

1. The City of Columbus has a long-standing policing problem that disproportionately impacts people of color. In 1998, the U.S. Department of Justice investigated the Columbus Division of Police. DOJ concluded that Columbus Police 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.”

Columbus Police routinely violated people’s civil rights. They roughed up residents. They falsely arrested people who had witnessed police misconduct. They policed in racially discriminatory ways: from 1994 to 1999, black people in Columbus were almost three times as likely as white people to be the subject of traffic stops.

2. In 1999, the Justice Department sued the City, accusing the Columbus Police of brutality, racially discriminatory conduct, and other civil rights violations. The City and its police department nevertheless resisted the lawsuit, even asking the federal court to dismiss the case entirely. Yet in 2002, after the Columbus Division of Police purportedly changed some of its practices, the City and DOJ agreed to settle the case.

3. Despite the settlement, illegal, coercive, and violent policing tactics continued—too frequently directed at people of color. Between 2013 and 2022, according to the highly regarded nonprofit Mapping Police Violence, Columbus Police killed 50 people. 37 were Black—a stunning 74% of the people killed, in a city where only 29% of the residents are Black.

4. In the same time period, the Cleveland Division of Police killed 13 people, and the Cincinnati Police Department killed 13 people. In other words, Columbus Police killed **four times** as many people as their counterparts in Cleveland and Cincinnati. Columbus Police have one of the highest rates of fatal shootings in the entire United States.

5. In September 2018, a nonprofit news organization published a striking investigation about the Columbus Division of Police’s systemic tolerance of use of force. See Corey et al., *Just 6% of Columbus Police Officers Account for Half of All Force Reports*, The Appeal (Sept. 13, 2018). The report relied on data from public records requests and interviews with current officers. It found that between 2001 and 2017, Columbus Police’s Internal Affairs

Bureau investigated more than 20,000 use of force incidents. *Id.* Internal affairs found no violation of policy in 99.25% of the incidents. *Id.*

6. In August 2019, a third-party consultant hired by the City released the report of its lengthy operational review of the Columbus Division of Police. See Matrix Consulting Group, Report on the Police Division Operational Review, Columbus, Ohio (Aug. 19, 2019). It added to the ongoing documentation of the Columbus Police’s problems, finding a “significant disparity of use of force against minority residents.” *Id.* at 12. Columbus Police’s own data showed that, “When examining use of force applications from a demographic perspective there was a clear and discernable disparity of application between ‘black’ and ‘white’ contacts.” *Id.* at 208.

7. In May and June 2020, Columbus residents took to the streets to protest the killing of George Floyd and other acts of police brutality and racism. Columbus police responded with excessive force, carried out pursuant to the City’s official policy or custom, seriously injuring nonviolent protestors. The protestors filed a civil rights lawsuit against the City and many of its police officers. After hearing seven days of testimony, the federal court overseeing the lawsuit memorably wrote, “This case is the sad tale of officers, clothed with the awesome power of the state, run amok.” *Alsaada v. City of Columbus*, 536 F. Supp. 3d 216, 225 (S.D. Ohio 2021) (Marbley, J.)

8. In 2021, the City asked the U.S. Department of Justice to again review its police operations. In their request to the DOJ, Columbus’s Mayor and its City Attorney explained that, despite “steadfast efforts to advance change, the City has been met with fierce opposition from leadership within the Columbus Division of Police.” They noted that the problem is systemic, and that the City’s request was about “reforming the entire institution of policing in Columbus.”

The Mayor and the City Attorney stated, “Simply put: We need to change the culture of the Columbus Division of Police.”

9. While the Mayor and City Attorney were espousing the need for change, the Columbus Division of Police doubled down by creating the “Zone 3 Enforcement Team” to start operating in early 2022. The Zone 3 Enforcement Team was billed as being dedicated to “proactive policing” targeting “identified areas of increased criminal activity.” In reality, the Zone 3 Enforcement Team deployed aggressive, street-style policing tactics in areas with high concentrations of Black residents. Despite its appearance as a specialized unit, members of the Zone 3 Enforcement Team did not undergo screening, testing, or additional training.

10. The “culture” that needs to change, but is so fiercely defended by individuals within the Columbus Division of Police, was displayed again in full force on August 30, 2022. That day, around 2:20 a.m., members of the Zone 3 Enforcement Team came to 20-year-old Donovan Lewis’s apartment to serve a warrant. The warrant accused Donovan of committing a misdemeanor and missing a court date.

11. Within minutes of arriving at the apartment, the Zone 3 Enforcement Team members called in a dog and his handler, Officer Ricky Anderson.

12. Donovan was in his bed. Anderson opened the bedroom door and in less than a second shot Donovan as he was sitting up in his bed. Donovan was mortally wounded. Instead of providing aid, another officer placed handcuffs on Donovan while shouting “Stop resisting!” at the dying young man.

13. The officer who killed Donovan, Anderson, had at least 58 prior internal investigations into his conduct since 2001. He had been found to violate Columbus Division of

Police policy in at least ***ten*** instances. Yet the City of Columbus and the Columbus Division of Police had allowed Anderson to remain on the job, until he killed Donovan.

14. To this day, neither the Columbus Division of Police, nor the City of Columbus, nor any of its officers has acknowledged their responsibility for Donovan's death. Donovan's family brings this lawsuit seeking accountability, fair compensation, and to encourage the reforms needed to prevent other deaths and injuries in the future.

### **FACTS**

#### **A. Columbus Police choose to try to arrest Donovan on a Tuesday at 2:20 a.m.**

15. On Tuesday, August 30, 2022, around 2:20 a.m., four Columbus Division of Police Zone 3 Enforcement Team officers were in the parking lot of a small apartment building in the Hilltop neighborhood of Columbus, Ohio.

16. The four officers, Chance Knox, Harry Dorsey, Jack Randall, and Justin Dodrill, had decided to try to arrest Donovan Lewis, a 20-year-old Black man. They believed he was probably sleeping in one of the apartments in the building.

17. Why these officers thought it necessary to try to arrest Donovan overnight, at that time, is not yet clear. Donovan supposedly had three warrants: one issued August 10, 2022, after he was accused of committing a misdemeanor violation that day; one issued August 12, 2022, after the misdemeanor accusation triggered a hearing about whether he also had now violated the probation he was serving for a different minor misdemeanor from two years before; and one issued May 20, 2022, after Donovan had missed a court hearing date because notice of the hearing had been sent to the wrong address.

18. Since August 10, 2022, however, Columbus police had not tried to find, contact, or otherwise get in touch with Donovan. It would not have been hard to do so. Donovan had

been living in the same apartment for a while. He had not tried to evade anyone. He posed absolutely no threat to public safety.

19. Nevertheless, these officers chose to hunt Donovan in the middle of night.

20. It's clear very little, if any, planning went into the overnight arrest attempt. As they approach Donovan's apartment door, one officer asks, "What's his name?" Another responds, "I don't know... Donovan." One officer even went back to his police cruiser to confirm the name of the person they had decided to arrest. One officer sings a little. One belches a few times.

