I don’t know where Mr. Burk is now -- it tore up the community. **Of course, there were no charges, no indictment. Its just the same old story.** It breaks up people in the community and it breaks up families because **there is no justice.**
- Martin Luther King, Jr. said “justice delayed is justice denied,” and “injustice anywhere is a threat to justice everywhere” and that’s the way it is in Columbus Ohio, named after the first enslaver.

- I haven't seen any changes for the better since the city's 2000 Settlement Agreement with the DOJ, the shootings, the traffic stops, the beating have just continued.
- There are certain cops that just have this going back to slavery mentality, they have this "paddy roller" mentality—unarmed Black men Casey Goodman, Andre Hill, Tyshaun Handcock ... all unarmed Black men they kill.
- The police then put the victim on trial -- as though he deserved to die. My brother Calvin had a record -- but there is a judge and jury for those offenses – that doesn't mean they get to shoot him down like a dog in the street.
- The problem is racist police officers in Columbus Police. It doesn't matter that they just hired a Black woman as chief. It doesn't make a difference – there was a Black Chief when my brother was killed. They had a Black safety director, Ned Pettis, who went to Linden McKinley High School and came out a few years after I did—and then Mitch Brown, another Black safety director.
- There is systemic racism here in Columbus. Reform of the police needs to start at the top: the federal government needs to come in and investigate, get records, indict people -- and then it might be able to filter down.
- The police cannot police themselves. You cannot count on them to do a thorough investigation -- they never have -- I don't know why we would think otherwise.
- The Fraternal Order of Police (FOP) protects all its officers – no matter how bad -- they don't care what the cop does.
- The city contract with the FOP never changes ... the police review board that we just voted for really doesn't have any teeth. Until that bad contract is dealt with there really isn't much they can do -- because of the contract.
- Civilians don't control the police one bit. Some of them are just racists with evil hearts. They have this mentality, they hate Black folk and look at us like dogs and animals—they like to shoot our kids in the back—my brother Calvin Lewis Reynolds was shot in the back, Keith Burks the same, even now – Casey Goodson and Tyre King shot in the back. Until you get them off the force, its not going to change."

Another Black resident says:

- "I grew up on the west side—grew up on the Hilltop, and you just know about the police. I was 5 or 6 when I had my first experience with the police. If you're sitting four deep in a car they're going to pull you over ... they're going to search you looking for something. If you're walking down the street with more than 2 people they are going to pull up on you and harass you. There is what we called the Hilltop Two Step. If they stop you and you have some weed, they would pull it out and have you stomp on it. I just got pulled over Saturday leaving the bar, they wanted to pull us out, but we were just talking real calm to them and they let us go. I really try to avoid the police whenever possible, I'm trying to get up out of here.

- I've had guns drawn on me for traffic violations, or been put down on the ground, dressed real nice and put on the ground. It's just normal stuff, but I can't prove anything – there's nothing I have on video and they will deny it -- it's just normal here. I feel like its occupied.
- Within the last year I've been stopped for no reason by police at least 3 times."

Another person testified about unlawful uses of force and police refusing to release public records (denying the existence of video, as indicated in earlier testimony by a police information technology specialist):

- "On May 29, 2020 I was peacefully demonstrating and documenting protests by photographing. During that time things went well, until the police department sprayed down an older woman. I went to help her and tried to get her calmed down. As I attended to her, Columbus Police Department had come up and begun to pepperspray people indiscriminately – including the woman (again) and myself.
- Officer Philip Walls, who has several use of force complaints against him, was involved in this indiscriminate spraying. I believe he is the only office to have sustained cases against him for his actions during the protests – which I believe was a written or a verbal reprimand.
- When I followed up with the police department after the first night I was told there was absolutely no video, because the bicycle police were wearing riot gear that precluded their use of body cams. However, in late April this year (2021) I was watching the news and saw body cam video that showed me at that event.
- The police department lied to me and hid public records when they told me there was no video of that event.
- On the 30<sup>th</sup> during another demonstration, Columbus Police tried to seize my camera equipment, claiming a crime had been committed. They would not identify the crime. I told them they could not take my equipment, as it would be an unlawful seizure under the Fourth Amendment and they could either arrest me and call my attorney, or I was free to go with all my camera gear.
- The continued to press for my equipment and I continued to assert my rights. After a stalemate they wandered off to make trouble elsewhere.
- I did not report any of the misconduct I observed to the police, because I felt reporting the police to the police when they had already demonstrated their lack of care would be useless and the complaint would be pushed under the rug.
- Others who also experienced misconduct do not want to participate in providing testimony because of fears of employer retaliation and fears for their personal safety."

