

April 12, 2016

Honorable Judge Catherine D. Perry  
United States District Court  
Thomas Eagleton United States Courthouse  
111 South 10th Street  
St. Louis, Missouri 63102

Re: United States v. City of Ferguson, Case No. 4:16CV180 CDP

Honorable Judge Perry:

Following is a partial list of the deliverables or mandates in the proposed Consent Decree. There are over 800 separate tasks that the City must perform or satisfy. By any measure this is the most extensive Consent Decree ever required by the Department of Justice.

Sincerely,

Mike Urness

3 III. COMMUNITY POLICING AND ENGAGEMENT

3 A. Community Engagement:

- 3 neutral facilitator, between police officers and community members and groups,
- 3 for routine and frequent positive interactions between officers and community members.
- 3 group of community members and police personnel together.
- 3 020b. Establish or provide for participation in a variety of long-term programs that promote and foster positive police-youth interactions.
- 3 events and outreach
- 3 020d. Place emphasis on creating opportunities for positive interactions with communities of color and residents of Ferguson's apartment complexes.

3 B. Neighborhood Policing Steering Committee:

- 3 Policing Steering Committee (NPSC), which shall perform a separate function than the Civilian Review Board (CRB) already established by the City and addressed
- 3 diverse and broadly representative set of members of the Ferguson community can provide input to FPD and the City on law enforcement issues.
- 3 022. Within 180 days of the Effective Date, the City agrees to enact any City ordinances necessary to establish the NPSC and agrees to either:
- 3 are representative of the diverse communities served by FPD; or
- 3 022b. not limit the number of participants on the NPSC and allow attendees and volunteers
- 3 023. Implement policies to receive, consider, respond to, and act upon NPSC recommendations in a fully transparent and timely manner.

3 C. Ferguson Youth Advisory Board and Apartment Neighborhood Group:

- 3 024. Continue the Ferguson Youth Advisory Board that was established in 2011.
- 3 complexes

3 D. Community-Oriented and Problem-Solving Policing

- 3 around community priorities
- 3 027. FPD's Community-Policing Plan will include a commitment to, and timelines for, implementing within two years, Ferguson's "Neighborhood Policing Plan...
- 3 issues...
- 3 029. FPD will structure individual officer patrol areas around specific neighborhood boundaries, and, through supervision and evaluation,
- 3 029a. Periodically patrol via walking and/or bicycle patrols...
- 3 029b. Provide residents in their assigned area with their business phone & email...
- 3 029c. Attend community meetings, as scheduled, within the officers' assigned area
- 3 030. FPD will revise its current shift schedules and.. post officer patrol area assignments on the FPD website.
- 3 031. FPD will timely collect, analyze and disseminate public crime data for each patrol area or other geographic area, as feasible and appropriate.

3 E. Community Mediation Program

- 3 reducing the need for involvement in the criminal justice system.
- 3 033. Within 180 days of the Effective Date.... develop a plan for providing neighborhood mediations in Ferguson
- 3 034. This neighborhood mediation program will:
- 3 034a. Support mediation at all stages of the dispute, from early-intervention to intervention after charges have been filed
- 3 034b. Be administered by an individual with experience in neighborhood mediation...
- 3 034c. Use mediators that reflect the diversity of, and come from the communities served
- 3 034d. Ensure that mediators are trained consistently with best practices;
- 3 034e. Have a screening to ensure that participants can speak without fear of retaliation.
- 3 034f. Have quality assurance mechanisms to ensure all components of the program...are operating effectively

3 F. Ongoing Assessment and Improvement

- 3 035. Within one year of Effective Date, city will develop protocols for at least annually, conducting cost-feasible data-driven and qualitative assessments

