

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 4:16-cv-000180-CDP
)
)
THE CITY OF FERGUSON, MISSOURI)
)
Defendant.)

THE CITY OF FERGUSON, MISSOURI'S 2023 ANNUAL REPORT

I. Introduction

The City of Ferguson (the “City”) herewith submits its annual status report for 2023. This report will detail the activities of the Ferguson Police Department (“FPD”) and Ferguson Municipal Court. Its purpose is to inform the public about the City’s law enforcement achievements, challenges, new programs, and steps taken to address these challenges and build on successes. Additionally, the report will provide information on the implementation and status of the Consent Decree.

In 2023, significant changes occurred within the Ferguson Municipal Court. All new staff members were introduced, with the transition of the Assistant to the Prosecuting Attorney to the Court Clerk role, alongside the hiring of two new Assistant Court Clerks.

After recruiting throughout 2023, the City finally achieved success in securing new hires for the positions of Training Coordinator and Public Information Officer, with their appointments taking effect in January of 2024. These additions to our team underscore the City’s dedication to enhancing communication and training initiatives, complementing ongoing efforts to improve transparency and accountability within the community.

In the past year, additional significant developments have occurred within the Ferguson community, particularly in the areas of staffing, policy and training, and Consent Decree project planning. The Ferguson Police Department (“FPD”) has been actively recruiting for multiple positions, including dispatchers, officers, and administrative roles, alongside promoting deserving individuals to higher ranks such as Lieutenant and Sergeant.

Moreover, the hiring of Troy Doyle as the new Police Chief has been a significant milestone for the Police Department. Chief Doyle brings a wealth of knowledge and experience to the department and the Consent Decree, actively engaging with citizens, community groups, and boards to establish strong relationships and foster effective communication within the community.

In terms of policy and training, progress has been made, with several policies submitted to the Department of Justice for review and feedback, including those addressing Limited English Proficiency and Citation Review. Additionally, the submission of Police Training Officer programs and First Amendment policy to the DOJ highlights the City’s dedication to upholding standards and ensuring compliance with regulations.

In line with the Consent Decree, extensive project planning has been underway, focusing on improving the City’s website for real-time progress updates and long-term planning efforts. Notably, the development of a community engagement plan, crime prevention plan, updated staffing plan, and new training plan underscores the City’s commitment to holistic improvement and compliance. Moreover, plans for the next round of small group dialogues in the spring of 2024 aim to facilitate community communication and understanding, fostering transparency and collaboration within Ferguson. The City has picked up where it had previously left off and

started to address changes that needed to be made, ensuring that progress continues in alignment with the goals of the Consent Decree.

Additionally, the past year has seen the hiring of a new City Manager and the selection of a new Consent Decree Coordinator, further strengthening the City's leadership team and its ability to effectively manage and implement initiatives for the benefit of all residents.

These collective efforts reflect the City's ongoing commitment to transparency, accountability, and the successful implementation of initiatives aimed at enhancing the quality of life for all residents of Ferguson.

II. Community Engagement and Problem-Solving Policing

The City is actively incorporating feedback from the monitoring team to enhance its Community Policing and Engagement Plan. The goals of this plan include promoting and strengthening community partnerships, fostering positive interactions between officers and Ferguson residents, increasing opportunities for community engagement, boosting public confidence in law enforcement, reducing bias and stereotyping in interactions, enhancing FPD's approach to problem-solving principles and procedures, and ensuring full implementation of problem-solving with a commitment to addressing complaints effectively.

To achieve these objectives, FPD has been diligently working on developing community partnerships and collaborating with community groups. Programs are being created to facilitate these goals and will be rolled out in 2024. Through these efforts, FPD aims to build trust, foster collaboration, and enhance the overall relationship between law enforcement and the community it serves.

However, several obstacles have been encountered in this process. Not all neighborhoods have been meeting regularly, despite efforts from FPD and the City's community engagement

department to provide support and foster regular meetings. While some neighborhoods are very consistent, others face challenges in maintaining regular meetings. FPD and city officials are actively working with these groups to provide necessary support and encourage consistent participation.

