

**DEPARTMENT OF JUSTICE RECOMMENDATIONS FOR  
THE FERGUSON POLICE DEPARTMENT**

Below are Department of Justice (“DOJ”) recommendations for the Ferguson Police Department (“FPD”) organized by: Community Involvement, Policy, Training, Operations and Reporting. The recommendations are the original text from the DOJ report or if noted a summarization of the original text. The numbers and letters (1a, 7c, etc.) are the section numbering in the DOJ report.

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**COMMUNITY INVOLVEMENT**

**1. Implement a Robust System of True Community Policing**

- 1a. Involve community in Community Policing plan development.
- 1a. Work with community on Community Policing plan implementation.
- 1b. Increase community interactions – athletics, similar informal activities.
- 1c. Develop community partnerships for crime prevention priorities.

**6. Change Response to Students to Avoid Criminalizing Youth**

6a. Work with school administrators, teachers, parents, and students to develop and implement policy and training consistent with law and best practices to more effectively address disciplinary issues in schools. This approach should be focused on SROs developing positive relationships with youth in support of maintaining a learning environment without unnecessarily treating disciplinary issues as criminal matters or resulting in the routine imposition of lengthy suspensions.

## **7. Implement Measures to Reduce Bias and Its Impact on Police Behavior**

7c. Include community members from groups that have expressed high levels of distrust of police in officer training.

## **9. Increase Civilian Involvement in Police Decision Making**

9. In addition to engaging with all segments of Ferguson as part of implementing community policing, FPD should develop and implement a system that incorporates civilian input into all aspects of policing, including policy development, training, use-of-force review, and investigation of misconduct complaints.

## **POLICY**

Generally, any change to training or operations that the DOJ recommends will also require a change to FPD policy. Policy changes which are implied by DOJ recommendations on training or operations are summarized below, with the full DOJ text included in the Training and Operations sections of this document.

### **1. Implement a Robust System of True Community Policing**

- a. Develop and put into action a policy and detailed plan for comprehensive implementation of community policing and problem-solving principles. Conduct outreach and involve the entire community in developing and implementing this plan.
- b. (summarized) Policy and goals for police community engagement.
- c. (summarized) Policy for developing and interacting with community partnerships.
- d. (summarized) Policy for shift and patrol practices.
- e. (summarized) Policy for officers' role in community policing.
- f. (summarized) Policy for measurement and evaluation of individual, supervisory, and agency police performance based on community policing metrics.

### **2. Focus Stop, Search, Ticketing and Arrest Practices on Community Protection**

- a. Prohibit the use of ticketing and arrest quotas, whether formal or informal.
- b. (summarized) Policy requiring reporting stops, searches and arrests, including pedestrian stops.
- b. (summarized) Policy requiring reports articulate the legal authority for the law enforcement action and sufficient description of facts to support that authority.
- c. (summarized) Policy for supervisor pre-approval prior to:
  - 1) Issuing any citation/summons that includes more than two charges;

- 2) Making an arrest on any of the following charges:
    - i. Failure to Comply/Obey;
    - ii. Resisting Arrest;
    - iii. Disorderly Conduct/Disturbing the Peace;
    - iv. Obstruction of Government Operations;
  - 3) Arresting or ticketing an individual who sought police aid, or who is cooperating with police in an investigation;
  - 4) Arresting on a municipal warrant or wanted;
- d. Revise Failure to Comply municipal code provision to bring within constitutional limits, and provide sufficient guidance so that all stops, citations, and arrests based on the provision comply with the Constitution.
  - e. (summarized) Policy for proper use and documentation of Failure to Comply charge
  - f. Require that applicable legal standards are met before officers conduct pat-downs or vehicle searches. Prohibit searches based on consent for the foreseeable future.
  - g. Develop system of correctable violation, or “fix-it” tickets, and require officers to issue fix-it tickets wherever possible and absent contrary supervisory instruction.
  - h. (summarized) Policy for appropriate police response to activities protected by the First Amendment.
  - i. (summarized) Policy on Fourth Amendment constraints on police action.
  - i. (summarized) Policy on FPD responsibility to constrain action beyond what Fourth Amendment requires in interest of public safety and community trust.
  - j. Discontinue use of “wanteds” or “stop orders” and prohibit officers from conducting stops, searches, or arrests on the basis of “wanteds” or “stop orders” issued by other agencies.

