



Fighting for Victims. Fighting for Justice.

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February 14, 2023

The Honorable Andrew J. Ginther
Mayor of the City of Columbus, Ohio
City Hall 2nd Floor
90 West Broad Street
Columbus, OH 43215

Dear Mayor Ginther:

Please be advised that our firm has been retained to represent Michael Cleveland, Sr. in all matters related to the shooting incident involving Columbus Division of Police on February 5, 2023, and any related criminal charges. I ask that all future correspondence or verbal communication be directed to our office and that there be no direct contact with my client in this matter. Should the Columbus Division of Police or any others need to communicate with my client regarding any matter, that communication should only take place through me.

You are likely aware of the facts surrounding this incident in which Columbus Police Officer Joshua Olinger shot and paralyzed 66-year-old Michael Cleveland, Sr. after a traffic stop, just months after shooting a 17-year-old after a traffic stop. You are also likely aware of the outcry from the community surrounding the circumstances of these shootings.

As a co-leader of the Columbus Police Accountability Project, this incident has been discussed in relation to other urgent issues regarding Columbus Division of Police practices and policies, and as a result I am communicating the following demands on behalf of both the family of Michael Cleveland, Sr., and the Columbus Police Accountability Project members and the constituents that we represent:

- 1. An immediate end to the policy that individuals shot by Columbus Police Officers cannot have visitation rights in the hospital as they recover from their injuries.**

This practice is inhumane, should be considered a form of cruel and unusual punishment, and has no place in the systemic structure of a city that has just completed a Department of Justice to review of its practices to avoid violations of human rights such as this.

- 2. CPD Officers, including Officer Joshua Ohlinger, who have been involved in a police-involved shooting not be allowed back on the street until the BCI investigation and any potential criminal charges are resolved.**

In this political and social climate, and given the statements and commitments made by city leadership top to bottom, it is reckless to allow an officer who is being investigated for

using deadly force, to be allowed to again use deadly force without a full investigation and decision by a grand jury having been completed. This process should also include a determination as to whether the shooting was within or outside of policy. Until that determination is made, any officer who has used deadly force should not be placed back into circumstances that allow for the continued use of deadly force.

3. The pilot program and plans for the new gang enforcement unit, the Jumpout Boys, cease immediately and the City of Columbus engage the members of the Columbus Police Accountability Project on any similar plans moving forward.

The decision to form this gang enforcement unit, which will both conceptually and substantively act as the “Jumpout Boys”, has already caused immense trauma to so many in this city. In the wake of the Tyre Nichols killing and in the aftermath of the killing of Henry Green V that led to the disbanding of the Community Safety Initiative, this decision not only impedes the people of this city’s ability to heal, but it further causes fear and terror in communities that deserve better.

In the context of the Department of Justice strongly recommending an independent use of force review, the decision to allow for targeted and intense enforcement action is quite frankly a ticking time bomb that we cannot and will not allow to be detonated in our community. In fact, this unit is being led by Sgt. Shawn Gruber, who has a documented past that includes countless constitutional violations of Black citizens.

It is important to note that Sgt. Gruber was not alone. When Chief Jacobs was informed by an internal affairs investigator of an alarming number of white officers who appeared to be pulling over Black men without justification, in addition to Gruber, she told the investigator to only focus on the two officers who prompted the investigation, and to not pursue the other officers any further. The decision to place an enforcement unit such as this in our community while such documented racial profiling and observed constitutional violations has gone unaddressed is a decision that can and likely will have fatal consequences.

4. The City of Columbus stand with the Columbus Police Accountability Project in requesting a DOJ investigation into use of force against Black citizens.

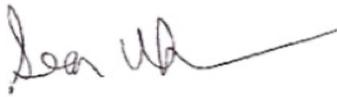
We reiterate our previous request for a DOJ investigation, and the previous letter to the DOJ is attached. While the DOJ can make their own decision on what to investigate, you have the ability to make the decision on what the DOJ is asked to *investigate*. The request for a review is not enough and is in direct conflict with what has been asked by the people of this city again and again.

