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LOCAL

One year after George Floyd: How far has Columbus come and how far is there still to go?

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One year after George Floyd was killed by a Minneapolis police officer, some significant changes have been made toward police reform in Columbus.

And more changes are coming. Mayor Andrew J. Ginther's is expected to name a new police chief this week — the first ever to be hired from outside the division's ranks.

But the changes in the last year are a drop in the bucket compared to what needs to be done, according to local activists.

Hana Abdur-Rahim, an organizer with the Black Abolitionist Collective of Ohio, called the city's actions "performative." She said community members have pushed for a civilian police review board for years, and she believes it's telling that the city didn't move forward with it until after Floyd's death.

Columbus police: Beatty, Hardin, others welcome DOJ probe of Columbus police, but FOP says officers being 'demonized'

"It shouldn't have taken a global mass mobilization for them to start moving on things that we've been asking for — or even pretending that they're going to move on them," Abdur-Rahim said.

Stephanie Hightower, president and CEO of the Columbus Urban League, said that since Floyd's death and COVID-19, organizations like the Urban League are now being invited to the table to have constructive conversations about systemic racism, a need for changes in policy and procedures, and health disparities affecting the Black community in Columbus — including unemployment, low-wage jobs, inadequate housing, generational poverty and high infant mortality rates.

Black business still underinvested in Columbus

What has not changed, however, is the issue of “philanthropic redlining,” wherein Black businesses and Black-led human service organizations are still being underinvested in, Hightower said.

More: Artist's work captures gravity of George Floyd's death, highlights racism in America

“Now that we’re at these tables and people are asking us to be a part of things, we don’t have the capacity,” Hightower said. “We just don’t have the bench because nobody has ever invested in us, and so folks are asking us to do more with less, and really they’re asking us to do more with nothing.”

The Rev. Tim Ahrens, senior minister at First Congregational Church and a member of the Area Religious Coalition, said the events of the last 12 months have served as a way to wake up City Hall, likening it to having a bucket of ice water dumped on them. But there is still not a clear path forward, he said.

“We’ve had some headway in certain areas, but there’s not a strategic direction we’re going,” Ahrens said. “There’s a lot of spinning that’s still happening in City Hall, and until the police get clear directives and leadership and training, and until they become an avowed anti-racist organization and learn what that means, we’re going to continue to see people gunned down in the streets and police that are not serving the city.”

Ahrens said the city needs to unite behind a common plan forward, rather than arguing or picking sides.

More: After Derek Chauvin verdict, families in other police shootings say they continue to grieve

“We need to take the really great ideas that have come forward, and studies and work that have been done and best practices in other cities, and develop into a comprehensive plan to make this city great again,” Ahrens said. “Columbus has some of the best and brightest people in the world, and we’re not utilizing all these resources of people. We’re fighting each other instead. We have a city, resource-wise, that is hungry to help. We are starving to help get this right.”

Columbus settles a federal lawsuit

In early May, Columbus agreed to pay Abdur-Rahim \$10,000 to settle a federal lawsuit related to Abdur-Rahim being pepper sprayed directly in the face by a Columbus police officer during a 2017 protest. A lawsuit was filed by the ACLU on behalf of Abdur-Rahim and two other protesters. Abdur-Rahim was the lone remaining defendant.

Read the settlement agreement: <https://www.acluohio.org/wp-content/uploads/2021/05/Exhibit-Settlement-Agreement.pdf>

In the agreement, the city did not admit any liability and denied "engaging in any sort of alleged wrongdoing."

"There is no way to put a price on this kind of trauma. But we welcome the measure of accountability that this settlement represents," Elizabeth Bonham, ACLU Ohio staff attorney said in a prepared statement. "This behavior from the Columbus police is wrong and it has always been wrong."

Columbus police barred from using tear gas, pepper spray during protests

Three days after Floyd's death, protests began in earnest around the Ohio Statehouse. While many protests during the summer of 2020 were generally peaceful, damage during some of the first several days of protesting included more than two dozen windows being broken at the Statehouse, fire damage to the historic ticket box at the Ohio Theater, and broken windows and looting at some businesses. Damage was estimated at more than \$3 million.