4 IV. REFORM OF THE FERGUSON MUNICIPAL CODE

- 4 offenses and appropriate penalties for violations
- 4 Section 1-16 (providing that individuals who fail to pay a fine or costs imposed for a municipal violation shall be imprisoned one day for every ten dollars of any
- 4 City has not yet adopted such amendments as of the Effective Date of the Agreement, the City agrees to do so within 30 days of the Effective Date.
- 4 038a. Sections 13-26, 13-52, 13-61, 13-63, 13-68, and 13-70(2) and (3), regarding the administration of the Ferguson Municipal Court;
- 4 038b. Sections 29-16, the "Failure to Comply with Order of Police Officer" ordinance;
- 4 038c. Sections 1-15 and 44-15 regarding available penalties;
- 4 038d. Section 7-145.1, "Occupancy Permit;" and
- 4 each of which will be repealed.
- 4 39. City agrees to make any additional revisions to the Code necessary to enable the City to comply with this Agreement and the law.
- 4 provisions... To help ensure that the Code's design and enforcement are not unnecessarily burdensome on members of the Ferguson community and furthers

5 V. POLICIES AND TRAINING

5 increase the quality and scope of training...

5 A. Policies Generally:

5 042. The City agrees to incorporate the requirements of this Agreement into FPD and City policies and procedures as appropriate....  
5 procedures.

5 044. The City agrees to submit all policies, procedures, protocols... to the Monitor and DOJ for review and approval prior to publication and implementation.  
5 necessary upon notice of a significant policy deficiency during audits or reviews.  
5 and others.

5 047. The City agrees to ensure that changes in relevant case law and statutes are disseminated to relevant FPD personnel in a timely manner...

5 B. Training Generally:

5 048. The training required under this Agreement... will begin within 90 days of the Effective Date and be fully delivered within two years of the Effective Date.

5 1. Training Committee and Plan

5 Steering Committee.

5 provisions of this Agreement.

5 enhancing FPD's fieldtraining with a revised Police Training Officer program; The Training Plan will:

5 051a. Identify training priorities, principles, and broad goals consistent with this Agreement and the substantive training requirements set out in Section XVII below;

5 051b. Include a plan for delivering supplemental basic training and in-service training, as necessary to provide the relevant training required by this Agreement;

5 051c. Coordinate the topics of supplemental basic training and in-service training with Police Training Officer training;

5 051d. Establish the frequency and subject areas for supplemental basic and in-service training;

5 years of the Agreement;

5 051f. Identify available training delivery and related resources, as well as unmet needs, such as instructors, curricula, and equipment;

5 including training provided by outside instructors or non-FPD entities....

5 2. Training Instructors and Curricula

5 curricula and lesson plans for consistency, quality, and compliance with applicable law, FPD policy, and this Agreement.

5 training... conducted by an outside instructor or non-FPD entity will be reviewed and approved by the Monitor and DOJ prior to delivery

5 approved by the Training Committee, the Monitor, and DOJ.

5 3. Training Review and Update

5 assessment,...

5 4. Training Coordination, Instructors, and Tracking

5 training delivery;...

5 057. The Training Coordinator shall ensure that all officers complete training as required and that documentation of training is maintained....

5 5. Police Training Officer Program

5 FPD's Training Plan and this Agreement....

5 Officers...

5 plan...

5 PTO training.

5 062. FPD's Training Committee will, on an annual basis, assess FPD's PTO program and consider emerging national policing practices in this area,...

5 6. Supplemental Basic Training:

5 ....

6 VI. BIAS-FREE POLICE AND COURT PRACTICES:

6 national origin...

6 A. Requirements of Bias-Free Policing:

6 065. The City has prohibited unlawful discrimination as provided in Chapter 21 of the Ferguson Municipal Code.

6 enforcement of the law...

6 067. The City agrees that all FPD police and court employees will provide timely and meaningful access to police and court services to all

6 068. The City agrees to revise policy, training and supervisory direction related to officer response to allegations of domestic violence and sexual assault....

6 069. The City agrees to consider any indicia of unlawfully discriminatory policing or other bias by officers or officer candidates in evaluating officer performance....