**B. Columbus police begin knocking**

21. Around 2:26 a.m., Knox, Dorsey, and Randall stand outside Donovan's apartment. Knox knocks, in the "shave and a haircut, two bits" pattern. He repeats this several times. Knox yells "Yo D!" He does not identify himself as a police officer.

22. Around 2:28 a.m., Knox states, for the first time, "It's Columbus Police."

23. Knox continues knocking. He shouts, "We're not leaving."

24. Around 2:33 a.m., Knox states to Dorsey, "Well somebody's in here. The deadbolt's locked. I'm not walking away from this." Dorsey says, "I agree."

25. Knox then shouts, "Donovan, if you don't come to the door, I'm gonna kick it in! If I have to come in there and get you, you're gonna get tased!" Knox threatens to tase Donovan simply if Knox has to enter the apartment.

26. Knox continues shouting. He shouts, "Come to the door, or I'm gonna boot the door in!"

**C. Columbus Police detain two young men**

27. From inside the apartment, someone responds, “My hands are up.” Knox tells Dorsey to cover the door. Dorsey draws his gun on the door. The person inside the apartment again says “My hands are up.”

28. Around 2:34 a.m., Dorsey radios for Anderson and the K-9 to come to the apartment complex.

29. A young man opens the apartment door. He shows his hands and complies with Knox’s orders. He explains he was sleeping. Knox handcuffs him.

30. A second young man also shows his hands and slowly exits the apartment. Randall handcuffs him.

31. The two young men were there because they did not have a place to live, and Donovan had taken them in.

32. Police say they are looking for Donovan. Knox says to the young men, “We’re gonna send the dog in here in a second, so if he doesn’t come out...”

33. Dorsey says to the young men, “You know who’s in the apartment that you’re in. He’s gonna get bit by a dog.”

**D. Anderson arrives at the apartment**

34. Around 2:37 a.m., Anderson and the K-9 arrive at the apartment.

35. Anderson, who is 59 years old and has been a police officer for 30 years, is working the midnight shift.

36. According to Columbus Police Internal Affairs Bureau records, Anderson had at least 58 internal investigations into his conduct between 2001 and 2020.

- a. 10 investigations into Anderson's conduct were classified as "Citizen Complaints / IAB Internal Investigations."
- b. An astounding **48 investigations into Anderson's conduct** were classified as "Use of Force / Chain of Command Investigations."

37. Between 2001 and 2020, Columbus Police found that Anderson violated Columbus Division of Police policy at least **ten** times, including in **eight** "Use of Force / Chain of Command Investigations."

38. The number of policy violations is striking for any police officer. It is even more alarming for a Columbus Police officer, since more than 99% of Columbus Police's use of force investigations result in no policy violation finding.

39. Anderson's conduct had gotten worse in recent years. **Six** of the eight "Use of Force / Chain of Command" violations occurred since 2018.

40. Nevertheless, Columbus Police and the City had kept Anderson on the job, and he was called to Donovan's apartment with his dog.

**E. Anderson sends the dog in**

41. Around 2:38 a.m., Anderson stands in the doorway of Donovan's apartment and sends the K-9 into the apartment. The dog runs to the back of the apartment, then returns to Anderson.

42. Anderson sends the dog back a second time. The dog runs to the back of the apartment, barks, then starts to return to Anderson.

43. During this second trip, Anderson's dog entered Donovan's room, observed Donovan, and then came back out of the room. Anderson admitted in deposition testimony that if



the dog enters a room, sees a suspect, and comes back out of the room, it's because the dog does not see the person as a threat.

44. Anderson sends the dog a third time. The dog goes to the back of the apartment and remains barking outside of a closed door.

45. Anderson says, "I'm gonna move up."

46. An officer says, "Has somebody got a taser?" Another responds, "He's got one."

**F. Four Columbus Police officers enter the apartment**

47. Anderson enters the apartment, gun drawn and holding a leash in his left hand. Knox is right behind him, gun drawn. Randall enters behind Knox and draws a weapon.

48. About 15 seconds later, Dodrill enters the apartment.

49. There are now four Columbus police officers, weapons ready, and a dog inside a small apartment, at 2:38 a.m. on a Tuesday morning, searching for a man accused of committing a misdemeanor and missing a court date:



50. About 30 seconds after Anderson enters, he holsters his gun and leashes the dog.

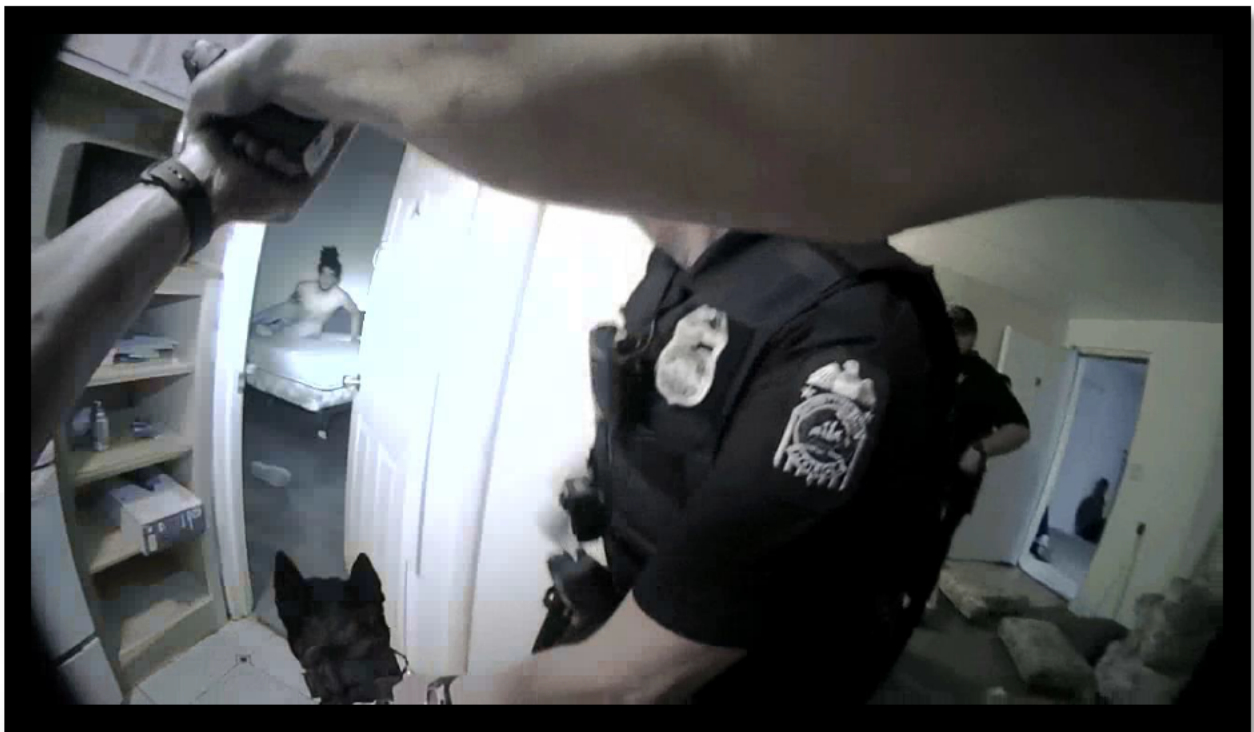
51. Anderson opens a small pantry door with his right hand, with his weapon holstered, while holding the K-9 with his left hand. No one is in there. He closes the pantry door.