Between 2001 and 2017, [just 6% of Columbus Police Officers accounted for half of all use of force reports](#). The Columbus Division of Police justified 99% of the uses of force by those officers. While we are asking for a full-investigation into all past uses of force, identifying and allowing an immediate investigation into those 6% of officers will be seen as a strong step toward substantive rehabilitation of police-community relations in this city. Those officers are still on patrol, are potentially a part of future enforcement units, and until there is an investigation into these past uses of force, we cannot wonder how the next victim of an unjustifiable police-involved shooting incident came to be.

We cannot solve for the present or the future without acknowledging, with specificity, the Columbus Division of Police's complicated past. In the wake of multiple successful discrimination claims by Columbus Division of Police Officers, in addition to a documented culture of behavior that flies in the face of what the people of this city and its own police officers deserve, a top-down investigation by the DOJ of past and current practices is in order.

We are asking for a response to these demands by **February 20, 2023**. Thank you for your cooperation as we move toward the mutual goal of reimagining public safety and helping this city heal. We look forward to hearing back from you.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Sean L. Walton". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Sean L. Walton, Esq.

Cc: Zach Klein, Columbus City Attorney
Chief Elaine Brant, Columbus Division of Police
Director Robert W. Clarke, Columbus Division of Public Safety
President Shannon G. Hardin, Columbus City Council

Request to U.S. Department of Justice to Investigate Pattern and Practice of Misconduct by Columbus Division of Police

April 29, 2021

U.S. Attorney General Merrick Garland
U.S. Deputy Attorney Vanita Gupta
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Acting U.S. Attorney Vipal J. Patel
U.S. Attorney for the Southern District of Ohio
303 Marconi Boulevard, Suite 200
Columbus, OH 43215

Dear Mr. Garland, Ms. Gupta and Mr. Patel,

The undersigned community, legal and civic organizations, dedicated to human rights, urge you to investigate the disturbing pattern of misconduct by the Columbus Division of Police (CPD).

More than 20 years after the Department of Justice (DOJ) conducted an investigation of the Columbus Division of Police and determined that CPD officers were engaged in a pattern or practice of using excessive force, making false arrests and lodging false charges, and conducting improper searches and seizures in violation of the Fourth and Fourteenth Amendments, those patterns and practices continue to this day. Instead of the City of Columbus negotiating a consent decree with the U.S. Department of Justice, the City of Columbus instead moved to dismiss the case as the Fraternal Order of Police, Capital City Lodge No. 9, intervened in the lawsuit in order to fight it alongside the City of Columbus. On September 4, 2002, Columbus Mayor Michael Coleman submitted a settlement proposal to the DOJ that outlined various reforms the CPD agreed to make in exchange for the dismissal of the DOJ's complaint without prejudice.

That settlement was grossly inadequate, and the Columbus Division of Police has shown a repeated pattern of excessive force and discriminatory policing practices. The City of Columbus has failed to faithfully implement the provisions agreed upon in the settlement agreement and have not demonstrated the ability to hold police officers under their employment accountable for violations of their own protocols and violations of the civil rights of their citizens.

Over the past decade, the City of Columbus has witnessed repeated incidents of excessive force and misconduct by a variety of departments within CPD.

Following are brief descriptions of concerns, supported with documentation that leads to this request.

