

Clerk of Court  
United States District Court  
Thomas Eagleton United States Courthouse  
111 South 10<sup>th</sup> Street  
St. Louis, Missouri 63102  
Re: United States v. City of Ferguson, Case No. 4:16CV180 CDP

From: Dwayne Isgrig

“No, no, we are not satisfied, and we will not be satisfied until ‘justice rolls down like waters, and righteousness like a mighty stream.’”<sup>1</sup>

This letter is in response to Keith Kallstrom, Ferguson City Councilman for Ward 3. Mr. Kallstrom has been on the city council for many years, years when the practices of the City of Ferguson have been called into question as unconstitutional policing. Mr. Kallstrom has submitted a document in response to the Complaint against Ferguson. Ironically, it is a document that appears to have been prepared for him by someone versed in statistical analysis. The document makes no mention of the racial profiling practices of the Ferguson Police Department until the very last sentence. Mr. Kallstrom’s “presentation” is an attempt to deflect the spotlight of justice and point it elsewhere. In other words, shine the spotlight on someone other than Ferguson.

As I read it, Mr. Kallstrom is eloquently arguing that there are examples of other municipal police departments in St. Louis County are more prolific at racial profiling their citizens than the Ferguson Police Department has been in its practices. Therefore, Ferguson shouldn’t get in trouble or be singled out.

To quote Mr. Kallstrom’s presentation to the court, “When comparing these samples to the disparity index of Ferguson (1.37) it becomes obvious that there are other municipalities with far higher indications of racial profiling during traffic stops.”

This is all he has to offer. Mr. Kallstrom makes no arguments that Ferguson has made efforts to learn from its past practices and made changes or reforms to prevent any such unconstitutional police practices in the future. He does nothing but contend that other municipalities are racial profiling at a much higher rate than Ferguson therefore Ferguson shouldn’t be singled out. This sounds so much like the excuses used by Mayor Knowles and other citizens who opposed the Consent Decree with the Department of Justice. In essence, Mr. Kallstrom is saying that Ferguson shouldn’t get in trouble since other police departments are pulling over black drivers at higher rates.

As noted in the Complaint, “The City of Ferguson, through the Ferguson Police Department (“FPD”), the Ferguson Municipal Court, and the office of the City Prosecuting Attorney, engages in an ongoing pattern or practice of conduct, including discrimination, that deprives persons of rights, privileges and immunities secured and protected by the United States Constitution and federal law.” Mr. Kallstrom neither pleads a *mea culpa* nor does he come clean about his role as a city councilman

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<sup>1</sup> “I Have a Dream,” speech by Rev. Dr. Martin Luther King, Jr at the Lincoln Memorial in Washington, DC on August 28, 1963.

who voted to approve the city's annual budgets that relied on increased revenues from racial profiling practices. Mr. Kallstrom makes no admission of guilt for City of Ferguson's role in the violation of the First Amendment, the Fourth Amendment, the Fourteenth Amendment; and federal statutory law.

Mr. Kallstrom has created a display of smoke and mirrors to distract the Court, the Department of Justice, and the citizens. He makes no apologies for Ferguson's "routine violation of constitutional and statutory rights, based in part on prioritizing the misuse of law enforcement authority as a means to generate municipal revenue over legitimate law enforcement purposes, is ongoing and pervasive." Nor does Mr. Kallstrom make any statement in his presentation that Ferguson will "remedy these patterns and practices of unlawful conduct absent judicial mandate and oversight."<sup>2</sup>

In the words of the *St. Louis Post-Dispatch*, in describing the DOJ's report on Ferguson, "describes a city government that uses its police and courts as an ATM, tolerating a culture of police brutality while pressuring the police chief and court officials to increase traffic enforcement and fees without regard to public safety."<sup>3</sup>

These are strong words but they describe a city government that is calloused when it comes to the needs of the least of its citizens. Mr. Kallstrom demonstrates that in his presentation to the court. He goes to great lengths to illustrate, through statistical analysis based on figures provided by the Missouri Attorney General's Office, that there are other municipalities that are far worse at racial profiling than Ferguson. He spent his entire document calling out the racial profiling practices of a sample of other municipalities in St Louis County as a means of making everyone else look guiltier than Ferguson. I believe he did so in the hope that no one would notice the guilt of the practices of the City of Ferguson.

Mr. Kallstrom has been on the city council for six terms (three years to a term) and, through the years, he has voted to approve the budgets and revenue streams of the city that relied on the practices of racial profiling and racially disproportionate ticketing practices to generate funds for the city. The people of Ferguson deserve better than this and they certainly deserve better than this from a councilman who played a part in the machine that preyed upon the black members of this community.