In 2020, White residents were claiming that Black protesters and protest leaders were being disproportionately targeted for arrest by Columbus Police. One relayed the following:

- "There was an evening when mostly White protestors did a balloon protest on Front Street—the balloons would be caught in an up-current, then drift back down--it was a beautiful art project. There were hardly any cars, literally 3 or 4 cars came by during that event.

- As soon as balloons went into street about 50 officers came swarming in from every direction and started grabbing people and aggressively interrogating and/or arresting them. **Two of the four people they arrested were Black** – one a homeless Black man named [Name Redacted] and another was [Name Redacted]. The police used the balloon gathering to get identities of people there—in people’s faces yelling “show me your driver’s license.”
- [Name Redacted] is a gentle, homeless Black man with a stutter who is likely mentally or developmentally delayed who I became friends with during the protests, as the street population had mingled with protestors. At this balloon event about 15 police encircled [Name Redacted] and started yelling at him. He didn’t understand what was happening, was stuttering in trying to respond, and starting to panic. I filmed the encounter. **The alleged reason he was initially detained was because he didn’t have a bicycle light, though he was simply sitting in a crowd of White people who were protesting. They grabbed and handcuffed [Name Redacted] saying there was a warrant for his arrest. I later found out the warrant was for jaywalking, and was from two years ago.**
- Throughout the 70 days of protests that I would photograph and videotape, I would talk to officers and chat them up. I routinely heard (at least a dozen times) “you seem like a pretty good guy, a really reasonable guy -- but what about **him (or her)** ” **as they would point to one of my African American friends. It was a consistent thing – I heard that more than a dozen times.**
- There is an untold story of what happened after the protests: the ‘Ghost Warrants.’ People who didn’t get arrested during protests were arrested from August to November. Police had been reviewing videos and doing intelligence work and then they would go out looking for specific people -- grabbing and arresting them for charges such as jaywalking and obstructing traffic—for simply being a part of the protests months earlier. This has been happening under the radar – **a thuggish retaliatory action of Columbus police that had people in the protest community wary of going downtown for fear of being arrested.**
- Dozens of people were arrested in this manner after the protest. The detective who is responsible for most of that is Detective Robert Schueller.
- One example of these Ghost Warrants comes through the story of a White homeless kid [Name Redacted] who was living under a bridge downtown. One day, [Name Redacted] had been helping a member of the protest community who had been grilling hot dogs to feed protestors. After the grilling was done and cooled, I saw [Name Redacted] take the charcoal dust and put it to the curb.
- Weeks later I ran into [Name Redacted] at the courthouse and he told me he had later gotten arrested for that act of dumping ashes. He told me he had gotten a job and was starting to get back on his feet, and Columbus Police went to his job and arrested him, charging him with the highest level of misdemeanor – something right under arson, as I remember, a trumped-up charge like Intentionally Starting a Fire.
- [Name Redacted] didn’t know how to navigate the system, and this needless, retaliatory arrest of a vulnerable person angers me. The police had ruined his success as he was turning his life around when all he had done was try to be helpful and support feeding people at the protests. He was not a part of the protest community—just a nice kid who was down on his luck and one day had tried to be helpful.

- As word got out about these Ghost Warrants, protest leaders started tracking warrants issued each day—well after the protests had ended. Some other people I know: [5 Names Redacted] were also arrested through these Ghost Warrants.
- ... I went up and talked to Schueller, who told me 'this is my job, and I take the greatest pleasure in destroying this protest. I go to sleep thinking about it and wake up thinking about how to destroy this.' Detective Robert Schueller is demented in taking pleasure in harassing this grieving family. The fact that he claims this behavior is sanctioned by the Division of Police is appalling.
- After the big rallies downtown had ended, I attended a "We're Still Here" protest at Goodale Park, I saw a grey van circling and went to the driver and ask him what he was doing. It was Detective Scheuller. He told me 'I see you filming...I know exactly who you are. I know where you live. I've done my research and within days I'm coming for you.'
- As my affidavit indicates, I personally observed Columbus police engaged in unreasonable, excessive and unlawful uses of force, arbitrary detentions of people who they had no reason to believe had committed any crime, upcharging people to levels not indicative of any actual behavior, intimidation, and disproportionate targeting of African Americans at protests."