6 mandated "racial profiling" data.

6 071. The City agrees that, if at any point it identifies indicia of unlawfully discriminatory conduct, ....

6 B. Ongoing Assessment and Improvement:

6 court programs, initiatives, activities, and services to determine whether they impose a disparate impact on the basis of protected characteristics....  
6 073. For the duration of this Agreement, the Monitor will be responsible for conducting the ongoing disparate impact assessments required by this section....  
6 police or court service....

7 VII. VOLUNTARY CONTACTS, STOPS, SEARCHES, CITATIONS, AND ARRESTS:

7 the rights, privileges, and immunities secured or protected by the Constitution....  
7 recommend, develop, or implement any law enforcement program, strategy, tactic, or action in order to generate revenue....  
7 076b. FPD officers will not use race, color, ethnicity, national origin, religion, gender, sexual orientation, disability, or other protected characteristics as a factor....  
7 076c. FPD officers will not initiate an encounter with any person or stop any person, or attempt to do so, for the purpose of checking for warrants....  
7 076d. FPD officers will not use "canned," boilerplate, or conclusory language in any reports documenting investigatory stops or detentions....  
7 076e. FPD officers will not use or rely on information known to be materially false or incorrect in conducting or justifying any police activity....

7 A. Voluntary Contacts: Social Contacts & Non-Custodial Interviews:

7 Officers conducting or attempting to conduct non-custodial interviews will:  
7 077a. Introduce themselves by name and rank as soon as reasonable and practicable;  
7 077b. Notify the person(s) encountered that they are free to leave and do not have to answer any questions;  
7 077c. Inform the subject that the encounter is being recorded; and  
7 077d. Refrain from using words or actions that would tend to communicate that the person(s) are not free to leave or must answer questions....  
7 answer questions, decision to end the encounter, or departure to justify an investigatory stop or detention, search, citation, or arrest of the person.

7 B. Investigatory Stops and Detentions

7 engaged in the commission of an offense.  
7 the stop is to investigate a felony.  
7 081. FPD will ensure that, upon initiating an investigatory stop or detention, officers:  
7 081a. Introduce themselves by name and rank as soon as reasonable and practicable;  
7 questions.  
7 081c. State the reason for the investigatory stop or detention as soon as reasonable and practicable;  
7 081d. Inform the subject that the encounter is being recorded;  
7 081e. Ensure that the stop or detention is no longer than necessary to take appropriate action; and  
7 081f. Act with professionalism and courtesy throughout the interaction.  
7 an articulable basis (including but not limited to officer safety) to justify the action:  
7 082a. Taking a subject's identification or driver's license away from the immediate vicinity;  
7 082b. Ordering a motorist to exit a vehicle;  
7 082c. Placing a pedestrian against a wall;  
7 082d. Directing a person to stand or remain standing, or to sit on a patrol car bumper or any other place not of his or her choosing;  
7 082e. Directing a person to lie on the ground;  
7 082f. Applying handcuffs;  
7 082g. Transporting a person any distance away from the scene of the initial stop, including for the purpose of witness identification;  
7 082h. Placing a person into a police vehicle;  
7 082i. Frisking (see paragraph 83 below); or  
7 082j. Unholstering or pointing a weapon.

7 C. Searches

7 083. In order to frisk, or pat down, any person, that person must first be lawfully stopped or detained pursuant to reasonable suspicion....  
7 084. FPD will ensure that officers do not conduct any other search, of person or property, without:  
7 084a. probable cause....  
7 084b. a warrant or an exception to the warrant requirement, including but not limited to a search incident to arrest or exigent circumstances....  
7 an offense....  
7 086. FPD officers seeking consent for a search will affirmatively inform the subject of the right to refuse and to revoke consent at any time.  
7 087. Any affidavit or sworn declaration supporting an application for a search warrant will provide an accurate, complete, and clear description of the offense....  
7 handled differently than the FPD searches covered by this section.  
7 warrant.