52. Knox yells at the closed bedroom door, “We’re gonna send that dog in!”

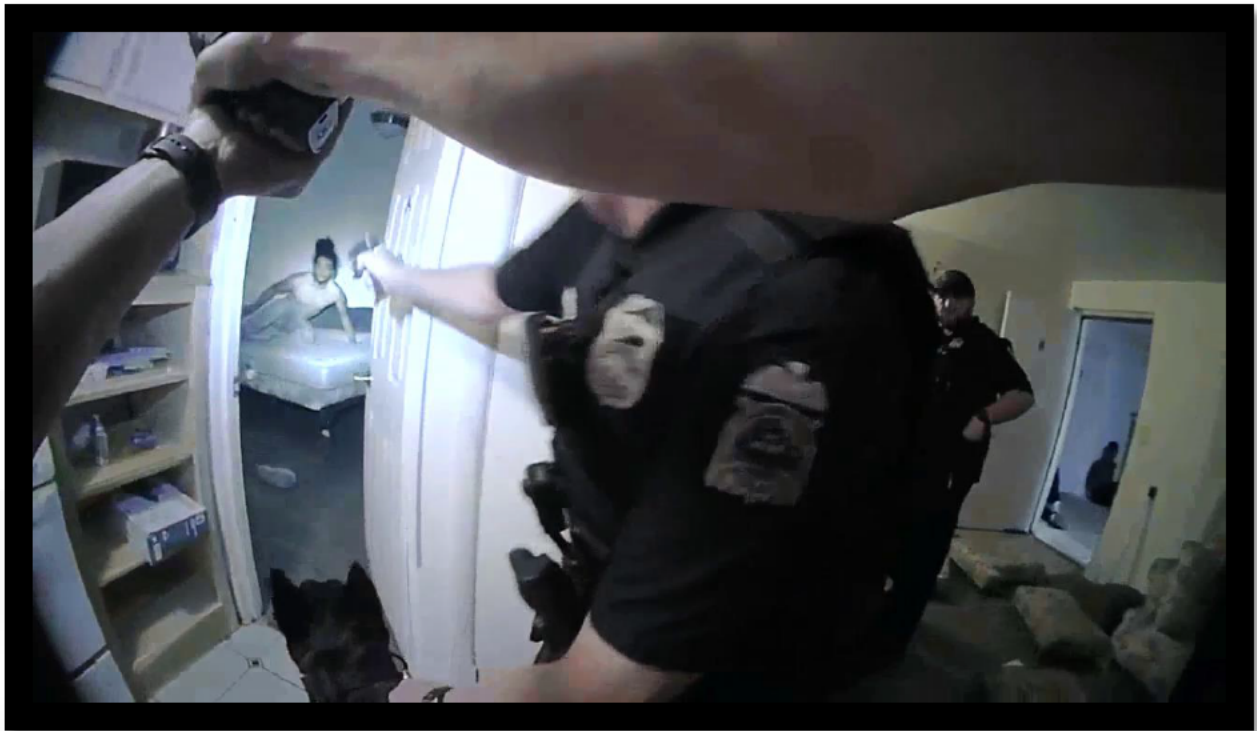
**G. Anderson shoots and mortally wounds Donovan**

53. Anderson then moves to the bedroom door. Anderson uses his right hand to turn the doorknob and push the door open.

54. Knox orders “Hands” at Donovan. Anderson starts to draw his gun. Knox turns on the flashlight on his gun. The light illuminates Donovan, who is shirtless and starting to sit up in his bed:



55. Anderson immediately draws his weapon and fires a single shot with his right hand. He is still holding the K-9 with his left hand:



56. Anderson shoots Donovan in the lower abdomen. Knox exclaims “Oh!” in surprise at the shot. It is around 2:38 a.m.

57. Anderson began drawing his gun before the light illuminated Donovan. The time between Anderson unholstering his weapon, acquiring a sight picture, and deciding to fire his weapon was less than one second.

58. Anderson quickly holsters his gun with his right hand. He moves back slightly, still holding the barking K-9 with his left hand.

59. No officer says the word “gun” at any time.

60. Knox had a view nearly identical to Anderson’s view, but Knox did not fire his weapon.

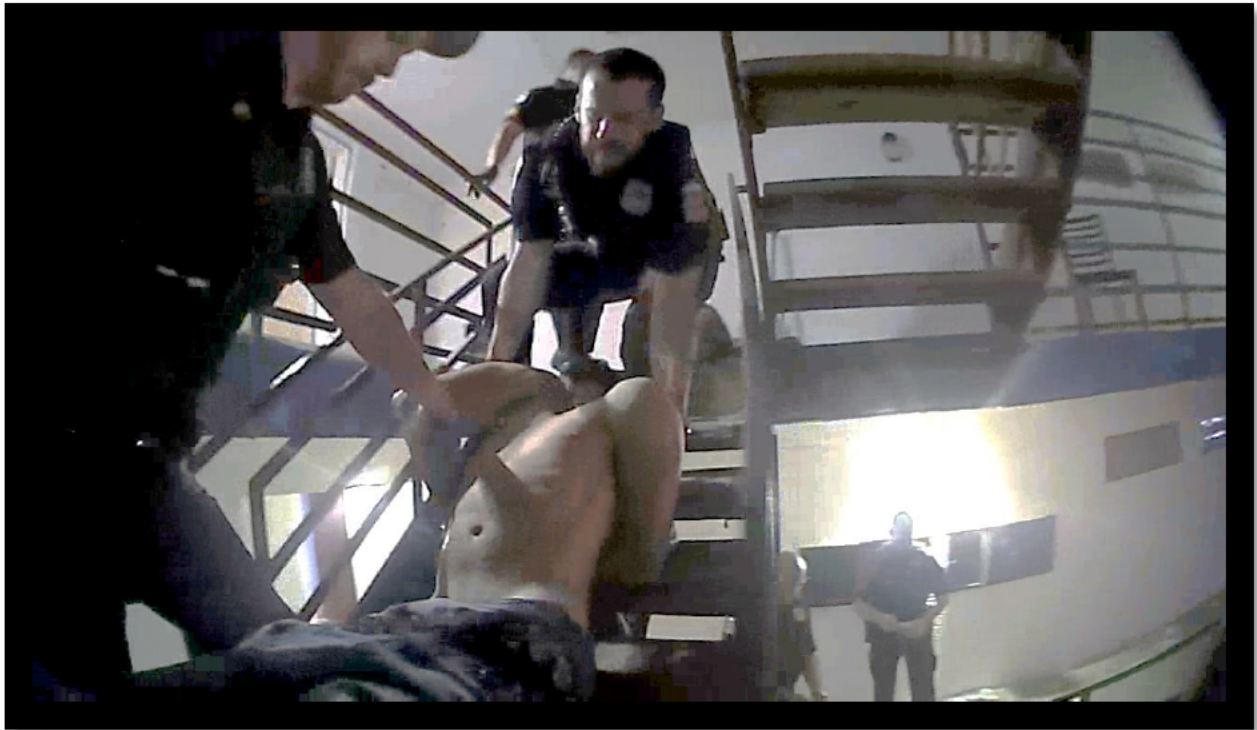
**H. Knox and other officers handcuff Donovan as he lays dying**

