



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

MAR 03 2015

City Manager John Shaw
City of Ferguson
110 Church Street
Ferguson, MO 63135

Chief Thomas Jackson
City of Ferguson
110 Church Street
Ferguson, MO 63135

Re: Investigation of the Ferguson Police Department

Dear City Manager Shaw and Chief Jackson:

The United States Department of Justice's Civil Rights Division has completed its investigation of the Ferguson Police Department ("FPD"). Our investigation was conducted pursuant to the pattern or practice provision of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d ("Safe Streets Act"), and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d ("Title VI").

We have concluded that we have reasonable cause to believe that the Ferguson Police Department engages in a pattern or practice of unlawful conduct that violates the United States Constitution and federal statutory law. Specifically, our investigation found that: 1) FPD conducts stops without reasonable suspicion and arrests without probable cause in violation of the Fourth Amendment; 2) FPD infringes on free expression and retaliates for protected expression in violation of the First Amendment; 3) FPD engages in a pattern of excessive force in violation of the Fourth Amendment; 4) the Ferguson Municipal Court engages in a pattern or practice of conduct that violates due process requirements of the Fourteenth Amendment; and 5) Ferguson's law enforcement exerts a disparate impact on African Americans that is not necessary to any legitimate goal and thus violates the Safe Streets Act and Title VI, and that is motivated, at least in part, by a discriminatory purpose in violation of the Equal Protection Clause of the Fourteenth Amendment. Our findings are detailed in the accompanying Report.

We announced this investigation on September 4, 2014. Our investigation included meeting with you and other City officials, including Mayor James Knowles, Municipal Judge

Ronald Brockmeyer, the Municipal Court Clerk, Ferguson's Finance Director, half of FPD's sworn officers, and others. We spent, collectively, approximately 100 person-days onsite in Ferguson. We participated in ride-alongs with on-duty officers, reviewed over 35,000 pages of police records as well as thousands of emails and other electronic materials provided by the police department. Enlisting the assistance of statistical experts, we analyzed FPD's data on stops, searches, citations, and arrests, as well as data collected by the municipal court. We observed four separate sessions of Ferguson Municipal Court, interviewing dozens of people charged with local offenses. We sought to engage the local community, conducting hundreds of in-person and telephone interviews of individuals who reside in Ferguson or who have had interactions with the police department. We contacted ten neighborhood associations and met with each group that responded to us, as well as several other community groups and advocacy organizations. Throughout the investigation, we relied on two police chiefs who accompanied us to Ferguson and who themselves interviewed City and police officials, spoke with community members, and reviewed FPD policies and incident reports.

During the course of our investigation, we recommended changes that could be made immediately without waiting for the completion of our investigation. We recognize that the City has already begun to implement a number of these changes. It appears that the City has: 1) required supervisory approval for issuing more than two citations during a single incident; 2) required FPD officers to participate in bias-free policing training; 2) established a list of "fix-it" tickets, or correctable violations that the court will dismiss if addressed within a certain period of time; 4) created a more definitive bond schedule, at least for warrantless arrests, and eliminated bond requirements for all but 12 municipal offenses, instead allowing arrested individuals to be given a court date and released on their own recognizance; 5) lowered the amount of time a person incarcerated on a warrantless arrest can be held in Ferguson City Jail before being released from 72 hours to 12 hours; 6) created a process for a person on a payment plan to seek a reduction in a required monthly payment before having an arrest warrant issued against them for failing to pay the owed amount; and 7) extended to April 2015 Ferguson's "warrant recall program," which allows individuals with outstanding warrants to receive a new court date and have warrants cancelled without the payment of bond.

While we recognize and commend these and other efforts, even if appropriately implemented they are not sufficient to address the constitutional and other legal violations our investigation identified. At the conclusion of our Report, we have broadly identified the changes that are necessary to remedy the violations we have found. Ensuring meaningful, sustainable, and verifiable reform will require that these and other measures be part of a court-enforceable remedial process that includes involvement from community stakeholders as well as independent oversight. In the coming weeks, we will seek to work with you and the wider Ferguson community toward developing and reaching agreement on an appropriate framework for reform. Implementation of the reforms listed in our Report will rebuild the badly eroded trust between the FPD and the community it serves, which in turn will promote greater officer and public safety.

We thank you for meeting with us to discuss our Report, and for your cooperation and assistance throughout our investigation. We are also appreciative of the other City officials and the rank-and-file officers who have likewise cooperated with this investigation and provided us

with insights into the operation of the police department, including the municipal court. Notwithstanding the findings contained in our Report, we found many Ferguson police officers and other City employees to be dedicated public servants striving each day to perform their duties lawfully and with respect for all members of the Ferguson community. The importance of their work cannot be overstated.

Please note that this letter and the Report are public documents and will be posted on the Civil Rights Division's website.

If you have any questions regarding this matter, please call Jonathan M. Smith, Chief of the Civil Rights Division's Special Litigation Section, at (202) 514-6255.

Sincerely,

A handwritten signature in black ink, appearing to read "Vanita Gupta", with a stylized flourish at the end.

Vanita Gupta
Acting Assistant Attorney General
Civil Rights Division
United States Department of Justice

cc: James W. Knowles III
Mayor

Stephanie Karr
City Attorney