An example of this is taken from the Ferguson 2013 Budget (a document signed and approved by Mr. Kallstrom during one of his terms in office):

"The increase in Fines and Public Safety revenues comes from both manned and unmanned traffic enforcement. Due to a more concentrated focus on traffic enforcement, municipal court revenues have risen about 44% or \$623,000 from those in FY 2010-2011. Total court revenues are expected to reach \$2,029,000 in FY 2013-2014. In the fall of 2011, the City implemented camera enforcement in three high traffic accident incidence intersections. Fines resulting from this implementation represent a portion of the increased revenues over the period, however, it should be noted that additional manned traffic enforcement also contributed to the increase."

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<sup>2</sup> *United States of America v. The City of Ferguson*.

<sup>3</sup> "DOJ finds Ferguson targeted African-Americans, used courts mainly to increase revenue." *St. Louis Post-Dispatch*, March 5, 2015.

The City's budget also noted that, "traffic enforcement related collections increased about \$338,000 and \$188,000 in the two years ending June 30, 2012."<sup>4</sup>

As Attorney General Loretta Lynch noted in her statement when the DOJ sued Ferguson after the city council, including Mr. Kallstrom, voted in February to reject the proposed consent decree agreement, "These violations were not only egregious, they were routine. They were encouraged by the city in the interest of raising revenue. They were driven at least in part by racial bias, and they occurred disproportionately against African-American residents of Ferguson. And they were profoundly and fundamentally unconstitutional."<sup>5</sup>

In the words of Vanita Gupta and Lisa Foster, "Individuals may confront escalating debt; face repeated, unnecessary incarceration for nonpayment despite posing no danger to the community; lose their jobs; and become trapped in cycles of poverty that can be nearly impossible to escape. . . . Furthermore, in addition to being unlawful, to the extent that these practices are geared not toward addressing public safety, but rather toward raising revenue, they can cast doubt on the impartiality of the tribunal and erode trust between local governments and their constituents."<sup>6</sup>

Mr. Kallstrom has been on the council for approximately 18 years and he is very much a part of the old guard in Ferguson city government, an old guard that sorely needs to be reformed or removed from office in order to rebuild the trust citizens have in the government. I believe Mr. Kallstrom has been and he will continue to be a barrier to reform and change that brings constitutional policing practices to Ferguson and its residents who have already suffered the abuse of the police department and the municipal court. His presentation to the court proves that in my opinion.

Furthermore, Mr. Kallstrom makes no mention of the death of Michael Brown, Jr. at the hands of a white Ferguson police officer who was in a department that practiced racial profiling for many years and likely had a strong departmental culture of abusing and harassing black citizens. The police department was simply acting on the wishes and desires of the city council and city manager in aggressively targeting black residents. Mr. Kallstrom as a councilman voting to approve annual budgets that relied on revenue from unconstitutional policing is a man who is part of the problem, not part of the solution.

As Ferguson Mayor James Knowles famously said in an interview with CNN's Anderson Cooper, "there is no racial divide" in Ferguson.<sup>7</sup> This demonstrates part of the ongoing disconnect in city government represented by the response of Mr. Kallstrom to the court. In my opinion, Mr. Kallstrom and Mayor Knowles have demonstrated an "insufficient understanding of community concerns" and that "relationships between law enforcement and some community segments were lacking."<sup>8</sup>

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<sup>4</sup> *Annual Operating Budget*, City of Ferguson, Missouri. Fiscal Year 2013-2014.

<sup>5</sup> "Ferguson Mayor: 'There Was No Agreement' With The Justice Department." National Public Radio, February 12, 2016.

<sup>6</sup> "Justice Department warns local courts about unlawful fines and fees." *Washington Post*, March 14, 2016.

<sup>7</sup> Interview with Mayor James Knowles dated August 21, 2014 from *Anderson Cooper 360 Degrees*. CNN.com.

<sup>8</sup> Institute for Intergovernmental Research, *After-Action Assessment of the Police Response to the August 2014 Demonstrations in Ferguson, Missouri*, COPS Office Critical Response Initiative (Washington, DC: Office of Community Oriented Policing Services, 2015).

I, for one, believe such practices will continue in Ferguson unless real reform and change are instituted by the City of Ferguson through working with the Department of Justice and the Consent Decree.

In the words of Rev. Dr. Martin Luther King, Jr., as a community and a nation, “we can never be satisfied as long as the Negro is the victim of the unspeakable horrors of police brutality.”<sup>9</sup> I believe now is the time for Ferguson to move toward the promise of equality and justice for all with the Department of Justice’s Consent Decree as a guide.

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<sup>9</sup> “I Have a Dream,” speech by Rev. Dr. Martin Luther King, Jr at the Lincoln Memorial in Washington, DC on August 28, 1963.

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