61. Donovan lays wounded in his bed, starting to die.
62. Knox continues shouting “Hands, hands, hands!” Donovan tries his best to comply, raising his hands into the air a couple of times before rolling back onto the bed.
63. The dog continues barking loudly.
64. Knox shouts “Crawl out here! Crawl out!” Donovan cannot.
65. Knox and Dodrill enter Donovan’s bedroom. Knox shouts at Donovan, “Hands behind your back! Do it now!” Donovan does not move. Knox tells officers to call for a medic. Over the radio, Dorsey asks for a medic and states “officer involved.”
66. Donovan is slumped over on the bed. Knox grabs Donovan’s right hand and twists it behind his back. Donovan’s agonal breathing can be heard on the body cam audio.
67. An officer shouts “Stop resisting! He’s pulling away.” Donovan is not resisting.
68. Knox and Dodrill handcuff Donovan. Donovan continues to bleed.
69. Around 2:40 a.m., Knox tells other officers to “glove up and start rendering aid.” Dorsey begins removing Donovan’s pants and underwear. Randall helps pull a pant leg down.
70. No officer appears to apply pressure to the bullet wound.

**I. Knox, Dorsey, and Randall move Donovan and drop him on the stairs**

71. Around 2:41 a.m., Knox says “Let’s get him out to the medic.” Knox, Dorsey, and Randall then pick up Donovan, who is still handcuffed behind his back, and carry him out of the apartment and to the top of the outside stairs.
72. Dorsey, Randall, and another officer then try to carry Donovan down the stairs.

73. Dorsey is holding Donovan's head and upper body. Dorsey stumbles, dropping Donovan's head onto the metal stairs:



**J. Medics arrive and take Donovan to the hospital, where he dies**

74. Around 2:43 a.m., Columbus police officers finally lay Donovan on the patch of grass outside. One officer finally starts applying pressure to Donovan's wound.

75. Officers strip Donovan fully down to his underwear.

76. Donovan still has a pulse, but it is weak. Donovan is still breathing, but it is agonal and labored.

77. Around 2:45 a.m., the first medic arrives. He asks officers to remove the handcuffs still on Donovan.

78. Donovan is rushed by ambulance to Grant Hospital.

79. At 3:19 a.m., Donovan is pronounced dead. Donovan died from Anderson's gunshot.

80. No weapon is ever found in Donovan's apartment. He was completely unarmed. On his bed, officers find a vape pen.

**K. Officers start to discuss what happened, but then turn off their cameras**

81. After Donovan is loaded into the ambulance, Knox, Dorsey, and Randall stand outside in a circle by Anderson's cruiser.

82. Randall asks, "How do you want to handle everybody that was in the..." Dorsey cuts him off and says, "We're just gonna stay here and say nothing until the fuckin' union gets here." Knox says, "We're getting officer support here."

83. Additional officers and supervisors walk over. Dodrill starts to share what happened. He states, "I was coming up right behind him." A supervising officer points at Dodrill's body camera, and Dodrill turns off the recording.

84. Another arriving officer asks, "Who are the witnesses?" Randall states, "We were the four in the house." Dorsey states, "Me, Jack [Randall], Chance [Knox]."

85. Knox says, "Kill your cameras. Kill the cameras." Everyone turns off their recordings.

**L. Other Columbus Police officers make troubling comments**

86. Later, four different officers are talking in a circle. An officer says, "I guess the one obvious question is, white guy, black guy?" Sgt. James Ingles answers, "light skinned male, Black." A third officer says, "So, yes," and the other officer chuckles and nods.

87. Sgt. Ingles says, "I made it a point that officers were rendering aid," apparently meaning he used that phrase over police radio. Ingles then laughs.

88. In May 2021, the City of Columbus settled legal claims after a Columbus Police officer shot and killed Andre Hill, and officers did not render aid after shooting him.

89. Another officer responds, “Well, we learned from that one.”

**M. Columbus Fraternal Order of Police representative arrives**

90. At some point, a representative from Columbus’s police union, the Fraternal Order of Police Capital City Lodge #9, arrives on scene.

91. Donovan’s mom is waiting by the police tape, desperately trying to find out information about what has happened to her son.

92. As the FOP rep passes Donovan’s mom, he ducks under the police tape and says, “Another day in the hood.”

**N. Shortly after shooting Donovan, Anderson starts falsely claiming that Donovan posed a threat**

93. Anderson shot Donovan around 2:38 a.m.

94. About 15 seconds after he shot Donovan, Anderson raises his right arm with a closed fist as if to fire a weapon, falsely claiming that Donovan’s arm was like that before Anderson fired. Anderson screams at Donovan: “Can’t fucking come like this!”

95. 10 seconds later, Anderson says, “I’m gonna have to leave.” He leashes the dog, which he had still been holding with his left hand.

96. Anderson says to Randall, “fucking come up like this!” and raises his right arm as if in a shooting position. Anderson then says, “But I mean...” He gestures at the bedroom with an open hand. Randall does not respond.

97. Anderson turns and leaves the apartment. At the doorway, Dorsey says, “What the fuck was that noise?” Anderson says, “Me! He come out like this!” and raises his right arm again.



98. As Donovan is dying, Anderson walks back to his cruiser. He whispers, “Fuck.”

99. Anderson never provides any aid or medical care to Donovan.

100. Multiple body cameras show that Donovan never extended or raised his arm as if holding a weapon. Knox, who had the same view of Donovan as Anderson did, never claims Donovan raised his arm in a threatening manner. Moreover, it took less than one second for Anderson to unholster his weapon, acquire a sight picture, and fire his weapon.

101. Donovan did not present any threat to any of the officers.

102. Moreover, Anderson could not have perceived any potential threat before he decided to fire his weapon.

**O. Columbus Police had several non-lethal options**

103. Columbus police officers had several non-lethal options available to apprehend Donovan, but they chose not to use them. Foremost, Columbus police officers could have waited to apprehend Donovan during the light of day and outside his apartment, rather than try to arrest him in the middle of the night.

104. Even after getting themselves into this situation, Columbus police officers still had non-lethal options. Columbus police officers could have performed a “surround and call out.” There was no urgent need to open the closed bedroom door to make an immediate apprehension.

105. Columbus police officers also could have decided to hold in place and call for a special operations team, including negotiators. They did not.

106. Anderson himself had several non-lethal options available to apprehend Donovan, but Anderson chose not to use them. For example, Anderson could have pounded on the closed bedroom door while instructing Donovan to come out. He did not. Anderson could have



deployed his taser. He did not. Anderson could have deployed the K-9 into the bedroom. He did not.