1. **Excessive force has been systematically used against residents of Columbus, especially Black residents.** In the last five years the Columbus Division of Police has killed more than 30 people, over 70% of whom were Black and five of whom were children. Since 2013, Columbus police have [killed more children](#) than all but two local law-enforcement agencies in the country, Chicago and New York. [All five of the young Columbus victims, who range in age from 13 to 17, were Black.](#) Between 2001 and 2017, [just 6% of Columbus Police Officers accounted for half of all use of force reports, and the Columbus Division of Police justified the use of force in 99% of use-of-force cases.](#)
2. **The use of lethal force by Columbus Division of Police Officers against residents of Columbus, especially Black residents, has never been properly investigated.** In July of 2020 the [Critical Incident Response Team was removed from duties of investigation](#) after demonstrating a pattern and practice of failing to properly investigate officers after the use of force against citizens. However, this fix is only temporary and does not address the years of police-involved shooting investigations that show a pattern and practice of unlawful and discriminatory conduct. [CIRT has never treated the investigation of police officers involved in shooting incidents like other criminal investigations. CIRT has never concluded that a police officer committed a criminal act when using deadly force.](#) The CIRT team leader, Eric Pilya, has [never reviewed an officer's use of deadly force and found it to be excessive or unjustified.](#) It is believed that prior to [December 2020](#), no officer had ever been terminated for using deadly force.
3. **Militaristic anti-protest tactics have violated both CPD policy and the civil rights of Columbus residents.** Use of militaristic anti protest repression has resulted in a [major investigation commissioned by the city of Columbus.](#) The unnecessary use of chemical agents, rubber bullets, and other practices have led to hospitalizations as well as minor injuries among hundreds of residents including [US Congresswoman Joyce Beatty, Council President Shannon Hardin and County Commissioner Kevin Boyce who were pepper sprayed.](#)
4. **Abusive practices among tactical units like Vice Squad, SWAT and the Summer Strike Force.** The Vice Squad of Columbus police was dissolved in 2019 after internal investigations found consistent incidents of misconduct such as [the improper arrest of Stormy Daniels](#), and the [sexual assault, harassment and use of lethal force by Vice Squad Members.](#) The *Summer Strike Force*, rebranded as the *Community Safety Initiative* was also dissolved after review of the [lethal use of force](#) by “[Jump Out Boys](#),” the plain clothes

officers in unmarked cars that profiled, harassed, and aggressively police low income and Black communities.

5. **Hiring practices have resulted in a police force that does not live in or represent the diversity of our community.** Only [23% of Columbus police officers](#) live in a city of Columbus zip code and only 8% live in a Columbus zip code that does not overlap with a suburb. Only [9.8% of CPD officers are Black](#) even though the city is nearly 30% Black. [Discrimination against officers of color in the civil service exams](#) has been the subject of multiple lawsuits.
6. **The City of Columbus has bargained away their ability to hold police accountable in the contract with the Fraternal Order of Police.** The FOP contract with the city includes a wide variety of provisions that [go well beyond the scope of typical workplace protections](#) and prevent officers from being held accountable for misconduct. These provisions include the removal of discipline records after 12 months and ‘past practice’ policies that have functionally undermined many efforts to discipline officers like in the [effort to terminate Zachary Rosen](#). The procedure used in the aftermath of lethal force gives officers ample time to review evidence, corroborate statements and then submit their report of the event with legal and union review.
7. **Culture of corruption and internal discrimination against Black officers and whistleblowers.** According to an [independent third party report](#) commissioned by the city of Columbus 70% of Black CPD employees said they have witnessed discrimination and 30% stated they have witnessed an officer discriminate against a member of the public. In 2020, [the City of Columbus agreed to pay \\$475,000 to a Black CPD officer who faced retaliation](#) for reporting racism and other misconduct by a superior. In 2016, the Ohio Civil Rights Commission [charged the Columbus Division of Police with failing to act on complaints of racism and discrimination](#) within the division related to the officer’s claims.
8. **Misuse of taxpayer dollars.** The City of Columbus has [paid out \\$5.4m dollars in settlements for police misconduct](#) in the last 10 years. This amount does not account for the amount of taxpayer dollars spent defending and litigating citizen complaints of police misconduct, of which that number has not been disclosed or reported. In addition to costly legal expenses and settlements, misuse of city resources has been made clear recently when a Columbus Division of Police helicopter was flown over black neighborhoods in [Columbus and was used to spell out “CPD” in cursive on the flight path](#).
9. **A recently released review of the City of Columbus’ handling of protests last year led to the recommendation that Columbus city leaders and the Columbus Division of Police take active steps towards a reconciliation with those community members who**