A Black protest leader talks about the violations of free speech rights and the targeting of Black protest leaders by Columbus police saying:

- "After leading a peaceful protest of chants to the FOP in one lane of traffic, allowing cars to come through. Everything very peaceful and came back to statehouse. About 20+ officers arrive on scent on bike and tried to force us to the sidewalk.
- I believe I was targeted because I've been speaking out and was recognizable face and because I had a megaphone. I have seen these types of targeted arrests of people who are literally exercising their right of free speech to petition our government for redress.
- Back on High Street in front of the statehouse, we were behind a group of White protesters who had formed a defensive line in front of us to try to protect us from the police. We were all still continuing to chant. There was a stalemate, with protesters in the northbound curb lanes, a police bikeline set up in the street on the other side of the yellow line, and the few cars on the street that day passing in the lane in between.
- I saw a Black officer speak to another officer, and they had pointed to the other person with a megaphone (a Black woman named [Name Redacted], who was near me) and the officer ran through the bike cops and through line of speakers and grabbed her by the hair and arm. It was very quick, rough, and coordinated.
- As he snatched her, I reflexively tried to grab her arm because it was so fast and brutal. I was pushed to the ground and held down: I was the only other one being arrested besides [Name Redacted]. The officer said "don't get the fuck up." I didn't. As a group approached multiple officers released pepper spray. The officers exhibited unusual brutality, including tearing off one protester's goggles to spray directly in her eyes. I saw police drag [Name Redacted] on the street as they detained her.

- There was no prior warning given or verbal command. They just rushed in and shoved and grabbed. They arrested the two Black people (me and [Name Redacted]) – not any of the White protesters who were standing in front of us.
- As I was held in police car for a long time, I was berated by multiple officers, who were saying things like: “why the fuck would you do this” ... “you’re so ignorant” ... “we are in a war against you” ... “you are trying to take money from our families” ... “I just can’t understand why more Black people can’t be like Candace Owens” ... and throwing other right wing propaganda in our faces. Sadly, the Black police officer was saying these same types of things.
- I was charged with Rioting, Resisting Arrest, Failure to Comply, and Pedestrian in the Roadway. Other than the last, these charges are elevated to ridiculous levels and do not resemble anything I’ve ever done.
- I was taken to headquarters and interrogated by agent Schuler and agent Bare, who I hear have been the main people interrogating protesters. They lied the whole time, saying things like “I know what you did” ... “we’ve been watching you” ... “we’ve been waiting for you to mess up.” Then they tried to get me to cut a deal and offered to take the (false and excessive) rioting charge down to criminal mischief if I would tell them about other protesters. During the interrogation they said they knew I wanted to be a teacher and threatened me with the rioting charge and said I would never get a job. Then they upped the ante and said they would hit me with a Felony Assault of an Officer, when I never assaulted any officer, but instead had been knocked and held down. I refused to agree to any of their inducements.
- In short, I was arrested for doing a peaceful protest, charged with elevated charges that were ultimately dismissed, spent time in jail – all to suppress my First Amendment rights. This was a racially targeted arrest designed to suppress free speech.”

A White woman said about the same incident:

- “I began to follow [Name Redacted] with the intent of being a White body standing between her and cops. The police pointed her out...it all happened very fast. I was standing between [Name Redacted] and the police, then I got shoved very hard and they grabbed [Name Redacted]. I grabbed her hand and for a moment there was a pulling match until they pulled her away.
- [Name Redacted] was lying on the ground being arrested as [Name Redacted] was being dragged away. “[Nickname Redacted]” (another Black woman) had also been arrested.
- Then they started spraying pepper spray before they left.
- The way they were put in jail was absurd and rigged to try to keep them in there longer.
- In my whole time protesting last summer I saw very few White people arrested, the vast majority arrested were Black. And on that day, despite the racial makeup of the crowd being mostly White, all three of the arrestees were Black—when in fact they were standing behind us and we (White protesters) were further in the street. It was very specific that the White protesters were trying to act as a barrier, and they just pushed us to the side with no repercussions to us – they only arrested the Black protesters.”

