



Legislation Text

File #: 1921-2021, **Version:** 1

BACKGROUND: The purpose of this legislation is to finalize payment to the law firm of BakerHostetler, LLP as they have completed administrative investigations into citizen complaints against the Division of Police related to protests during the spring and summer of 2020. These investigations were responsive to the public's demand for independent investigation and accountability, and led to identification of gaps in the division that have been addressed through changes in policy/practice.

The investigations required the review of over 560 gigabytes of data received from the Division of Police, dozens of videos, pictures, emails, and social media posts received from members of the community who participated in or observed the protests, direct contact with over 105 citizens, and over 85 interviews of Division personnel. The investigations required over 2,700 hours of work and resulted in 49 completed reports. They also required extensive logistical planning to transfer one of the largest public records requests the Division has ever processed, ensure all who were interviewed were kept safe during the COVID-19 pandemic, and to ensure the investigation process complied with the City's collective bargaining agreement with the Fraternal Order of Police, Lodge No. 9. The result was one of the largest scale investigations into government action in our City's history, which has benefited the entire community as we reimagine public safety.

Specifically, this legislation authorizes the Director of Public Safety to modify ordinance number 1814-2020 to increase the authorized payment by \$65,064.89 as these monies were required to complete the investigations. This is a second modification to the original contract of \$50,000.00. The first modification increased the contract from \$50,000 to \$550,000.00. This modification of \$65,064.89 will increase the total amount of the contract to \$615,064.89

Lastly, it must be noted that there may be a need for additional administrative investigations depending on the outcome of the criminal investigations currently being conducted by former FBI agent Rick Wozniak and Special Prosecutor Kathleen Garber.

BakerHostetler, LLP; Federal Tax ID# 34-0082025, CC: CC82025-101058

Fiscal Impact: This legislation authorizes the modification of ordinance number 1814-2020 to finalize payment to the law firm BakerHostetler. Funds are available in Public Safety's 2021 General Fund budget for this expenditure.

Emergency action is requested so that the existing contract can be modified immediately in order to finalize payments of the completed investigation of citizen complaints.

To authorize the Director of the Department of Public Safety to modify a contract with BakerHostetler, LLP to finalize payment to the law firm as they have completed administrative investigations into citizen complaints against the Division of Police related to protests during the spring and summer of 2020; to authorize the expenditure of \$65,064.89 from the General Fund; and to declare an emergency (\$65,064.89)

WHEREAS, the City had a need for conducting investigations related to citizen complaints against the City of Columbus Division of Police for the alleged use of force during the recent protests in Columbus, OH; and,

WHEREAS, BakerHostetler, LLP was selected for this contract due to their breadth and depth of experience related to Public Safety operations, as well as their in-depth knowledge of the Fraternal Order of Police (“FOP”) bargaining unit contract; and,

WHEREAS, this contract modification is needed to finalize payment to the law firm of BakerHostetler, LLP as they have completed administrative investigations into citizen complaints against the Division of Police related to protests during the spring and summer of 2020; and,

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Safety in that it is immediately necessary to authorize the Director to modify a contract with BakerHostetler LLP for conducting investigations into citizen complaints against the Division of Police related to recent protests, so that payments to the law firm can be finalized as quickly as possible, for the preservation of the public health, peace, property, safety, and welfare; **NOW, THEREFORE:**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of the Department of Public Safety is hereby authorized to modify a contract with BakerHostetler, LLP for the purpose of finalizing payment as they have completed administrative investigations into citizen complaints against the Division of Police related to protests during the spring and summer of 2020.

SECTION 2. That the expenditure of up to \$65,064.89, or so much thereof as may be needed pursuant to the action authorized in SECTION 1, is hereby authorized in the General Fund 1000, in Object Class 03 - Contractual Services, per the accounting codes in the attachment to this ordinance.

SECTION 3. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

SECTION 4. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 5. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.