

# Most Common List of Misconceptions in Ferguson

Monday, September 22, 2014

1. **The Mayor has the ability to grant pardons for traffic offenses and warrants.**

**FALSE:** Any authority granted by state law vests in the City Council as a whole rather than just one member of the City Council (Section 3.1 of the City Charter). Regardless of whether it's the Mayor or the entire Council, they clearly cannot cancel warrants because they cannot override orders of a court.

2. **The Mayor or the City Manager has the ability to fire the Police Chief.**

**FALSE:** Missouri state law requires a super-majority of the council to vote to fire the Police Chief. See Section 106.273 R.S.Mo.

In addition, the Council must provide notice and a hearing to the Police Chief and can only fire the Chief for one of the reasons set forth in Section 106.273.

3. **The Mayor or the Police Chief can fire Darren Wilson.**

**CLARIFICATION:** Officer Wilson may be fired by either the Chief of Police or the City Manager. However, there are legal implications to discharging him without the conclusion of the investigation into wrongdoing, which is being completed by St. Louis County Police and the Prosecuting Attorney.

4. **The Ferguson Police Department has obtained military and riot gear and used this gear during protest.**

**FALSE:** Neither Ferguson Police Department nor the City of Ferguson possess any of the military equipment used during the protest. We received a generator and a couple Humvees that were painted as a part of our outreach for children under the D.A.R.E and school resource officer program. The other Humvee will be used for inclement weather.

Our police department doesn't use or possess tear gas, rubber bullets, stingers or any of the items used during protest.

5. **The city generates the majority of its revenue from traffic fees and fines.**

**FALSE:** Under the current 2014-2015 fiscal year budget, the total revenue of the City is projected to be \$20,238,000.00. When the budget was adopted last June, total court fines and court costs were projected to be \$3,085,000.00 which is less than 20% of the City's revenues.

**6. If a person shows up for court without payment they will be arrested or if a person shows up for court after a warrant for failure to appear has been issued they would be arrested.**

**FALSE:** As long as a person shows up at Court on his/her scheduled court date, he or she will not be arrested. If the person has been scheduled to make a payment and is not able to make the payment, he or she will not be arrested for not being able to pay. If a person is not able to pay, he or she is expected to come to court on the scheduled court date and explain to the Municipal Judge the financial circumstances which show why he or she cannot make the payment. At that time, the person will not be arrested, but will be given another court date to pay or talk to the Judge again.

If a person fails to appear for a scheduled court date, a warrant will be issued because of the person's failure to appear in court as required. A warrant is not issued if the person shows up in court, even if the person is not able to make a payment.

If a warrant has already been issued because of the person's prior failure to appear in court, the person will not, most likely, be arrested if he or she appears in court later. The Municipal Judge and Municipal Court personnel have greater interest in resolving and adjudicating cases than in arresting someone and having that person come back on a later date.

**7. The City and Police Department are protecting Darren Wilson**

**FALSE:** The City of Ferguson and the Police Department are not protecting Darren Wilson. We are saddened by the incident that led to the death of Michael Brown and we're committed only to an investigation that is conducted fairly and without bias.

**8. African Americans are being targeted by law enforcement throughout the city.**

**FALSE:** We are not targeting African Americans. African Americans make up the majority of our community and surrounding communities to the south, west, and east so most people being pulled over will be African American.

Having said that, we are not trying to ignore the need for better relations with the African American community and we believe the more involved we are in the community, the more likely it is that we'll earn African American citizens' trust back.

Which is why promoting our African American officers is a major priority and in the last year we raised our officer salaries and we're involved in mentoring opportunities for junior high and high school students.

**9. The City is controlling the “I Heart/Love Ferguson” campaign.**

**FALSE:** The "I Heart/Love Ferguson" committee is led by a group of residents from Ferguson that has no direct affiliation with the City of Ferguson. They are a separate entity with 501(c)(3) status pending and their chairman is former Ferguson Mayor, Brian Fletcher.

**10. The Court Reform (changes to the fines and forfeitures) were only in response to the demands of the protestors.**

**CLARIFICATION:** Court reforms have been considered for months. Just a few months ago, the Court signed an order with regard to court dockets and easier access with regard to the municipal court. Last spring, the Ferguson Municipal Court initiated a new community service program for those municipal court defendants who were 19 years of age and younger.

This program was meant to keep younger defendants from facing a large amount of fines and possible warrants issued after the defendant fails to appear in court. The Court wanted to analyze the results of this program before broadening it to a larger group of defendants. It appears to have been successful so far.

The Court is currently working on a community service program for all defendants. The City of Ferguson was the first city with a municipal court to implement this program last spring. It continues to be the first to implement further reforms.

**11. A press release stated the \$50.00 failure to appear fee was being abolished; but the police station is telling people its \$100.00.**

**CLARIFICATION:** The \$50.00 administrative failure to appear fee is being abolished. The \$100.00 represents a bond for the more serious cases (non-traffic). A bond is a monetary promise to show up in court.

The bond is not a fee – it is held in a special bond account until the defendant’s case is resolved. The defendant can use the bond to apply as payment or partial payment for his/her fines. If there are no fines, the bond is refunded to the defendant when the case is resolved. If the defendant fails to show up in court later, it takes a court order to forfeit that bond.