Another person testified, seemingly confirming the police IT staffer who testified to deletion of videos and other evidence:

- “I am African American, a social worker and a community advocate, especially for the youth, and I am connected to a lot of African American families.
- Columbus has a lot of murders of our children, and a lot involving police where questions can’t be explained: body cams have been muted or turned off, things have been switched up, witnesses who were very adamant about what they have seen have been intimidated into changing their stories and tell people in community those changes were a result of pressure from the police.
- I have witnessed and experienced unlawful, unjust or immoral actions by Columbus police.
- I was maced three time in that one day.
- I witnessed Columbus police trying to provoke us and trying to create a disorder that wasn’t there without their manipulations.
- At one of these events I saw Columbus police tow a street medic’s car because it was parked 14 inches from the curb ... they actually pulled out a ruler to measure the distance. The medic was right there willing to repark the car but the officers refused. I tried to reason with the officers to be a peacekeeper, but they towed the car.”

After being proximate to a shooting that the police failed to investigate and despite being in protection from a domestic abuser who tried to kill her, one witness says the police put her safety at risk by releasing her address publicly:

- “The suspect has not been charged ... even though he has been identified.
- The suspect will not be charged, the Victim did not die and is saying on Facebook Live that he wants retaliation. I recently found out the victim is related to the person I am hiding from, and they are interacting on Facebook.
- They will be out here looking for the shooter and recognize me and let him know where I am. They will find me. Now I’m completely exposed and vulnerable, all because CPD simply refused to hear me.
- Casey Goodson, Jr., we all know he was shot in the back six times, and Deputy Meade is still standing.
- What happened at my house on Friday is an extension of what Columbus police does that puts a barrier between what’s right.
- I have contacted IAB, The detective has said to me, based off my statement and the evidence he has no understanding why they did not realize what happened that night. He does not think the case is going anywhere.
- I have a shooter next door (the neighbor’s boyfriend), a victim who is all tied up with my abuser coming back for retaliation, and my house is all in the news. There should be some ramification because I’m in a safe at home program. Columbus police did a number on me: there is no record of an incident happening anywhere but at my house. I’m still with Choices, but I can’t go back for housing. In addition, if Columbus police had done their job, the people next door could have

been evicted which would have kept him away from me and kept me safe. But the police reporting has my address. When I say I need help, everything has my address. Everyone is sorry, but there is nothing anyone can do.

- **The police would have treated me differently if I was White, and they would have gotten the shooter and our neighborhood would be safe because we wouldn't be worried about retaliation because the neighbor would be in jail."**

And despite the DOJ's reliance on Columbus adding a video capacity, we received testimony about how police investigators negated video evidence of what is purportedly first videotaped Columbus police shooting on body cam, by a grieving mother:

- "July 7, 2017 was the saddest day of my life. On that day, my sister called me to tell me that Columbus police had shot and murdered my 30-year old son, Kareem Ali Nadar Jones.
- According to eyewitnesses that I talked with, Kareem walked outside and the next door neighbor informed him that some kids were throwing rocks at her car.
- Kareem told her he would go look for the kids and their mother and talk to the parents about what the kids had done.
- He went down the alley with no success, went to the store and then came back home.
- As he was walking back, a Columbus police car started following him – with police reports claiming he was acting erratically and walking between cars.
- At that point he was being harassed about what he is doing. Kareem said "I don't want to talk to you, leave me alone."
- According to police body cameras, police exited the vehicle with guns drawn. **Kareem was walking backwards with his hands up as they followed him with guns drawn, ordering him to the ground.** Witnesses report Kareem was saying "why are you doing this? – leave me alone."
- Police issued a statement at the time saying the officers "felt threatened" (as they followed him backing away with his hands in the air, while they had their guns drawn and pointed at him).
- The police continued to follow Kareem into the yard as my son continued to back up with his hands up. Body cam video shows Kareem continuing to walk backward, facing the officers with his hands up, terrified.
- As they continued to follow him aggressively closing in, Kareem turned and ran. **The police immediately shot him in the back: 9 shots, 4 of which hit him.** After the shooting one officer was recorded saying "dude, what did you do that for!!?"
- Although one officer claimed on camera there was a gun at the scene, it does not appear on camera, and it was three days until they reported finding it. At another point on the video, an officer is heard saying Kareem drew a gun on them, before being told by a Sergeant to be quiet. **The body cam video does not show Kareem drawing a gun out: the police appeared to be concocting an alibi on the spot – and at a later point they revised the tale to align more closely with the video.**
- Kareem was mortally wounded by Columbus police and lay in Intensive Care Unit for three days, guarded and handcuffed to the bed until he died.