7 D. Citations and Arrests

7 committing an offense.  
7 091. The City will not use citation or arrest quotas, whether formal or informal, of any kind.  
7 092. FPD will ensure that FPD officers obtain verbal supervisory approval, which shall be documented as soon as practicable:  
7 092a. Before issuing three or more citations to any person in any single encounter, or more than one citation for the same act;  
7 conduct; peace disturbance; manner of walking in roadway; resisting arrest; and obstruction of government operations/interfering with an officer;  
7 092c. Before transport of any arrested person on a charge of failure to comply/obey or resisting arrest; and  
7 092d. Of every other arrest as soon as reasonably practicable after the person is presented at FPD headquarters.

- 7 damage or injury to others; animal neglect or cruelty;
- 7 traffic violations involving the failure to provide proof of driver's license, any housing, zoning, or animal licensing;
- 7 extenuating circumstances approved by a supervisor.

7 E. Stop Orders, or "Wanted's":

- 7 096. The City... agrees to eliminate all "stop orders" or "wanted's" issued by FPD within 180 days of the Effective Date.
- 7 person or vehicle on the basis of a "stop order" or "wanted."
- 7 practice nationwide, and evaluate alternatives to the use of "stop orders" or "wanted's"....

7 F. Supervision:

- 7 099. Supervisors evaluating a request for approval to issue a citation... will consider... whether the citation is unfairly duplicative, excessive, or retaliatory.
- 7 100. FPD will develop a protocol for checking all arrestees for signs of injury, including any complaint by the arrestee, when the arrestee arrives at FPD...
- 7 101. FPD field supervisors will review each arrest report of officers under their command and will memorialize their review in writing by the end of the shift
- 7 application, for appropriateness, legality, and conformance with FPD policy and this Agreement.
- 7 execution of the search warrant, ...
- 7 conclusory language; inconsistent information...
- 7 compliance with FPD policy and this Agreement. Supervisors will audit at least one CAD log for each officer under their supervision each week...
- 7 FPD policy or this Agreement, or that indicate a need for corrective action or review of agency policy, strategy, tactics, or training, ...
- 7 action.
- 7 the supervisor has determined to be unsupported by proper legal justification, in violation of FPD policy or this Agreement, or indicative of a need for corrective

7 G. Ongoing Assessment and Improvement:

- 7 qualitative assessments of its voluntary encounter, stop, including pedestrian stop; search; citation; and arrest practices, including breakdowns by the protected

8 VIII. FIRST AMENDMENT PROTECTED ACTIVITY:

- 8 ensuring accountability of public officials, and encouraging community feedback—whether critical or laudatory....
- 8 111. FPD will ensure that all FPD personnel respect the First Amendment rights of all persons, including:
- 8 lawful public protests, as well as any other areas where individuals otherwise have a legal right to be present, including an individual's home or business and
- 8 111b. The right to criticize or complain about police conduct without being subject to retaliation; and

8 A. Right to Observe and Record:

- 8 and those acting on its behalf, shall not enforce or threaten to enforce any rule, policy, or practice that grants law enforcement officers the authority or discretion to
- 8 FPD officers do not unreasonably claim that an individual's presence amounts to the offense of obstructing or interfering with a law enforcement officer, or
- 8 during a police encounter shall not in itself be considered a threat to officer safety and thus shall not be a basis to require a person to refrain from recording or to
- 8 115. FPD will ensure that officers do not search, seize, or otherwise coerce production of recorded sounds, images, or videos without obtaining a warrant....
- 8 116. FPD will ensure that officers do not coerce individuals to consent to the search or seizure of their recording devices or recordings.
- 8 to intentionally destroy the same...