As things heated up during the summer of 2020 protests, Ginther banned the use of pepper spray, wooden bullets and other so-called "non-lethal methods" of crowd control from being used against non-violent protesters after multiple instances of their use resulted in heavy criticism. This occurred after City Council President Shannon Hardin, Franklin County Commissioner Kevin Boyce and U.S. Rep. Joyce Beatty being pepper sprayed while near the corner of Broad and High streets.

The mayor's decision was reinforced by Chief U.S. District Judge Algenon L. Marbley in April when he granted a preliminary injunction against the Columbus Division of Police, barring officers' use of tear gas, pepper spray, wooden bullets and other "non-lethal force" against nonviolent protesters.

More: Ginther: Independent investigator to review Columbus' protest response

It was a preliminary victory for more than two dozen protesters who filed suit against the city and the division in U.S. District Court, alleging they were brutalized by officers during demonstrations.

“This case is the sad tale of police officers, clothed with the awesome power of the state, run amok,” Marbley noted in his decision.

The ruling means police cannot inflict “pain or punishment to deter nonviolent protesters,” who were defined in court documents as people who “are chanting, verbally confronting police, sitting, holding their hands up when approaching police, occupying streets or sidewalks, and/or passively resisting police orders.”

The ruling also requires Columbus police — and any officers from other agencies working with city police — to ensure that body and vehicle cameras “are in good working order and used during every interaction” with nonviolent protesters, and that officers’ badge numbers and/or identity cards are clearly displayed “even when riot gear is worn.”

Since that ruling, protests for a variety of issues, including recent protests in support of a Free Palestine, have had a less visible police presence and protesters have been allowed to be in the streets. Police have also handled other events, such as "ChittFest," a party near Ohio State University's campus in a similar manner.

Frederick M. Gittes, one of the attorneys representing the plaintiffs, said the case was unique in the amount of evidence readily available to confirm protesters’ allegations.

“We saw excessive force in the forms of people being shot with wooden bullets, shot with rubber bullets, being maced, being gassed, being struck, hit, pushed, slammed with bikes, with fists,” he said. “You name it, it was all happening and on display and recorded... I have never had another case involving police excessive force where I had so much pattern evidence.”

The larger lawsuit against Columbus police continues

The larger lawsuit, with protester plaintiffs seeking a permanent injunction against the Division of Police and compensation, continues. It could be years before the completion of additional proceedings, a jury trial and any resulting appeals.

“Are we going to be able to stop this history of discrimination within the department and the police violence toward people of color, the Black community especially? I don't know,” Gittes

said. “But my sense is this is a unique moment, and there are a number of legal actions and community organizing actions that indicate there’s hope....”

Gittes has been involved in civil rights litigation since the mid-1970s, including numerous notable cases involving police practices.

The list includes Police Officers for Equal Rights versus the City of Columbus in the mid-1980s, which dealt with racial discrimination within the ranks of the Division of Police, in which U.S. District Judge Robert Duncan ruled “that defendants engaged in a continuous pattern of discrimination against blacks in promotions and assignments and transfers from late 1977 to present.” The case led to changes within the department — policies and practices on officer promotions, assignments, etc.

A handful of more recent cases, including the pending litigation brought by protesters last year, have “the potential to be a landmark, historic legal moment,” from an external standpoint, behaviors of police in public — the kinds of force that can be used, tactics and weapons, and officer accountability, Gittes said.

He added that the litigation, along with actions by community groups, ministers, activists and others pushing for reform and public acknowledgements from the mayor and city attorney, are a recognition of “the deep seated cultural problems of racism in the division. This could be a historic moment for the city, it really depends on how it plays out.”

Columbus city councils advances sweeping police changes

In mid-July — less than nine weeks after the protests and riots had erupted — decades of feet-dragging was replaced by City Council advancing sweeping changes into how police here operate. The council voted to restrict so-called no-knock search warrants, create a list of banned military-type equipment and prohibit police officers from affiliating with known hate groups.

The speed at which so many major police changes were pushed from the drawing board through public hearings and into the city code — all during a COVID-19 pandemic that had drastically disrupted city operations — was unprecedented in city history.