- His murder by police was the first in Columbus recorded by body cam. The police absolved the officers of guilt, saying the shooting was within policy. Similarly, a Grand Jury declined to indict.
- There is no accountability for police abuses. Police had no right to stop Kareem and pull guns on him simply because he was walking down the alley. They violated his rights. They had no right to continue to pursue him with guns drawn when he was showing absolutely no threat. And they certainly had no right to shoot him in the back as he ran away, terrified."

Another Black woman told us:

- "Tasjon Osbourne, my nephew was 19, was killed by police on September 19, 2019. He was sitting in a car on night with a group of friends and was ultimately shot and killed by police.
- Initially the police said they got a call about men sitting in a car. We haven't found any call that someone called in for police. Another version of the story says the police were riding bikes by the car and Tasjon grabbed his gun and they shot him.
- The police had no reason to engage with the car: these were just kids sitting in a car. The police saw African American youth sitting in a car and took the opportunity to engage them: they had no probable cause for this confrontation.
- There were some young ladies in the car when Tasjon was shot—they were his friends and they loved him. Initially they told his mother and me the officers just came up and started engaging with them and harassing them in the car, and one reached in and grabbed Tasjon's shirt. They said that Tasjon had not reached for a gun.
- Over time, as the officer's case started moving toward grand jury, the young ladies started to withdraw and not talk to us. Then, the more law enforcement got involved as it got closer to trial, their story changed; it was clear they could not talk about it anymore. They would still come and hug us, but they and their parents wouldn't talk about it anymore.
- Because they were youth who were traumatized we never tried to push them. We couldn't protect them from police from whatever conversations, whatever threats, had happened there. These were his friends, they loved Tasjon; they had already told us what had happened – it is clear to me that Columbus police had pressured them to change their stories.
- We need the federal government here in Columbus, there has to be a change or my people will be extinct: Andre, Casey, Kareem, Julius, Tasjon, Jeron, Henry ... it doesn't stop here in Columbus, Ohio there have been so many killed by police."

One affiant wrote:

"This series of events shows so much wrong with the Division of Police that needs to be fixed:

- a. The unlawful, abusive, retaliatory ("contempt of cop") arrest of my wife, along with over-charging her -- a Black woman -- which is a recurring racialized policing theme with Columbus police that was found to be a "pattern and practice" evidenced in the 1998 Department of Justice investigation of Columbus Police.

- b. The city was not able to provide any dashcam video from any of the multiple (6?) police cars involved – from the initial arrest to the felony stop of the private investigators – although installation and operation of dash cams was a provision of the 1999 Settlement Agreement with the Department of Justice.
- c. The cover-up that ultimately involved about 10 Columbus police officers, some of whom were probationary rookies or subordinates (like Officer Serror) who either have no idea how they were used or were unable to stop the abuse, along with others who were clearly used to working outside traditional lines of accountability – like by making and taking phone calls from each other to execute a felony stop, rather than having felony stops at gunpoint being dispatched through the radio room.
- d. The unwillingness or inability of the police to investigate itself and for civilian leadership to exercise constraints. When presented with problematic actions (intimidation of witness [Name Redacted], which was a specific charge I made to the Safety Director, five division supervisors, and the city attorney) that corrupted my wife's ability to receive a fair trial, nobody but the offender (Hughes) was interviewed. Then-Safety Director Mitch Brown, later appointed to fill a vacancy on City Council, was likewise unwilling or unable to intervene when I told him what was going on real-time. Likewise then-Commander Quinlen who didn't do an internal investigation as he was supposed to do per policy, was never checked and then promoted on to Deputy Chief and then Chief; and then-Sgt. Hughes has been promoted to Lieutenant, then Commander, and is now up for potential promotion to Deputy Chief. None of the misbehavior ever found its way into anybody's personnel file, despite extensive documentation. Without accountability, the Division of Police will continue operating as a corrupt organization and potentially criminal enterprise.
- e. The involvement of the Internal Affairs Bureau, which compromised its promised independence (i.e., the 1999 negotiated Settlement Agreement which terms dictated the bureau would be located outside police headquarters to build citizen confidence in its impartiality—it doesn't matter when IAB is leaking information and sending out cover emails to pre-justify arrests of investigators prior to IAB having any information). By sending out the email to 35 people including the officer I was seeking their investigation of, IAB effectively allowed itself to be used to justify the unjust coverup arrests of [Private] Investigators Smith and Russell.