107. Instead, Anderson recklessly chose to fire a single shot into the bedroom, mortally wounding Donovan.

108. Other officers on the scene, including Knox, also had several non-lethal options available to apprehend Donovan, but Knox and others chose not to use these options. For example, Knox could have caused Anderson to disengage and moved him to the back, rather than have a K-9 and handler lead an effort to enter a potentially barricaded space. Knox did not do that.

109. Had any of the Columbus police officers employed any of these non-lethal options, Donovan would not have died. But the Columbus police officers chose not to use these options. Instead, Donovan was shot in his bed, and he died a painful and undignified death.

**P. Anderson retires in bad standing and is indicted.**

110. After killing Donovan, Anderson “retired” from the Columbus Division of Police in bad standing. The fact that he was under investigation for his killing of Donovan was a reason for his bad standing.

111. In August of 2023, Anderson was indicted on charges of murder and reckless homicide for killing Donovan.

112. Anderson has refused to answer questions about the events surrounding his killing of Donovan—including questions about whether his use of deadly force was reasonable—to avoid incriminating himself.

**FAILURES OF THE COLUMBUS DIVISION OF POLICE**

113. The Columbus Division of Police has displayed a consistent and systemic failure to properly train and supervise its officers on the proper use of force, as well as a consistent and systemic failure to properly discipline officers engaged in excessive force and other misconduct.

114. These failures have resulted in numerous incidents of officers unnecessarily using force, particularly against people of color, that results in seriously injury and even death.

115. These incidents are well known in the Columbus community, receiving widespread media coverage.

116. The incidents are known to the City and Chief of Police as well.

117. By tolerating the regular use of excessive force, the leadership of the Columbus Division of Police and the leadership of the City indicated to Columbus Police officers that they were free to use force however they liked without the threat of discipline or accountability.

**A. Custom of Excessive Force**

118. The incidents below provide just some examples of the numerous incidents of excessive force by Columbus police officers in the decade before Donovan's death—and the tolerance of excessive force by the Columbus Police and City leaders.

**1. Joseph Hines**

119. On August 29, 2012, two Columbus police officers—both with an extensive history of citizen complaints—assaulted Ohio State student Joseph Hines while arresting him near campus. One of the officers sat on and punched Mr. Hines during the encounter.

120. Mr. Hines' filed a civil rights lawsuit. The jury agreed that police used excessive force. The city was ordered to pay \$30,000 in damages, plus Mr. Hines' attorney fees.

121. According to news reports, none of the officers involved received any discipline.

## **2. Deaunte Bell-McGrew**

122. On October 29, 2015, two Columbus police officers shot Deaunte Bell-McGrew six times, killing him. The ordeal started because the officers decided to question and investigate the occupants of a car that was legally parked on private property and to pull Mr. Bell-McGrew out of the vehicle instead of answering his questions about why the officers were detaining him.

123. The officers had been involved in a combined 42 internal affairs investigations. They did not receive any discipline for Bell-McGrew's shooting.

## **3. Jaron Thomas**

124. In January 2017, Jaron Thomas called 911 for help during a mental health crisis and overdose.

125. Paramedics were present to help, but Columbus officers restrained Thomas and pinned him to the ground, limiting his ability to breathe. Thomas died 9 days later.

126. No officers received any discipline.

## **4. Demarko Anderson**

127. On April 8, 2017, a Columbus Police officer was caught on video stomping on the head of Demarko Anderson, as Anderson was lying facedown on the sidewalk and being handcuffed.

128. Anderson suffered serious bodily injury, and he could have been killed.

129. The next month, the then-Columbus Police Chief determined that an appropriate punishment for the offending officer was a 24-hour suspension.

130. The City's Public Safety Director overruled the Chief and fired the officer. But in March 2018, an arbitrator rescinded the Safety Director's termination and reinstated the officer to his patrol officer position with full back pay.

131. In May 2018, the City paid a \$30,000 settlement to Anderson.

## **5. Timothy Davis**

132. In September 2017, Columbus Police officers arrested Timothy Davis at a convenience store.

133. Prior to being handcuffed, at least six officers pinned Davis to the ground while he received blows and stun gun shocks from officers.

134. One Columbus police officer used his stun gun for a combined 55 seconds, which exceeds the manufacturer's standards of 15 seconds due to risk of internal damage.

135. One of the arriving backup officers was later caught on video saying that he would have told Davis, "I'm going to for real arm-bar you, and then when that still doesn't work, I'm going to choke the life out of you. Then while you're drooling on yourself, I'll handcuff you." That officer received a written reprimand.

136. Despite Columbus Police's knowledge of the incident, none of the arresting officers were disciplined for use of force.

## **6. Cameryn Standifer**

137. On August 1, 2018, a Columbus Police officer violently took down Cameryn Standifer after arresting him for an unpaid traffic ticket.

138. Standifer had done nothing wrong and was not resisting arrest.

139. Several other Columbus police officers looked on.

140. Standifer suffered serious bodily injury and medical bills of over \$1 million.

141. In November 2022, while the jury was deliberating, the City agreed to pay \$440,000 to settle Standifer's civil rights lawsuit.

142. Despite Columbus Police’s knowledge of the incident, upon information and belief the officer was not disciplined.

## **7. Brian Denbow**

143. On August 17, 2018, Columbus police officers assaulted Brian Denbow. One officer punched him in the face over a fence while Denbow was on his own property. Officers then broke down the fence, entered the property, and beat Denbow while tackling him to the ground.

144. The City paid a \$60,000 settlement.

145. The officer who beat Denbow was given the option to accept an 8-hour suspension or forfeit 8 hours of accrued leave. He chose the latter.

## **8. Donna Castleberry**

146. On August 23, 2018, a Columbus vice officer shot and killed Donna Castleberry while she was trapped in the back of his car and believed he was trying to rape her.

147. The officer faces murder charges with a trial scheduled for next month.

148. The City paid a \$1,025,000 settlement to Ms. Castleberry’s estate.

## **9. Racial Justice Protestors**

149. In the summer of 2020, during protests after the death of George Floyd, a number of Columbus police officers assaulted protestors. Many officers concealed their identities during the protests, even issuing an injunction to restrain the use of force.

150. The City agreed to pay a \$5.75 million settlement to protestors. Even so, news reports indicate only a single instance of police discipline—a letter to one officer’s file.

**10. Andre Hill**

151. On December 22, 2020, a Columbus police officer shot Andre Hill four times, killing him. Hill was visiting a friend and had a cellphone in his hand.

152. The officer involved was fired and faces murder charges.

153. The City paid a \$10,000,000 settlement to Hill's estate.

**B. Custom of Racial Animus and Discrimination**

154. The Columbus Division of Police's own statistics establish a "clear and discernable disparity" in the use of force against Black and White individuals. Matrix Consulting Group Report at 208.

155. For example, in every year since 2013, more than 48% of Columbus Police's use-of-force incidents targeted Black people, who compose only 29% of the Columbus population. *Id.*; Columbus Division of Police, Use of Force Analysis – Year End Review (2019) at 20.