### **3. Increase Tracking, Review, and Analysis of FPD Stop, Search, Ticketing and Arrest Practices**

- a. (summarized) Policy for collection of stop, search, ticketing, and arrest data that includes pedestrian stops, enhances vehicle stop data collection.
- a. (summarized) Policy requiring collection of data on all stop and post-stop activity, as well as location and demographic information.
- b. (summarized) Policy requiring supervisors to review all officer activity and review all officer reports before the supervisor leaves shift.
- c. (summarized) Policy for reviewing stop, search, ticketing, and arrest data at supervisory and agency level to detect problematic trends and ensure consistency with public safety and community policing goals.
- d. (summarized) Policy for reviewing race and other disparities shown in stop, search, ticketing, and arrest practices to determine whether disparities can be reduced consistent with public safety goals.

#### **4. Change Force Use, Reporting, Review, and Response to Encourage De-Escalation and the Use of the Minimal Force Necessary in a Situation**

- a. (summarized) Policy on use of de-escalation techniques and avoidance of unnecessary force.
- b. (summarized) Policy for onsite supervisory approval before deploying any canine, absent documented exigent circumstances.
- b. (summarized) Policy on acceptable deployment of a canine to bite.
- c. Place more stringent limits on use of ECWs, including limitations on multiple ECW cycles and detailed justification for using more than one cycle.
- d. (summarized) Policy for use of ECWs consistent with principles set out in the 2011 ECW Guidelines.
- e. (summarized) Policy for use-of-force reporting with narrative description.
- e. (summarized) Policy for observing offer use-of-force reporting.
- f. (summarized) Policy for supervisory review of force which includes:
  - obligation to conduct a complete review of each use of force;
  - obligation to gather and consider evidence necessary to understand the circumstances of the force incident;
  - obligation to determine its consistency with law and policy, including statements from individuals against whom force is used and civilian witnesses;
- g. Prohibit supervisors from reviewing or investigating a use of force in which they participated or directed.
- h. (summarized) Policy requiring that complete use-of-force reports and review/investigation files and evidence are kept together in a centralized location.
- i. Develop and implement a system for higher-level, inter-disciplinary review of some types of force, such as lethal force, canine deployment, ECWs, and force resulting in any injury.
- j. (summarized) Policy for the Improved collection, review, and response to use-of-force data, including information regarding ECW and canine use.
- k. Implement system of zero tolerance for use of force as punishment or retaliation rather than as necessary, proportionate response to counter a threat.
- l. (summarized) Policy for disciplining officers who fail to report force.
- l. (summarized) Policy for disciplining supervisors who fail to conduct adequate force investigations.
- m. Identify race and other disparities in officer use of force and develop strategies to eliminate avoidable disparities.
- n. (summarized) Policy for jail staffing and training.

#### **5. Implement Policies and Training to Improve Interactions with Vulnerable People**

- a. Develop and implement policy and training for identifying and responding to individuals with known or suspected mental health conditions, including those observably in mental health crisis, and those with intellectual or other disabilities.

c. (summarized) Policy on deployment of officers with enhanced crisis intervention training in situations concerning individuals in mental health crisis or with intellectual disability, when force might be used.

## **6. Change Response to Students to Avoid Criminalizing Youth While Maintaining a Learning Environment**

a. (summarized) Policy addressing disciplinary issues in schools without unnecessarily treating disciplinary issues as criminal matters or resulting in the routine imposition of lengthy suspensions.

c. (summarized) Policy for evaluating SRO based on student engagement and prevention of disturbances, rather than on student arrests or removals.

d. (summarized) Policy for reviewing and evaluating incidents in which SROs are involved to ensure they meet the particular goals of the SRO program; to identify any disparate impact or treatment by race or other protected basis; and to identify any policy, training, or equipment concerns.