Additionally, turnover in leadership within apartment complexes has posed a challenge to community engagement efforts. To address this issue, the City has initiated regular meetings with new management to facilitate open communication between all complexes and address any issues they may be facing. These efforts aim to ensure that all members of the community are included in the engagement process and have their voices heard, despite the obstacles encountered.

III. Addressing Disparate Impact

The City has made significant efforts to address disparate impact within its law enforcement practices. This includes robust data collection and the development of data-based assessments to identify and address disparities. Annually, the City reports its vehicle stop data to the state of Missouri, providing demographic information for auditing purposes. Furthermore, the City has updated its policies to directly tackle any identified disparate impact, demonstrating a commitment to promoting fairness and equity in its law enforcement practices. These measures aim to ensure that all members of the community are treated fairly and without bias.

IV. First Amendment Protected Activity Data

The City has developed a draft policy concerning First Amendment Protected Activity and collaborated closely with the Department of Justice (“DOJ”) in this process. After creating the initial draft, the City submitted it to the DOJ for review and feedback. Upon receiving feedback from the DOJ, the City then forwarded the draft policy to the monitoring team for

further review. The monitoring team subsequently provided feedback, and the City is currently in the process of incorporating and implementing this feedback into the final policy. However, one of the challenges encountered in this process is that the City and the DOJ have not reached an agreement on the Code 1000 section of the First Amendment policy. In response, the DOJ and the City have agreed to separate that part of the policy and work on it separately, demonstrating a commitment to addressing and resolving any disagreements or challenges in the policy development process.

V. Use-of-Force Data

In addressing Use-of-Force Data, the City has taken significant steps to ensure accountability and transparency. The City has developed comprehensive use-of-force policies and implemented an electronic use-of-force database to effectively track and analyze incidents. Furthermore, the City has prioritized training in this area by hosting trainers to deliver Integrating Communications, Assessments, and Tactics (“ICAT”) training. These initiatives underscore the City’s commitment to promoting responsible and accountable use of force practices, fostering transparency, and enhancing community trust.

VI. Crisis Intervention Team

As part of its commitment to crisis intervention and mental health support, the City has made significant strides in training its law enforcement personnel through the Crisis Intervention Team (“CIT”) program. Currently, 27 out of 35 officers have completed the intensive 40-hour CIT training, equipping them with the necessary skills to effectively respond to crises involving individuals experiencing mental health crises. Moreover, the City is actively working on developing a comprehensive training plan to ensure that all officers receive at least some level of CIT training. This initiative reflects the City’s dedication to enhancing its response to mental

health-related emergencies and promoting the safety and well-being of both residents and officers alike.

VII. Officer Assistance and Support Initiatives

The City places a high priority on the well-being and support of its law enforcement personnel by offering comprehensive Officer Assistance and Support Initiatives. All employees and their families or significant others have access to free Employee Assistance Program (“EAP”) services, which encompass a wide range of support including stress management, emotional issues, career frustrations, job stress, nutritional questions, health concerns, and coaching needs. Additionally, the City utilizes Critical Incident Stress Management (“CISM”) services, which provide crucial support before, during, and after critical incidents. These services include debriefing of events, defusing of situations, one-on-one interventions, on-scene support, and more. Furthermore, the City is actively exploring the utilization of other local resources in the coming year to enhance the support available to its law enforcement personnel, demonstrating a commitment to their overall well-being and resilience.

VIII. Recruitment Efforts and Challenges

As earlier discussed, the City has achieved success in promoting individuals within FPD and the broader city administration. Additionally, the city has experienced success in recruiting external candidates, with a notable increase in applications and individuals expressing interest in working in Ferguson. While the City is not yet fully staffed, there is evident growth in the recruitment efforts, demonstrating a positive trend towards addressing staffing needs and bolstering the workforce. The commissioned officers were approximately 49% staffed, reflecting the staffing challenges faced. Fast forward to the present, and it is reported that the department is currently operating at around 76% staff. This notable increase is a testament to the focused

recruitment efforts, successful academy graduations, and the hiring of experienced officers from other agencies.