A still grieving Black father who hired private investigators and has recorded evidence of Columbus police detectives berating a witness into changing their testimony, further says:

- "I had to solve my son's murder case on my own.
- Columbus police turned their backs on me and my family because we uncovered their deceit and betrayal.
- On [Date Redacted, 201X] I received a devastating phone call that my son had been shot and killed.

- When I arrived at the crime scene, I asked for the lead detective (Det. [Name Redacted]), who confirmed that my son was dead in the house. He told me that my son was dancing ... with a gun in his hand and accidentally slipped or tripped ... shooting himself in the head.
- When we received responses to our public record requests, the truth became clear. **I have taken the [Name Redacted to Protect Witnesses] murder case through the chain of command with no results, because of the buddy system at Columbus police where officers won't address and correct mistakes and misconduct by other officers.**
- Det. [Name Redacted] wanted to review the threatening text on [Name Redacted to Protect Witnesses] cell phone that he received from one of the suspects [Redacted] the night of the murder. **Det. [Name Redacted] brought the phone back blank -- saying he didn't see anything.**
- On Statement page 2, **Det. [Name Redacted] failed to file and safeguard the collected evidence from the crime scene, GSR kit, adhesive lifts. Instead, he threw the evidence away.**
- There are October 18, 201[X] Columbus police audio recordings with Det. [Name Redacted] witnesses 'who shot [Name Redacted to Protect Witnesses]?' A witness who I will not name in this statement replied, giving a name that I will not write in this statement.
- On a December 2, 201[X] Columbus police audio recording of my meeting with Det. [Name Redacted], at the end of the meeting I said to Det. [Name Redacted], 'Them guys murdered my son [Name Redacted to Protect Witnesses].' Det. [Name Redacted] responded back, saying 'I know.'
- Also on statement page 45, Retired Lt. Smith acknowledges [Name Redacted to Protect Witnesses] was murdered. On statement pages 14 and 111, Commander Grey and Deputy Chief Becker recognize a crime of theft has also occurred and have done nothing about it.
- For a father to have to dig through police records to find out what the police already know: that my son was murdered is heartbreaking.
- I observed misconduct in the investigation, and **I believe that my son's murder was not deemed a murder so Columbus police did not have to investigate and have an open case, and further that there was racial bias in that determination to overlook clear evidence of murder.**

There are members of the Columbus Police Accountability Project who personally heard testimony, saw documents and video, and heard audio who believe there is an element within Columbus Division of Police that is leaving killers on the street in the Black community perhaps now in a retaliatory backlash against protests, which is one reason killings are at an all-time high in Columbus this year.

The members of the Columbus Police Accountability Project have been grateful for the trust our fellow citizens have placed in us, as they bared their most intense, painful and personal experiences and most vulnerable moments to us in hopes of having these longstanding issues with Columbus Police be redressed for others.

No matter the decade or background of the affiant, there is a constant theme that allegations of police misconduct are known by superiors within the division, but that they go unchecked. Further, almost every affiant talked about their fear of retaliation by an unchecked element of the division of police. We thank these good people, who are stepping up to try to make a better city for everyone.

We reiterate our concern about retaliation and the entanglement of affiants in discovery efforts or other it vexatious lawsuits by the city and the Fraternal Order of Police or individual police officers. We were deliberate about redacting names and other information that may put affiants at risk of physical danger and urge any who may report on this letter to report responsibly and respect the potential physical danger faced by affiants. At this time, we urge the U.S. Department of Justice Office of Civil Rights to take this clear evidence of unlawful policing in Columbus, Ohio and make good on its 2002 commitment to revisit the litigation. Evidence is clear, this is the tip of the iceberg and further investigation is warranted and necessary to protect the rights of all Columbus and central Ohio residents – but particularly its African American citizens who have borne the brunt of police racism for many decades.