156. The City and Chief were aware of these statistics and, while claiming to believe that most of the individual uses of force were justified, still knew Columbus Police were engaging in a troubling pattern of mistreating Black residents. Despite this knowledge, the City and Chief did not take specific steps to address this apparent violent mistreatment of Black residents.

157. Columbus Police officers and other employees have witnessed and reported instances of Columbus Police officers racially discriminating against members of the public. In 2019, the outside consultant hired by the City reported that **30%** of Black Columbus Police employees had personally "witnessed an officer discriminate against a member of the public" within the last five years. Matrix Consulting Group Report at 31, 45.

158. Columbus Police officers and other employees have also experienced, witnessed, and reported instances of racial discrimination within the Division of Police. In 2019, the outside consultant hired by the City reported that nearly 70% of Black Columbus Police employees had personally “witnessed discrimination within the Division of Police,” and more than 50% of Black Columbus Police employees had “personally experienced discrimination within the Division of Police in the previous 5 years.” Matrix Consulting Group Report at 45, 55.

159. In October 2020, the City agreed to pay \$475,000 to Columbus police officer Karl Shaw, who is Black, to settle his race discrimination lawsuit. Shaw filed a complaint in 2015 after another Columbus Police officer routinely used racial slurs and allegedly threatened violence. Upon information and belief, the offending officer was given a written reprimand for the discrimination and continues to work in the department.

160. In November 2020, CNN published a lengthy piece detailing a history of racist incidents and allegations within the Columbus Division of Police. See McLaughlin, *Black officers say Columbus, Ohio, police prejudice isn’t limited to civilians: They’re battling it, too*, CNN (Nov. 10, 2020).

161. In June 2022, a federal jury found that Columbus police Lt. Melissa McFadden, who is Black, had been the subject of racial discrimination and retaliation by the Columbus Division of Police. Upon information and belief, those who discriminated and retaliated against McFadden have not been disciplined.

162. The Columbus Police’s training for officers reflects apathy towards combating racial discrimination. For example, in 2019, new officers were given 1177 hours of total

instruction, with only 30 hours—a mere 2.5%—focused on “procedural justice, bias, and ethics.”  
Matrix Consulting Group Report at 26.

163. The City knew of and tolerated racism within the Columbus Division of Police.

164. Despite this knowledge, the City and Chief did not take specific steps to address what appeared to be mistreatment of Black people.

165. The City’s failure to address these longstanding issues regarding race and the use of excessive force caused the death of Donovan Lewis.

**C. Failure to Train Officers and Ensure Competency**

166. To apply to become a Columbus Police officer, applicants need only have a high school diploma or GED, be 20 years of age or older, have a valid driver’s license, and be a U.S. citizen.

167. Upon hire, Columbus Police officers receive a starting salary of \$67,325.99 per year, which steadily increases over their first four years of service. Officers who have worked for the Division of Police for over 48 months receive an annual salary of \$103,134.91.

168. In addition to their salary, Columbus Police officers receive a generous benefits package which includes paid training, college tuition reimbursement, life insurance, individual and family health insurance, vision and dental plans, and a significant pension package through the Ohio Police and Fire Pension Fund.

169. Beyond their pay and benefits, Columbus Police officers have the option to provide security and traffic control services, usually referred to as “special duty pay,” at the rate of \$61.60 per hour. These services are a condition for a parade permit and outdoor events and are typically provided by Columbus Police officers.



170. The training received by Columbus Police officers is based on the notion that being a police officer is an extremely dangerous profession, and stresses their security and safety above all else, especially their ability to use force whenever they feel threatened or perceive a threat to another.

171. Although being an actual patrol officer is a relatively dangerous profession, with average deaths of 13.7 per 100,000 employees, according to the Bureau of Labor Statistics, it is nowhere nearly as dangerous as common occupations such as roofers (51.5), farmers (24.7), truck drivers (26.0), and groundskeepers (18.6); indeed, with fatal injuries in the amount of 44.3 per 100,000, trash and recycling collectors' jobs are more dangerous than a patrol officer's job.

172. A reliable 2020 study shows that only 4% of a police officer's time is generally spent on handling violent crime. <https://www.nytimes.com/2020/06/19/upshot/unrest-police-time-violent-crime.html>

**C. Failure to Discipline and Terminate Dangerous Officers**

173. In 2017, the Police Executive Research Foundation completed an evaluation of the Columbus Police Department Internal Affairs Division.

174. In September 2018, a nonprofit news organization published a striking investigation about the Columbus Division of Police's systemic tolerance of use of force. See Corey et al., *Just 6% of Columbus Police Officers Account for Half of All Force Reports*, The Appeal (Sept. 13, 2018).

175. The investigation relied on data from public records requests and interviews with current officers.

176. The investigation found that between 2001 and 2014, Columbus Police’s own data showed that just 6% of Columbus Police officers have accounted for *half* of all force cases annually.

177. The investigation also found that between 2001 and 2017, Columbus Police’s Internal Affairs Bureau investigated more than 20,000 use of force incidents, but found no violation of policy in 99.25% of the incidents.

178. Upon information and belief, the Chief of Police has never once reversed an internal affairs decision that classifies a use of force as within policy.

179. The City and Columbus Division of Police allow these particularly aggressive officers to remain in the ranks, thereby ratifying their behavior and signaling to other officers that they were free to use force however they liked without the threat of discipline or accountability.

**D. Systemic Division of Police Failures**

180. Additional systemic failures of the Columbus Division of Police contributed to the death of Donovan Lewis.

181. The City and Columbus Division of Police know that they cannot rely on a substantial portion of Columbus Police officers to report misconduct by other officers.

- a. In 2021, the City’s Mayor was asked during sworn testimony: “Mr. Mayor, you know from your consultants that there is a substantial portion of your police force that you cannot rely on . . . to report misconduct by other officers?”
- b. The Mayor replied: “Based on the findings of the Matrix report, yes, that is correct.”

182. This apparent code of secrecy may explain why some Columbus Police officers seem to feel comfortable committing misconduct on the job, as was recently on display when two officers received federal indictments accusing them of stealing cocaine during an illegal search and trying to sell it. (<https://www.dispatch.com/story/news/crime/2024/02/01/2-columbus-police-officers-indicted-on-federal-drug-charges/72441569007/>).

183. The Columbus Police Internal Affairs Bureau is understaffed. Internal affairs “has not been fully staffed since March 2020,” yet Columbus Police plans to fill other positions first. *2021 Internal Affairs Bureau Annual Report* at 6.

184. When misconduct is in fact reported, the Columbus Police Internal Affairs Bureau has limited time to complete its investigations. The City has agreed with the police union that, if investigation into a citizen complaint is not completed within 90 days, no officer will be disciplined arising out of the investigation. *See 2021 Internal Affairs Bureau Annual Report* at 13.

185. The Columbus Police Internal Affairs Bureau routinely dismisses citizen complaints against its officers as unfounded, almost always believing the statements of officers over those of citizens.

186. The Internal Affairs Bureau is motivated to dismiss citizen complaints as unfounded because finding against the Officer or Officers might subject the City to civil liability.