8 B. Public Protests and Demonstrations:

- 8 location.
- 8 by DOJ. These policies and protocols will include: a. Factors officers should consider when exercising their lawful discretion to arrest;
- 8 119a. Factors officers should consider
- 8 119b. Clear guidelines that minimize individually applied discretionary enforcement decisions by officers during public protests;
- 8 119c. An effective traffic control plan for streets and sidewalks;
- 8 119d. Plan for public information sharing before, during, and after public demonstrations;
- 8 of force, required warnings, and documentation;
- 8 requirements for such participation, including limitations and requirements related to force, arrests, and officer uniforms, including officer identification;
- 8 referral process to an appropriate agency for adjudication of such complaint; and h. Officer safety and well-being (see Section XIV of this Agreement).
- 8 120. FPD will ensure that officers do not treat protestors differently based on the content of their speech or expression.
- 8 other law enforcement agencies responding within Ferguson to refrain from doing the same.
- 8 de-escalation techniques, key concepts of the National Incident Management System command and management, ...

8 C. Retaliation for First Amendment Activity Prohibited:

- 8 protest police activity....

8 D. Supervision of First Amendment Related Arrests and Seizures:

- 8 and only by a supervisor....
- 8 circumstances, if reasonably practical, a supervisor shall respond to the scene and assess the situation in person.

8 E. Ongoing Assessment and Improvement:

8 assessments of FPD's practices related to First Amendment protected activity;...  
8 and nature of recording device seizures, arrests, or other interference with members of the press; and analysis of law enforcement response to public protest or

9 IX. FORCE:

9 of every person. To foster this commitment...:

- 9 128a. Use force only when necessary to accomplish a legitimate public safety objective;
- 9 orders;... Within 180 days of the Effective Date, the City and FPD will develop protocols for conducting, at least annually, cost-feasible data-driven and qualitative
- 9 128e. Immediately provide any necessary emergency medical assistance after using force and immediately summon additional medical assistance as necessary;
- 9 128f. Accurately and completely report all reportable force used or observed by officers;
- 9 128g. Are recognized and supported when they achieve public safety goals while avoiding use of force; and
- 9 128h. Are disciplined when they use force that is unnecessary or objectively unreasonable or otherwise violates law or policy.

9 A. General Use-of-Force Requirements:

- 9 129. The City will ensure that officers use force in accordance with the Constitution and other laws, FPD policy, and this Agreement.
- 9 optimal force decisions and resolve situations without the use of force whenever possible. ....
- 9 presents a threat to public safety;... ..
- 9 for every officer
- 9 133. FPD will ensure officers do not use lethal force unless:
  - 9 threat of death or serious physical injury to the officer or others, or to prevent escape of a violent felon...
  - 9 133b. less intrusive methods to control the subject or avoid harm have been tried and were ineffective or would be ineffective. ....
- 9 134. FPD will ensure that officers do not use less-lethal force unless:
  - 9 134a. a person is displaying aggressive resistance by attacking or attempting to attack the officer or another person, and
  - 9 134b. less intrusive methods to control the person or avoid harm have been tried and proven to be ineffective or would be ineffective. ....
  - 9 with persons who are displaying passive resistance or active resistance. Force used in these situations should be low-level.
- 9 136. FPD agrees to train and require all officers to do the following:
  - 9 136a. Identify themselves as officers before using force whenever safely possible.
  - 9 condition, mental health crisis, physical or hearing impairment, language barrier, or drug interaction. ....
  - 9 136c. Fulfill their duty to safely intercede to prevent the use of objectively unreasonable force; and
  - 9 uses of force to the attention of a supervisor.
- 9 137. FPD will prohibit officers from doing the following:
  - 9 137a. Using force on restrained individuals (e.g., subjects handcuffed or contained in a police vehicle)....
  - 9 137b. Using neck holds, a form of lethal force;
  - 9 137c. Using force only because another officer is using force, or against persons who only verbally confront them;
  - 9 fleeing or otherwise resisting arrest; and force used in response to the expression of criticism or disrespect for an officer or any other person,
  - 9 this Agreement; and
  - 9 137f. Using force to effect compliance with a command that is unlawful.
  - 9 inspect and observe subjects for injury or complaints of pain resulting from the use of force. Officers will render or obtain medical assistance, including emergency
  - 9 threat;
  - 9 138c. Officers will not restrain individuals in a manner that compromises the individual's ability to breath, and
  - 9 to provide the individual's family members with information about the incident, as appropriate, and provide them information about any available counseling