## **7. Implement Measures to Reduce Bias and Its Impact on Police Behavior**

a. Policy against bias-based profiling and other forms of discriminatory policing.

d. Take steps to eliminate all forms of workplace bias from FPD and the City.

## **10. Improve Officer Supervision**

a. (summarized) Policy requiring specific supervisory training prior to assigning supervisory positions.

b. (summarized) Policy on “early intervention system” to objectively detect problematic patterns of officer misconduct.

b. (summarized) Policy for assisting officers who need additional attention.

d. (summarized) Policy for supervisor deployment.

## **11. Recruiting, Hiring, and Promotion**

a. Ensure that the department’s officer hiring and selection processes include an objective process for selection that employs reliable and valid selection devices that comport with best practices and federal anti-discrimination laws.

b. In the case of lateral hires, scrutinize prior training and qualification records as well as complaint and disciplinary history.

c. Implement validated pre-employment screening mechanisms to ensure temperamental and skill-set suitability for policing.

## **12. Develop Mechanisms to More Effectively Respond to Allegations of Officer Misconduct**

- a. Modify procedures and practices for accepting complaints to make it easier and less intimidating for individuals to register formal complaints about police conduct, including providing complaint forms online and in various locations throughout the City and allowing for complaints to be submitted online and by third parties or anonymously.
- b. Require that all complaints be logged and investigated.
- c. Develop and implement a consistent, reliable, and fair process for investigating and responding to complaints of officer misconduct. As part of this process, FPD should:
  - 1) Investigate all misconduct complaints, even where the complainant indicates he or she does not want the complaint investigated, or wishes to remain anonymous;
  - 2) Not withdraw complaints without reaching a disposition;
- d. Develop and implement a fair and consistent system for disciplining officers found to have committed misconduct.
- e. (summarized) Policy for terminating officers found to have been materially untruthful in performance of their duties, including in completing reports or during internal affairs investigations.
- f. (summarized) Policy notifying the Ferguson Prosecuting Attorney on impeachment information and findings of untruthfulness in internal affairs investigations.
- g. (summarized) Policy requiring collection in a central location of complete information on all misconduct complaints and investigations.
- i. Develop and implement a community-centered mediation program to resolve, as appropriate, allegations of officer misconduct.

## **13. Publicly Share Information about the Nature and Impact of Police Activities**

- a. (summarized) Policy for public reporting of on police stop, search, arrest, ticketing, force, community engagement activities and problems and achievements.
- b. (summarized) Policy for public reporting on allegations of misconduct.
- c. (summarized) Policy for online and regularly availability of police policies.

## TRAINING

### 1. Implement a Robust System of True Community Policing

1e. Train officers on:

- Advantages of community policing
- Mechanics
- Their role in implementing it

### 2. Focus Stop, Search, Ticketing and Arrest Practices on Community Protection

2d. Provide sufficient guidance so that all stops, citations, and arrests based on the provision comply with the Constitution.

2e. Train officers on proper use of Failure to Comply charge, including elements of the offense and appropriateness of the charge for interference with police activity that threatens public safety.

2h. Develop and implement policy and training regarding appropriate police response to activities protected by the First Amendment, including the right to observe, record, and protest police action.

2i. Provide initial and regularly recurring training on Fourth Amendment constraints on police action and responsibility to constrain action beyond what Fourth Amendment requires.

### 4. Change Force Use, Reporting, Review, and Response

4a. Train and require officers to:

- Use de-escalation techniques wherever possible
- Avoid unnecessary force even where it would be legally justified
- Slow down a situation to increase available options

4a. Require and train canine officers to take into account the nature and severity of the alleged crime when deciding whether to deploy a canine to bite; require and train canine officers to avoid sending a canine to apprehend by biting a concealed suspect when the objective facts do not suggest the suspect is armed and a lower level of force reasonably can be expected to secure the suspect.