But the centerpiece of the legislation was the proposed new civilian police review board.

First floated as an idea by a group of Black pastors in 1966, a civilian review board was approved by more than 74% of Columbus voters through a charter amendment placed on the November 2020 ballot.

More: Columbus Council uses two different methods to appoint Police Civilian Review Board members

In March, Ginther announced nine nominees for the board after receiving more than 200 applications. City Council added two more members, for a total of 11, and then approved the board. Those board members have not yet announced how they will select cases to review, how often they will meet or how much of their process will be open to the public.

The protest response also resulted in multiple investigations, costing taxpayers almost \$1 million to date.

The city hired local law firm BakerHostetler, in a no-bid contract, to look at potential administrative violations of policy by Columbus officers during the summer protests. Those investigations, 49 in total so far, only eight involved sustained allegations and one of the eight resulted in discipline. That officer was given documented counseling for not filing the proper paperwork.

Additional investigations could be given to Baker Hostetler after the conclusion of 19 investigations into possible criminal misconduct by retired FBI agent Richard Wozniak and special prosecutor Kathleen Garber. To date, no charges have been filed against any officer.

Wozniak and Garber have tried multiple methods of getting police officer testimony to gather evidence in their probe. The most recent maneuver, issuing orders requiring six officers to sit for interviews as witness officers, resulted in a lawsuit and motion for restraining order. The investigators withdrew the Garrity orders several days later and the matter has been referred for arbitration.

The city also paid \$250,000 for an after-action review of the protests by former United States Attorney Carter Stewart and the John Glenn College of Public Affairs at Ohio State. That review found that the police department and city as a whole were not prepared for the scope of the protests and did not communicate well during the protests, resulting in confusion for officers and conflicting orders.

Ginther also signed an executive order requiring all police shootings involving a Columbus police officer to be investigated by the Ohio Bureau of Criminal Investigation. Those investigations had previously been handled by CPD's Critical Incident Response Team.

Andre Hill, Casey Goodson Jr and Ma'Khia Bryant

Since May 25, 2020, there have been 17 incidents of shootings involving law enforcement within Columbus city limits, 15 of them involving Columbus police. Of those 17 incidents, seven have involved an officer having shots fired at them. Five of the 17 incidents, 29%, have been fatal shootings where police shot and killed someone.

More: Here are the names of people killed in police shootings in Columbus

An investigation by BCI resulted in an indictment against former Columbus police officer Adam Coy in connection with the death of 47-year-old Andre Hill, an unarmed Black man, who was shot by Coy on Dec. 22 while exiting a garage on the city's Northwest Side. Coy and officer Amy Detweiler had responded to a non-emergency call about a car being turned on and off in the area.

Coy was fired within a week of the shooting and has been charged with murder, felonious assault and reckless homicide. He is the second now-former officer since 2019 to be indicted for murder charges. Former officer Andrew Mitchell was indicted in April 2019 on charges of murder and voluntary manslaughter in connection with the August 2018 death of 23-year-old Donna Castleberry.

Columbus police: Why does this keep happening? Experts discuss why Columbus has so many police shootings

Mitchell was working as an undercover vice officer when the shooting took place. Prosecutors have said Mitchell did not have his badge or police radio on him at the time of the shooting and Castleberry was in fear.

Activists have also called for the indictment of Franklin County Sheriff's office deputy Jason Meade, who shot and killed 23-year-old Casey Goodson Jr. on Dec. 4 on the city's Northeast Side. Meade had just finished working with a United States Marshal's office task force and encountered Goodson after an unrelated search for a suspect. Goodson was shot multiple times in the back. A firearm was recovered at the scene, but details as to where the firearm was found have not been released publicly.

Following Hill's death, Columbus City Council passed Andre's Law, requiring officers to have their body cameras on and to provide medical assistance until paramedics arrive.

The city also agreed to pay \$10 million to Hill's family, as well as renaming the gym inside the Brentnell Community Center in Hill's honor.

Also following Hill's death, Ginther announced that the city would spend \$4.5 million to upgrade the police department's body camera technology.