187. Even when citizen complaints of violence are sustained, over the years the Columbus Division of Police has meted out disproportionately minor discipline for violent acts, such as written reprimand and short suspensions.

188. In turn, this custom of failing to discipline establishes standards which the union for Columbus Police officers invoke to persuade arbitrators to reverse serious discipline as inconstant with past disciplinary standards.

189. The City and Chief Bryant know that it is nearly impossible to fire a Columbus Police Officer for use of excessive force.

190. Per their union contract with the City, Columbus Police officers are indemnified for any damages (except punitive damages) awarded due to a claim of excessive force, and the City provides free legal representation to officers accused of excessive force.

191. Thus, the City, Chief, and Columbus Police knew before the police killing of Donovan Lewis that Columbus Police officers faced little or no disincentive from engaging in excessive use of force and regularly failed to comply with the letter or spirit of training and policies on use of force.

192. Within the Columbus Division of Police, it is an unspoken rule that, regardless of whatever violent acts a police officer may witness another officer doing, criminal charges will not be brought against that officer (Anderson's indictment for killing Donovan being one of the extremely rare exceptions).

193. In the City of Columbus, misdemeanor offenses are prosecuted by the Columbus City Attorney, and felony offenses are prosecuted by the Franklin County Prosecutor's Office.

194. Both the Columbus City Attorney's Office and the Franklin County Prosecutor's Office have an unwritten general rule or custom that no criminal charges are to be brought against police officers for acts of violence committed against citizens while in uniform.

195. This unwritten rule or custom applies regardless of the egregiousness of the offense or the strength of the evidence of the officer committing the offenses and reflects, among other pressures, a conflict of interest that prosecutors have with relying on police witnesses to prosecute other crimes and not wanting to antagonize them by prosecuting their crimes; the perceived political power of police unions and elected status of the City Attorney and Franklin

County Prosecutor; and the barriers victims of acts of violence by police officers confront in reaching grand jurors and, if they have any criminal record or suspicious conduct, persuading trial jurors.

196. Incidents of violence which would cause a regular citizen to be charged with assault, battery, or other crimes of violence are not charged against police officers for the sole reason that they are police officers.

197. It is common knowledge among Columbus Police officers that, with the possible exception of deadly violence videotaped by citizens, they are immune from any prosecution for acts of violence committed within the City of Columbus.

198. The combination of a toothless disciplinary policy, indemnification from civil liability, and practical immunity from criminal prosecution creates a perfect storm in which Columbus Police officers know that there will nearly always be no repercussions to them for violent acts.

199. It is exceedingly rare for the Columbus Division of Police to discipline officers involved in the use of excessive force, and it is exceedingly rare for those officers to face criminal charges.

200. For example, in April of 2017, one of the officers who shot Henry Green, Officer Zachary Rosen, was caught on videotape stomping on the head of a handcuffed and helpless Black suspect who was lying on the sidewalk.

201. Even though Officer Rosen had plainly committed an act of felonious assault that could have killed or grievously injured the suspect, the Columbus City Attorney's Office and Franklin County Prosecutor's office declined to bring criminal charges against Officer Rosen solely because he was a police officer.

202. On June 14, 2017, then-Columbus Police Chief Kim Jacobs determined that an appropriate punishment for Officer Rosen stomping on the head of a helpless individual was a 24-hour suspension and recommended this punishment to Columbus Public Safety Director Ned Pettus.

203. In July 2017, Public Safety Director Pettus rejected the recommendation of then-Chief Jacobs and terminated Officer Rosen's employment.

204. Infuriated that one of their members had been terminated for kicking a helpless Black suspect in the head, the Columbus Fraternal Order of Police Lodge No. 9 unanimously approved a no-confidence vote in Columbus Mayor Andrew Ginther, Public Safety Director Pettus, and then-City Council President Zach Klein.

205. In announcing the no-confidence vote, FOP President Jason Pappas stated: "We want to send the message that we've lost faith. It demonstrates to those individuals that we no longer have confidence in their ability to lead. Unless they make significant changes by funding us and staffing us and supporting our officers who are out there day in and day out, that we will not have confidence in their ability to lead us or this city."

206. In March 2018, an arbitrator rescinded Safety Director Pettus's termination of Officer Rosen and reinstated him to his patrol officer position with full back pay.

207. The City and Columbus Division of Police have also failed to implement an effective early warning system to identify and discipline problematic officers within its ranks.

208. Because of the City's and Columbus Police's failed accountability system, the City and Columbus Police fail to detect, prevent, or respond to officer misconduct, including serious misconduct such as excessive force and race discrimination.

**E. Failure to Train and Monitor Ricky Anderson**

209. According to Columbus Police Internal Affairs Bureau records, Officer Ricky Anderson had at least 58 internal investigations into his conduct between 2001 and 2020.

- a. 10 investigations into Anderson's conduct were classified as "Citizen Complaints / IAB Internal Investigations."
- b. 48 investigations into Anderson's conduct were classified as "Use of Force / Chain of Command Investigations."

210. Between 2001 and 2020, Columbus Police had found that Anderson violated Columbus Division of Police policy at least **ten** times, including in **eight** "Use of Force / Chain of Command Investigations."

211. Anderson's conduct had gotten worse in recent years. **Six** of the eight "Use of Force / Chain of Command" violations occurred since 2018.

212. In 2020, internal affairs investigated Anderson for allegations of sexual harassment. Anderson was working an off-duty detail at the Jewish Community Center. A female employee reported Anderson had committed sexual assault. Internal Affairs found that Anderson engaged in "unbecoming conduct" when he approached the female employee from behind, pressed up against her, and said "Hey, Sexy. How's it going?"

213. Even though internal affairs had sustained the sexual harassment allegation, Columbus Police issued Anderson a "document constructive counseling," the lowest form of discipline.

214. Upon information and belief, the Columbus Division of Police has observed unlawful or otherwise improper conduct by Anderson throughout his career but has tolerated it and refused to remedy or mitigate it.

215. Despite Anderson's documented history of misconduct, the City and Columbus Division of Police continued to fail to train Anderson, to properly discipline Anderson, and to monitor Anderson to ensure that he did not continue engaging in misconduct.

### **PARTIES**

216. Plaintiff Rebecca Duran is the mother and duly-appointed Administrator of the Estate of Donovan Lewis. Ms. Duran brings her claim as Administrator of Donovan's estate.

217. Defendant City of Columbus ("Columbus" or "the City") is a municipal corporation charged with and responsible for appointing and promoting, through the Mayor of Columbus, the members of the Columbus Division of Police and for the supervision, training, instruction, discipline, control, and conduct of the Columbus Division of Police and its personnel. At all times relevant to this case, Columbus had the power, right, and duty to control the manner in which the individual defendants carried out the objectives of their employment and to see that all orders, rules, instructions, and regulations promulgated for the Columbus Division of Police were consistent with the Constitution and the laws of the City of Columbus.