IX. In-Service and Supplemental Recruit Training

A. Description of training programs B. Evaluation of the effectiveness of training.

In-Service and Supplemental Recruit Training programs have been a focus area for the City. In 2023, while the City worked on various other initiatives, the hiring of the Training Coordinator signals a renewed commitment to addressing this section of the Consent Decree in 2024. The City aims to prioritize and enhance its training programs to ensure compliance and effectiveness. These programs encompass a comprehensive range of topics, including body-worn camera (BWC) usage, which plays a crucial role in enhancing transparency and accountability within the department. Through diligent efforts and the leadership of the Training Coordinator, the City is dedicated to improving the quality and effectiveness of its training initiatives to meet the requirements outlined in the Consent Decree.

X. Misconduct Complaint

During the reporting period, the City received a total of five external misconduct complaints regarding the conduct of its law enforcement personnel. Of these complaints, three are currently under investigation as part of the City's commitment to thorough and transparent review processes. One complaint was withdrawn by the complainant, indicating a resolution or withdrawal of the concern. Additionally, one complaint was investigated and found to be unfounded, indicating that the alleged misconduct did not occur as reported. It's worth noting that the City has implemented a data collection system to manage these complaints efficiently, reflecting its commitment to accountability and transparency in addressing misconduct.

allegations. These actions reflect the City's dedication to addressing misconduct complaints in a fair and accountable manner, to maintain public trust and ensure responsible conduct among its law enforcement personnel.

XI. Civilian Review Board and Related Committees

- A. Activities and Achievements of the Civilian Review Board**
- B. Contributions of the Neighborhood Policing Steering Committee, Ferguson Youth Advisory Board, Apartment Neighborhood Association, and Other relevant Boards and Commissions**

The City is committed to working collaboratively with the Civilian Review Board ("CRB") and the Neighborhood Policing Steering Committee ("NPSC") to uphold their respective activities and achievements. Efforts are underway to ensure that both boards continue to fulfill their roles and responsibilities effectively. Additionally, the City is actively engaging with subcommittees to advance progress related to the Consent Decree. The FPD Police Chief has initiated outreach to the Ferguson Youth Initiative to foster participation in community events and initiatives. Moreover, the City has resumed apartment complex meetings, providing a platform for the police department to share insights and address concerns raised by residents during these gatherings. These collaborative efforts underscore the City's commitment to promoting transparency, accountability, and community engagement in its law enforcement practices.

XII. Conclusion

In conclusion, the City's annual report for 2023 highlights progress and accomplishments across various areas of law enforcement and community engagement. The City has demonstrated a strong commitment to transparency, accountability, and continuous improvement in its efforts

to address challenges and build on successes. Key achievements include advancements in staffing, policy development, training initiatives, and project planning, reflecting the City's dedication to upholding standards and ensuring compliance with the Consent Decree.

Despite these successes, the report also acknowledges ongoing challenges and areas for improvement. Challenges such as community engagement obstacles, development of trainings, and recruitment efforts are being actively addressed, underscoring the City's commitment to fostering positive change and enhancing public trust.

As the City moves forward, it remains steadfast in its commitment to promoting transparency, accountability, and community engagement in its law enforcement practices. While progress has been made, the City acknowledges that there is still work to be done to fully address all challenges and meet the goals outlined in the Consent Decree. However, with continued dedication and collaboration, the City is confident in its ability to overcome obstacles and achieve its objectives, ultimately ensuring a safer and more equitable community for all residents of Ferguson.

Respectfully submitted,

LEWIS RICE LLC

/s/ Apollo D. Carey
Apollo D. Carey, #58286
600 Washington Ave., Ste. 2500
St. Louis, Missouri 63101-1311
Tel: (314) 444-7788
Fax: (314) 612-7788
E-mail: acarey@lewisrice.com

Attorney for the City of Ferguson

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 8th day of March, 2024, a true copy hereof was electronically filed with the Clerk of the Court using the CM/ECF system, to be served by operation of the Court's electronic filing system on all counsel of record.

/s/ *Apollo D. Carey*