Abdur-Rahim said the settlement was a good step in achieving justice for Hill's family, but it doesn't address other ways police violence has impacted the community.

"They deserve restitution, but what about the other families that are still fighting for their children who have been killed by the police — including 16-year-old Ma'Khia Bryant?" Abdur-Rahim said.

Bryant was fatally shot outside of her Far East Side foster home by Columbus Police officer Nicholas Reardon April 20, at about the same time former Minneapolis officer Derek Chauvin was convicted of murdering Floyd. Police body camera footage shows Bryant wielding a knife at a young woman before Reardon fired four shots.

BCI is currently investigating the shooting.

Reviewing the Columbus police

In late April, Ginther and City Attorney Zach Klein formally requested the Department of Justice to come to Columbus and "engage in a review of Columbus police operations, identifying any and all racial biases in policing efforts, and offering findings and coordinated solutions for reform."

The DOJ has not announced whether they will accept the invitation. Activist groups, including the recently formed Columbus Police Accountability Project (CPAP), have said the DOJ needs to conduct a "pattern and practice" review that could result in a consent decree.

In 2002, when the federal Department of Justice dropped a lawsuit against the Police Division that could have resulted in outside monitoring of the 1,700-member force, then-Mayor Michael B. Coleman and then-City Attorney Janet E. Jackson said they agreed that the division had become serious about respecting civil rights.

Many of the division's voluntary reforms Coleman and Jackson agreed to had been part of a "proposed consent decree" reached in August 1999 between the administration of former Mayor Greg Lashutka and the Justice Department. But there was a key difference, as was pointed out by then-Safety Director Mitchell J. Brown, later to become a member of the city council: "There will be no (federal) oversight."

Jackson is one of the 11 members of the civilian review board and was the proposed chair of the board when Ginther announced the nine initial members in March.

Earlier this month, Ginther also announced, in conjunction with Columbus fire and police, a pilot program targeting alternative responses for people in crisis who call 911. These calls have typically involved a police response, but the new program will triage calls and determine the best response for them.

Another large change, and one that remains ongoing, is the leadership at the police department. In January, Thomas Quinlan, who had been named chief in February 2020, stepped down at Ginther's request. Ginther said Quinlan had not been able to institute the change that was needed and that he, and the community, had lost faith in Quinlan's ability to do the job.

Michael Woods, a deputy chief within the division, took over as interim chief. When Woods officially retired in April, he signed a supplemental contract to remain chief until a new chief is named.

Columbus police: Faith leaders say Columbus police chief forum and selection process seemed rushed, superficial

Who will be the new Columbus police chief?

The city launched a national search for Quinlan's replacement in February and at the end of April, 34 applications had been received. Of the 34 applications, nine people were chosen for interviews with a group of city leaders. That pool was narrowed to four finalists: Elaine Bryant, a deputy chief for Detroit police, Derrick Diggs, the Fort Myers, Florida, police chief, Avery Moore, an assistant chief for Dallas police, and Ivonne Roman, co-founder of the 30x30 initiative and a former chief in Newark, New Jersey.

The finalists participated in a public town hall that was held virtually on Wednesday. Ginther's office has said he hopes to have a replacement named by early June.

In searching for a chief, Ginther said he would not consider any internal candidates and was looking for a "change agent" to implement reforms at the division.

Hightower said real change comes about in efforts not just to recruit more people of color in the police force, but by focusing on engagement when discussing community policing, rather than enforcement.

“We want transformative change with policing. It’s just not going here and tweaking a little bit there. It’s about having real leadership and being able to change the culture,” Hightower said.

Ahrens also said leadership needs to be comprehensive and not just involve a new police chief or a press conference by the mayor. He said Safety Director Ned Pettus needs to be a more visible and vocal presence.

"He’s just disappeared," Ahrens said.

Abdur-Rahim emphasized the importance of a complete overhaul of the police force — although she advocates for complete police abolishment, any reform centered around changing who’s at the top won’t address the racism embedded in the force.

“Looking for a new police chief, it’s not going to change anything if the core of the apple is bad,” Abdur-Rahim said.

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