On the amounts, here is an explanation:

- 1) It is free if a defendant just has traffic tickets (so, the defendant does not have to post a bond)
- 2) The bond is automatically reduced to \$100 for all other cases (so, for more serious cases, the defendant has to pay a reduced bond of \$100 – keeping in mind that his original bond may have been \$500 – but, the bonds on all serious cases is automatically reduced to \$100). Just FYI – these types of cases include assault,

possession of illegal drugs or drug paraphernalia, trespassing, stealing, DWI, and similar cases.

3) No fees are required for the warrant recall.

**12. The Mayor doesn't acknowledge the racial divide nor does he care about African American people or what happened to peaceful protestors, Michael Brown and his remains.**

**FALSE:** The Mayor was raised in this community. He went to school here. He served 10 years on the city council, working with the concerns of all residents. He made a mistake regarding his comments about the racial divide and Michael Brown's body and he is deeply sorry.

He knows there are racial divides all over this country and in Ferguson communities. His statement about there being no racial divide was taken out of context and he has repeatedly apologized both publicly and to people who may have been offended.

Regarding comments about Michael Brown and protestors: He meant no disrespect to Michael Brown or his family. As far as the protestors are concerned, he has apologized to various groups and will continue to do so.

**13. The city hired a PR firm to distract people and the media from the truth.**

**FALSE:** We are a small municipality that could not and should not have a media/communications team on staff or under retainer around the clock as that would be a waste of tax payer dollars. But just as there is a specific need for accountants and lawyers, there is a need for communications people to help us manage the multitude of media queries and request that limit our ability to speak to our local constituents and conduct city business as usual.

We hired Common Ground PR to assist with media relations and the Devin James Group (a locally-based nationally certified Minority-owned firm) to assist with community outreach and communication strategies.

**14. Ferguson Residents and Businesses are moving away due to this incident**

**FALSE:** No, in fact we've gotten a great deal of positive responses from residents who wish to stay, and businesses that want to stay, expand, or locate in Ferguson for the first time. Every single project that was planned in Ferguson before these protests, are moving forward and we hope people will take notice of the confidence that is being displayed in Ferguson.

**15. The police department is trying to keep protesters from demonstrating by using excessive force and arrest.**

**FALSE:** The Ferguson Police Department and specifically Chief Tom Jackson and Sergeant Dilworth have been actively meeting with various protest groups throughout this process to get a better understanding of their demands, request and planned activities.

While the protest may have caused some discomfort for residents, we truly believe that open dialogue with the protest groups is an effective outreach strategy that has the potential to greatly reduce any additional damage to property, loss of business or violence in the coming months.

For example, on September 7, 2014 there was a large protest on West Florissant Avenue. Only two arrests were made – in both cases, the person failed to comply with a direct order of a police officer. They were arrested by St. Louis County officers. Also, there have been several protests within the City of Ferguson without anyone having been arrested.

**16. The city is not being transparent about decisions they are making that affect the community and has been having meetings in private.**

**CLARIFICATION:** The Council has scheduled regular meetings which are not less frequently than once each month and routinely meets at least once a month.

The Charter does not preclude the Council from cancelling a meeting due to emergency circumstances and in the interest of public safety and those are the guidelines we have followed.

Due to increased interest and attendance by non-resident neighboring citizens, media and protestors we had to be creative when it comes to venues selected for all meetings. There are occupancy and additional security measures that have to be in place when large crowds are expected to protect all participants.

**17. Officer Tim Zoll is behind the Darren Wilson Fundraising page that has helped raise money to cover his legal fees.**

**FALSE:** The Shield of Hope Foundation 501(c)(3) was formed in 2010. The nonprofit corporation is related to the Fraternal Order of Police (FOP), Lodge 15 which is the local chapter. The FOP supports law enforcement officers in times of need with financial assistance for them and their families.

Officer Zoll is only a member of the corporation's board of directors. The Corporation's Board is comprised of other members of various law enforcement agencies. Officer Zoll's position as a police officer with the City of Ferguson is completely separate from his position on the corporation's board.

Moreover, his limited role in the corporation as one board member does not allow him to make the ultimate decisions about fundraising or distribution of funds. Officer Zoll cannot, unilaterally, make any decisions for the corporation. Therefore, the City of Ferguson nor Officer Zoll are responsible for or in control of the Darren Wilson Fundraising efforts or any groups that are assisting him

**18. The citizen review board language in the ordinance from the city is weak and contains no real changes that will lead to a change in policy relating to African American people or policing.**

**FALSE:** In an effort to get the review board introduced to the council so we could implement this calendar year we knew we needed to move quickly so we used a model that has been implemented in the St. Louis area to get us started.

The ordinance read at the council meeting on Monday September 22<sup>nd</sup>, 2014 was just a first reading. The City will continue to take input over the next couple weeks from residents and community groups about the operation of the board and it will certainly be a work in progress.

The City Manager, the Mayor, the City Council and the Police Chief have structured a strategic engagement with the National Association of Citizen Oversight of Law Enforcement (NACOLE) to discuss and identify national best practices on the implementation and powers of these types of boards and will leverage their expertise to develop the best program for the residents of the City of Ferguson.