Department of Justice Report on the Ferguson Police Department Summary

The Department of Justice issued a report on March 4, 2015 detailing the findings of its investigation into the practices of the Ferguson Police Department. The investigation is a result of the shooting of Michael Brown and the fallout that ensued. According to a statement in the report, the Department of Justice's (DOJ) investigation "…revealed a pattern or practice of unlawful conduct within the Ferguson Police Department that violates the First, Fourth, and Fourteenth Amendments to the United States Constitution, and federal statutory law."

The following information is merely a summary of this report and is not intended to be all inclusive of the report.

Focus on Generating Revenue

The report goes into detail about issues with the Police Department focusing on generating revenue for the City of Ferguson and not focusing on public safety issues. There are statements in the report where the Finance Department sent emails to the Police Chief indicating that ticket revenues were down and that the department needed to increase the tickets in order to account for a tax revenue shortfall. The report stated that "Officer evaluations and promotions depend to an inordinate degree on productivity, meaning the number of citations issued." The report also spoke to the fact that officers made enforcement decisions based off of an end goal of increasing the revenue that was being generated. This thought process has led to "officers expecting and demanding compliance even when they lack legal authority."

As Chief Burns indicated in an email to the City Manager, we have done away with our "stat books" in order to remove this "pressure" of having officers making law enforcement decisions based off of what they could mark in the stat book.

Police Practices

The report was very critical of several of the police practices that FPD conducted. Many of these practices again spoke about the focus of the police department focusing on generating revenue for the City. It also spoke of the police department issuing "wants" into the Missouri Uniform Law Enforcement System (MULES). Officers would routinely enter someone with a "want" into the system without obtaining a warrant from a judge. The report also indicated that officers did not use this system correctly in that they would put a "want" on a subject before probable cause existed to arrest the subject. We do not issue "wants" into MULES. The only time someone is entered into MULES is whenever they have an actual warrant for their arrest. Our investigators do send out emails whenever they have Probable Cause to arrest a subject and an arrest warrant has not been issued yet. Our investigators will also send an email out indicating that they need to speak to a possible suspect, but they are very clear in the email whenever they DO NOT have enough probable cause to arrest the subject. Our practice is that whenever a request to arrest someone on probable cause is sent out, the officer contacting that subject will call the investigator to confirm that they still have probable cause to arrest the subject.

The report also spoke to the practices of the Municipal Court in Ferguson. One of the issues noted is that the Chief of Police in Ferguson also oversaw the Municipal Court. There was no separation between the law enforcement and the courts. We do not have this issue in Joplin since the municipal

court has its own department head. The report also spoke to the unjust fines issued by the court and how the fines would keep mounting. The Joplin Municipal Court has conducted Amnesty Days for several years now that assist people with mounting fines and gives them an opportunity to take care of those additional fines.

Lack of Community Policing Activities

The report indicated that the FPD had basically abandoned all aspects of community policing. The lack of community policing within the department added to the unrest and the distrust of the Ferguson Police Department. It should be noted that we are very active in the aspect of community policing within our department. We are involved in the public and private schools within our community through the Rise Above Program. We have also implemented a Crime Free Multi-Housing and a Crime Free Business program where we work hand in hand with apartment complex owners as well as the business community. We also conduct a Citizen's Police Academy twice a year which opens up our doors to community members who want to learn more about our department. We are currently conducting our 42nd Citizens Police Academy and this program has been very successful for us. We also participate in the National Night Out program where we host a community event at one of our parks and have the community out for games and food. This is an excellent opportunity to interact with our citizens in a low-key environment. We will also host community events at different locations throughout the year as the need arises.

We are also very transparent with our community about our police practices. We release a quarterly report that gives information to the public about our use of force statistics as well as complaints that are made by the public. The report was very critical of FPD for their lack of taking citizen complaints as well as their lack of reporting use of force events. Our policy indicates that any officer can take a complaint from a citizen and any employee with our department can file a complaint. Each complaint that is filed is logged into our Internal Affairs program (IA Pro) and a disposition is noted within the program. We notify the complainant via mail whenever we take a complaint from them and we also notify the complainant via mail of the disposition of the complaint. Officers are also required to document every use of force incident which is defined as any force that is used that goes beyond normal handcuffing procedures to include any time that we actively point our weapon at someone. Each use of force incident is tracked in our system and is reviewed by a committee that is designated by the Chief of Police. The committee will then forward their findings to the Command Staff and may pass along information to the Defensive Tactics trainers to include in future training.

We also have a Personnel Early Warning System in place to alert Internal Affairs staff whenever someone has exceeded the thresholds that we have set for use of force incidents or for complaints received. Whenever an alert is received, this requires the officer's supervisor to conduct a full review of all of the officer's incidents to make sure that there is not a pattern that is developing that needs to be addressed.

How this all relates to the Joplin Police Department

The DOJ offered 13 recommendations to the Ferguson Police Department on how they could change many of the issues that were noted in the report. The Joplin Police Department currently engages in every single recommendation that the DOJ report made. I believe that this speaks to the professionalism of the Joplin Police Department. It should be noted that just because we already

engage in these suggested practices that it does not make us immune from police misconduct or a similar event happening in Joplin. It does however, mean that we are better prepared to address these potential issues should they arise. One thing that the report does not speak to is how the initial shooting incident was handled by the FPD. The FPD did not, in my opinion, handle the media very well and were not very good with getting information about the incident out to the public. We currently have a very proactive media strategy by always being available for media requests and by proactively using social media.

It should also be noted that many of the recommendations made by the DOJ are current CALEA standards that we follow. Every three years, CALEA conducts an on-site assessment of our department to ensure that we are following the standards that are set forth by them. We have been an accredited agency through CALEA since 2007 and it is even more apparent now, why it is critically important that we maintain this accreditation for years to come.

Again, this is merely a summary of the 102 page DOJ report and is not meant to be all inclusive. If you have any further questions or concerns, please fill free to contact us.

Respectfully Submitted,

Matt Stewart—Assistant Chief