4d. Retrain officers in use of Electronic Control Weapons (ECWs) to ensure they view and use ECWs as a tool of necessity, not convenience. Training should be consistent with principles set out in the 2011 ECW Guidelines.

4n. Train correctional officers in de-escalation techniques with specific instruction and training on minimizing force when dealing with intoxicated and combative prisoners, as well as with passive resistance and noncompliance.

4b. Provide enhanced crisis intervention training to a subset of officers to allow for ready availability of trained officers on the scenes of critical incidents involving individuals with mentally illness.

4d. Provide training to officers regarding how to identify and respond to more commonly occurring medical emergencies that may at first appear to reflect a failure to comply with lawful orders. Such medical emergencies may include, for example, seizures and diabetic emergencies.

## **6. Change Response to Students to Avoid Criminalizing Youth**

6b. Provide initial and regularly recurring training to School Resource Officers (SROs), including training in mental health, counseling, and the development of the teenage brain.

## **7. Implement Measures to Reduce Bias and Its Impact on Police Behavior**

7a. Provide initial and recurring training to all officers that sends a clear, consistent and emphatic message that bias-based profiling and other forms of discriminatory policing are prohibited. Training should include:

- 1) Relevant legal and ethical standards;
- 2) Information on how stereotypes and implicit bias can infect police work;
- 3) The importance of procedural justice and police legitimacy on community trust, police effectiveness, and officer safety;
- 4) The negative impacts of profiling on public safety and crime prevention;

7b. Provide training to supervisors and commanders on detecting and responding to bias-based profiling and other forms of discriminatory policing.

## **8. Improve and Increase Training Generally**

8a. Significantly increase the quality and amount of all types of officer training, including recruit, field training (including for officers hired from other agencies), and in-service training.

8b. Require that training cover, in depth, constitutional and other legal restrictions on officer action, as well as additional factors officers should consider before taking enforcement action (such as police legitimacy and procedural justice considerations).

8c. Employ scenario-based and adult-learning methods.

## **10. Improve Officer Supervision**

10a. Provide all supervisors with specific supervisory training prior to assigning them to supervisory positions.

10b. Develop and require supervisors to use an “early intervention system” to objectively detect problematic patterns of officer misconduct, assist officers who need additional attention, and identify training and equipment needs.

## **OPERATIONS**

### **1. Implement a Robust System of True Community Policing**

1a. Implement community policing.

1d. Modify officer deployment patterns and scheduling move away from the current 12-hour shift.

1d. Assign officers to patrol the same geographic areas consistently.

### **2. Focus Stop, Search, Ticketing and Arrest Practices on Community Protection**

2b. Require that officers report in writing all stops, searches and arrests, including pedestrian stops.

2b. Reports must articulate the legal authority for the action and sufficient description of facts to support that authority.

2c. Require documented supervisory approval prior to:

1) Issuing any citation/summons that includes more than two charges;

2) Making an arrest on any of the following charges:

i. Failure to Comply/Obey;

ii. Resisting Arrest;

iii. Disorderly Conduct/Disturbing the Peace;

iv. Obstruction of Government Operations;

3) Arresting or ticketing an individual who sought police aid, or who is cooperating with police in an investigation;

4) Arresting on a municipal warrant or wanted;

2g. Require officers to issue fix-it tickets wherever possible and absent contrary supervisory instruction.

### **3. Increase Tracking, Review, and Analysis of FPD Stop, Search, Ticketing and Arrest Practices**

3b. Require supervisors to review all officer activity and review all officer reports before the supervisor leaves shift.

### **4. Change Force Use, Reporting, Review, and Response**

4b. Require onsite supervisory approval before deploying any canine, absent documented exigent circumstances.

4l. Discipline officers who fail to report force and supervisors who fail to conduct adequate force investigations.

4n. Staff jail with at least two correctional officers at all times to ensure safety and minimize need for use of force in dealing with intoxicated or combative prisoners.