are disaffected and angry, particularly Black community members. The report released by The Ohio State University, John Glenn College of Public Affairs and co-authored by former U.S. Attorney for the Southern District of Ohio Carter M. Stewart, [reveals a large rift between CPD and the community, particularly communities of color.](#) The report found that there is distrust, anger and fear directed towards police that undermines the basic functionality of the criminal justice system. Many Black protestors who participated in this study stated that participation in last summer's protests confirmed their prior experiences of unequal treatment by law enforcement.

- 10. The City of Columbus refused to enter into the consent decree sought by the Department of Justice through the 1999 lawsuit brought against the Columbus Division of Police.** In 1998, the Civil Rights Division of the Department of Justice (DOJ) conducted an investigation of the Columbus Division of Police. [As a result of the investigation, the DOJ determined that CPD officers were engaged in a pattern or practice of using excessive force, making false arrests and lodging false charges, and conducting improper searches and seizures in violation of the Fourth and Fourteenth Amendments.](#) On October 21, 1999, the DOJ filed a complaint against the City of Columbus, Ohio pursuant to the Law Enforcement Misconduct Statute, 42 U.S.C. § 14111, in U.S. District Court for the Southern District of Ohio to remedy an alleged pattern or practice of unconstitutional misconduct by officers of the CPD.

On September 1, 2002, Columbus Mayor Michael Coleman and City Attorney Janet Jackson submitted a settlement proposal to the DOJ that outlined various reforms the CPD agreed to make in exchange for the dismissal of the DOJ's complaint without prejudice.

Since then, the City has attempted a variety of programmatic and personnel changes which have all failed to meet the fundamental directive to eliminate the pattern and practice of misconduct. For example, while the Settlement Agreement provided for the installation and use of dashcams in patrol cars, experience has shown the cameras are often either [missing](#) or out of service when requests for footage by victims of police misconduct are made. The lack of a consent decree at the beginning of this century can be directly tied to the continued constitutional violations by the Columbus Division of Police.

The compounding trauma inflicted on Black children and families by Columbus Police is unacceptable. The City of Columbus has not taken sufficient steps to address the permeating culture of corruption, discrimination, and impunity within the force. The City has not demonstrated an ability to meaningfully repair harm caused or to prevent further misconduct. Until the Department of Justice mandates and oversees the effective implementation of major structural changes within the department the most vulnerable in the Columbus community — people of color,

children, low-income people, people with disabilities, immigrants, and LGBTQ people— will not be safe from those sworn to protect and serve us.

Endorsing Organizations:

ACLU of Ohio
All Voting is Local
Alpha Phi Alpha Fraternity Inc
AMOS Project
Black Abolitionist Collective Ohio
Black Liberation Movement of Central Ohio
Black Student Association at The Ohio State University
Capital University Law School African-American Law Alumni Association
Central Ohio Freedom Fund
ChangeWorks of the Heartland
Columbus Stand Up!
Everyday People for Positive Change
Exodus Nation
Faith in Public Life
Interdenominational Ministerial Alliance of Columbus & Vicinity
Justice Unity and Social Transformation
Kaleidoscope Youth Center
Men of Ubuntu
NAACP Cleveland Branch
NAACP Columbus Branch
Ohio Families Unite Against Police Brutality
Ohio Organizing Collaborative
Ohio Student Association
Ohio Young Black Democrats
Parkwood Investments Ltd
People's Justice Project
Queer Partnership for Black Liberation
Restoring Our Own Through Transformation
Social Justice Empowerment Council - Community of Caring Development Foundation
The Downtownerz
The UnBossed Network
Unifying Solutions

This letter was also sent via email on April 29, 2021 to vanita.gupta@usdoj.gov, vipal.patel@usdoj.gov, robert.chapman@usdoj.gov, and Jessica.Knight@usdoj.gov.