Every representation made by the city that the Department of Justice relied on in dismissing its complaint has been disproven in just this small sample of sworn testimony and signed affidavits:

- The city claimed reforms and staffing up of the Internal Affairs Bureau would provide the independence to conduct investigations to hold officers accountable: the sworn testimony and signed affidavits show otherwise.
- The city claimed it would resolve its use of force issues, including limits on chemical irritants: the sworn testimony and signed affidavits show otherwise.
- The city claimed it would end racially-biased policing: it stopped collecting race data on traffic stops the year the DoJ left, and the sworn testimony and signed affidavits show otherwise.
- The city claimed it would install audio and video in police car to increase accountability: the sworn testimony and signed affidavits show otherwise.

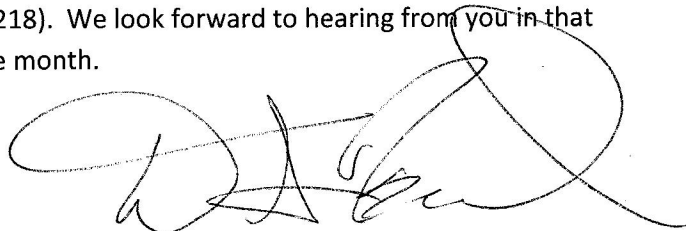
What is left, unchanged, is the Department's original finding of a pattern or practice of unlawful policing.

We have opened the door and stand willing to provide further information to the U.S. Department of Justice Office of Civil Rights. Our period interviewing Columbus residents has likely ended and we are happy to provide the collected and unredacted affidavits to your investigators for further inquiry. We continue to review Police Use of Force reports and will be making a public records request to examine any race data in the City Attorney's database of arrests and charges. We would be happy to send a small delegation to Washington to meet with you and to share unredacted affidavits and other information with the Office; please contact Sean Walton to make such arrangements ([swalton@waltonbrownlaw.com](mailto:swalton@waltonbrownlaw.com), or 614-591-4218). We look forward to hearing from you in that regard, and will follow-up in any case within the month.

Sincerely,



Jonathan C. Beard  
Co-Chair



David Harewood  
Co-Chair

  
Asad Shabazz

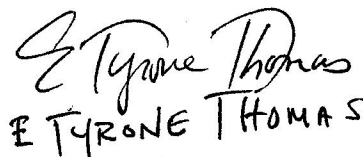
  
Dorian Wingard

  
Lela Boykin

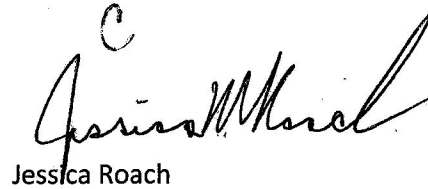
  
Charles Traylor

  
Jasmine Ayres

  
Calvin Hairston

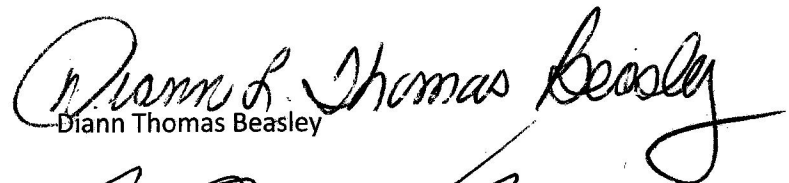
  
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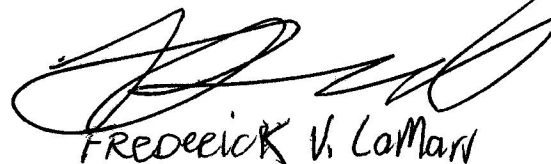
  
Cecil Ahad

  
Jessica Roach

  
Rev. Joel L. King

  
Denise Benning

  
Diann Thomas Beasley

  
FREDERICK V. LaMar

cc: All signators  
U.S. Attorney, Southern District of Ohio  
Andrew Ginther, Mayor, City of Columbus  
Shannon Harden, President, Columbus City Council  
Robert Clark, Director of Public Safety, City of Columbus  
Elaine Bryant, Chief of Police