4c. Require that, wherever possible, at least one officer with enhanced crisis intervention training respond to any situation concerning individuals in mental health crisis or with intellectual disability, when force might be used.

### **10. Improve Officer Supervision**

10c. Support supervisors who encourage and guide respectful policing and implement community policing principles, and evaluate them on this basis. Remove supervisors who do not adequately review officer activity and reports or fail to support, through words or actions, unbiased policing.

10d. Ensure that an adequate number of qualified first-line supervisors are deployed in the field to allow supervisors to provide close and effective supervision to each officer under the supervisor's direct command, provide officers with the direction and guidance necessary to improve and develop as officers, and to identify, correct, and prevent misconduct.

### **12. Develop Mechanisms to More Effectively Respond to Allegations of Officer Misconduct**

12e. Terminate officers found to have been materially untruthful in performance of their duties, including in completing reports or during internal affairs investigations.

12f. Timely provide in writing to the Ferguson Prosecuting Attorney all impeachment information on officers who may testify or provide sworn reports, including findings of untruthfulness in internal affairs investigations, for disclosure to the defendant under *Brady v. Maryland*, 373 U.S. 83 (1963).

## REPORTING

### 1. Implement a Robust System of True Community Policing

1f. Measure and evaluate individual, supervisory, and agency police performance on community engagement, problem-oriented-policing projects, and crime prevention, rather than on arrest and citation productivity.

### 3. Increase Tracking, Review, and Analysis of FPD Stop, Search, Ticketing and Arrest Practices

3a. Develop and implement a plan for broader collection of stop, search, ticketing, and arrest data that includes pedestrian stops, enhances vehicle stop data collection, and requires collection of data on all stop and post-stop activity, as well as location and demographic information.

3c. Develop and implement system for regular review of stop, search, ticketing, and arrest data at supervisory and agency level to detect problematic trends and ensure consistency with public safety and community policing goals.

3d. Analyze race and other disparities shown in stop, search, ticketing, and arrest practices to determine whether disparities can be reduced consistent with public safety goals.

### 4. Change Force Use, Reporting, Review, and Response

4e. Develop and implement use-of-force reporting that requires the officer using force to complete a narrative, separate from the offense report, describing the force used with particularity, and describing with specificity the circumstances that required the level of force used, including the reason for the initial stop or other enforcement action. Some levels of force should require all officers observing the use of force to complete a separate force narrative.

4f. Develop and implement supervisory review of force that requires the supervisor to conduct a complete review of each use of force, including gathering and considering evidence necessary to understand the circumstances of the force incident and determine its consistency with law and policy, including statements from individuals against whom force is used and civilian witnesses.

4h. Ensure that complete use-of-force reporting and review/investigation files—including all offense reports, witness statements, and medical, audio/video, and other evidence—are kept together in a centralized location.

4j. Improve collection, review, and response to use-of-force data, including information regarding ECW and canine use.

4m. Identify race and other disparities in officer use of force.

## **6. Change Response to Students to Avoid Criminalizing Youth**

6c. Evaluate SRO performance on student engagement and prevention of disturbances, rather than on student arrests or removals.

6d. Regularly review and evaluate incidents in which SROs are involved to ensure they meet the particular goals of the SRO program; to identify any disparate impact or treatment by race or other protected basis; and to identify any policy, training, or equipment concerns.

## **12. Develop Mechanisms to More Effectively Respond to Allegations of Officer Misconduct**

12g. Document in a central location all misconduct complaints and investigations, including the nature of the complaint, the name of the officer, and the disposition of the investigation.

12h. Maintain complete misconduct complaint investigative files in a central location.

## **13. Publicly Share Information about the Nature and Impact of Police Activities**

13a. Provide regular and specific public reports on police stop, search, arrest, ticketing, force, and community engagement activities, including particular problems and achievements, and describing the steps taken to address concerns.

13b. Provide regular public reports on allegations of misconduct, including the nature of the complaint and its resolution.

13c. Make available online and regularly update a complete set of police policies.