218. Defendant Chief Elaine Bryant ("Bryant") was Chief of Police for the City of Columbus Division of Police at all times relevant to this case. Bryant was the responsible party for supervising the training, instruction, discipline, control and conduct of Columbus police officers including Officer Anderson. She was also charged with promulgating all orders, rules, instructions, and regulations of the City of Columbus Division of Police, including but not limited to those orders, rules, instructions, and regulations concerning the use of force and of deadly weapons. She was also charged with promulgating all orders, rules, instructions, and regulations of the City of Columbus Division of Police regarding the procedures to be



implemented when police officers have interactions with citizens who are the subject of a warrant.

### **JURISDICTION AND VENUE**

219. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988 and the Fourth and Fourteenth Amendments to the United States Constitution, as well as the laws of Ohio.

220. Venue is proper in this Court because one or more of the defendants resides in this judicial district and, on information and belief, all defendants reside in Ohio; and because a substantial part of the events or omissions giving rise to the claims occurred in this judicial district.

221. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343, because this case involves claims arising under the Constitution and laws of the United States and because this case seeks to redress the deprivation under color of law of rights under the U.S. Constitution and to recover damages under an Act of Congress providing for protection of civil rights.

222. Plaintiff seeks compensatory damages, punitive damages, interest and attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

### **COUNT ONE: 42 U.S.C. § 1983 – MUNICIPAL LIABILITY** **(against City of Columbus and against Elaine Bryant in her official capacity)**

223. Plaintiff incorporates the above allegations by reference as if fully realleged here.

224. Anderson under color of law deprived Donovan Lewis of his clearly established right to be free from unreasonable and excessive force during an interaction with police and/or an attempted arrest, and further deprived him of his rights by malicious use of force in shooting him.

225. Anderson under color of law deprived Donovan Lewis of rights, privileges, and immunities secured to him by the Fourth and Fourteenth Amendments to the United States Constitution, including the right to be free of excessive force.

226. As a direct and proximate result of the Defendants' actions that caused or led to the use of excessive and unreasonable force in this shooting, Donovan Lewis died and suffered other damages, and his survivors, next of kin and/or heirs have suffered damages, all as set forth above.

227. The violations of Donovan Lewis' constitutional rights as described in this Complaint occurred as part of, and were the direct and proximate results of, the official policy or custom of the City of Columbus and its Division of Police.

228. The well-documented, and repeated incidents of uses of excessive force, racially discriminatory policing, and related constitutional violations by the Columbus police span multiple decades and have been recognized by the DOJ and even the City itself. These incidents demonstrate an official policy or custom of the City and its Division of Police of racially discriminatory policing and excessive force.

229. That Donovan Lewis' death and other incidents of excessive force and racially discriminatory policing by Columbus police have continued to occur also demonstrates a deliberate indifference by the City and its officials to violations of individuals' constitutional rights. This deliberate indifference is marked by, among other things, a failure to properly train and discipline police officers despite an obvious need or actual or constructive knowledge of a pattern of constitutional violations.

230. The official customs and policies and the deliberate indifference of the City of Columbus and its Division of Police directly and proximately caused, and were the moving force behind, the violations of Donovan's constitutional rights and his resulting injury and death.

**PRAYER FOR RELIEF**

Plaintiff demands that judgment be entered in her favor on all counts and requests the following relief:

- A. Compensatory damages in an to be shown at trial;
- B. Appropriate permanent injunctive relief to enjoin the City's policies and customs that resulted in the violations of Donovan Lewis's constitutional rights;
- C. Attorneys' fees;
- D. Prejudgment interest and post-judgment interest;
- E. Any other relief to which Plaintiff may be entitled, or to which the Court deems appropriate. This includes but is not limited to costs of this action, as well as any court-supervised reforms to the Columbus Division of Police that the parties may identify and pursue by agreement or that may be ordered by the Court, including without limitation the reforms identified in the attached Exhibit A.

Respectfully submitted,

/s/ Rex H. Elliott

Rex H. Elliott, Trial Attorney (0054054)

Barton R. Keyes (0083979)

C. Benjamin Cooper (0093103)

Kaela King (0100098)

COOPER ELLIOTT

305 West Nationwide Boulevard

Columbus, Ohio 43215

(614) 481-6000

(614) 481-6001 (fax)

[rexe@cooperelliott.com](mailto:rexe@cooperelliott.com)

[bartk@cooperelliott.com](mailto:bartk@cooperelliott.com)

[benc@cooperelliott.com](mailto:benc@cooperelliott.com)

[kaelak@cooperelliott.com](mailto:kaelak@cooperelliott.com)

/s/ Michael L. Wright

Michael L. Wright (0067698)

Robert L. Gresham (0082151)

WRIGHT & SCHULTE

130 West 2nd Street, Suite 1600

Dayton, Ohio 45402

(937) 222-7477

(937) 222-7911 (fax)

[mwright@yourohiollegalhelp.com](mailto:mwright@yourohiollegalhelp.com)

[rgresham@yourohiollegalhelp.com](mailto:rgresham@yourohiollegalhelp.com)

/s/ Richard W. Schulte

Richard W. Schulte (0066031)

WRIGHT & SCHULTE

865 S. Dixie Drive

Vandalia, OH 45377

(937) 435-7500

(937) 435-7511

[rschulte@yourlegalhelp.com](mailto:rschulte@yourlegalhelp.com)

Attorneys for Plaintiff

**JURY DEMAND**

Plaintiff demands a trial by jury of all issues so triable.

/s/ Rex H. Elliott

**Exhibit A**  
**Columbus Division of Police Reforms**

1. Discontinue middle-of-the-night service of warrants for misdemeanor crimes. Require prior approval by a Lieutenant of middle-of-the-night service of warrants for felony crimes when service is pre-planned.
2. Request the Department of Justice to conduct an investigation (not a review) of CDP's pattern and practice of use of force.
3. Amend the City Charter to create a city-funded, operationally independent, professionally staffed, public-facing entity empowered to participate fully in criminal and administrative investigations involving officer-involved shootings.
4. Overhaul the Employee Action Review System to incorporate data about all complaints filed against officers and to analyze data patterns biweekly. Additionally, each sustained complaint should yield points that are tallied against the officer and that result in loss of street-level duties once an agreed upon threshold.
5. Create an internal whistleblower hotline or access point that allows anonymous officer submissions about behaviors that violate CDP policies or exhibit bias. Each submission should result in an internal report that is delivered directly to the Chief's Office.
6. Require funds from civil settlements and jury verdicts to come from the officer pension fund (instead of a separate City source).
7. Require any officer who retires in bad standing or during an ongoing investigation to relinquish his or her pension and all other benefits.
8. Create a virtual reality training scenario reflecting the circumstances of Donovan Lewis's death and administer training with all CDP officers.
9. Publish data on all stops and arrests by CDP officers, including demographic information of those stopped and/or arrested.
10. Create a concrete timeline that prescribes when the City must issue public updates about investigations of officer-involved shootings, from the date of incident through resolution.
11. Change CDP protocol re: family visitation of victims of officer-involved shooting. First, when an officer-involved shooting results in a civilian death, the family of the victim should be able to view their loved one prior to the autopsy. Second, when an officer-involved shooting results in a civilian hospitalization, family members should have immediate access to supervised visits with their loved one.