9 B. Weapon-Specific Requirements:

9 requirements below.1. Firearms

1. Firearms

- 9 least once a year, officers must qualify with each firearm they are authorized to carry while on duty. ....
- 9 141. Each shot fired is a separate use of force that officers must separately justify as reasonable.
- 9 shooting a firearm.
- 9 143. FPD will ensure that officers:
  - 9 their surroundings before discharging their firearms and will avoid unnecessary risk to bystanders, victims, and other officers;
  - 9 143c. Do not fire warning shots;
  - 9 143d. Do not shoot through a door or window when the target is not clearly in view, and
  - 9 move out of the path of a moving vehicle rather than discharging a firearm. Officers will not place themselves in the path of or reach inside a moving vehicle. A

9 2. Electronic Control Weapons:

- 9 Control Weapons (ECW).
- 9 145. Each ECW application (in probe mode or drive-stun mode) is a separate use of force that officers must separately justify as reasonable....
- 9 146. FPD will ensure that officers:
  - 9 146a. Do not continue to apply ECWs when ECW application is not leading to compliance;
  - 9 146b. Do not use ECWs in drive-stun mode as a pain compliance technique. ....
  - 9 and the feasibility of lesser force options;
  - 9 including falling, losing control of a moving vehicle, or becoming ignited from the presence of potentially explosive or flammable materials or substances;
  - 9 abnormally slight build, or in apparent medical or mental health crisis;
  - 9 sole reason for applying an ECW;

- 9 146g. Do not apply ECWs to a subject's head, neck, or genitalia;
- 9 146h. Do not activate more than one ECW at a time against a subject; and
- 9 146i. Do keep ECWs in a weak-side holster to reduce the chances of accidentally drawing and/or firing a firearm;
- 9 147. FPD will establish protocols and training on officers' responsibilities, in consultation with local emergency medical services personnel, to include:
- 9 Ensuring that probes are removed from a subject's skin only by medical personnel or properly trained officers;c. Minimizing the risk of positional asphyxia and the

9 3. Impact Weapons

- 9 148. Officers must justify the use of each separate impact weapon, such as a baton or asp.
- 9 unable to use a weapon that would be necessary and objectively reasonable under the circumstances....

9 4. OC Spray:

- 9 Capsicum spray (OC spray). Certification will be completed at least once every two years....
- 9 151. Officers must justify each separate application of OC spray.
- 9 reasonable amount of time after providing the warning to allow the subject to comply with the warning.
- 9 153. Officers will not use OC spray against individuals or groups who merely fail to disperse.
- 9 154. Officers will assist exposed subjects with decontamination and water-flushing of exposed areas as soon as feasible....

9 5. Canines:

- 9 can serve as canine handlers.....
- 9 best practices.....
- 9 occasion.
- 9 158. FPD will ensure that no canine handler uses his or her canine solely to intimidate or frighten any person.
- 9 threshold (e.g., rounding a corner, entering a room, ascending or descending a stairwell).....
- 9 this use of force under law, FPD policy, and this Agreement.....
- 9 unless providing such warnings would create an imminent threat of danger to the canine handler or any other person on the scene.....
- 9 authorized individuals in the home.
- 9 concealed subject unless the following requirements are all satisfied:
- 9 163a. The handler is in auditory range of a suspect;
- 9 capable of causing death or serious physical injury or otherwise poses an imminent threat of death or serious physical injury to another person, including the
- 9 163c. Lesser means (including waiting) have been tried and have been ineffective or cannot reasonably be expected to allow for the apprehension of the subject.
- 9 164. Canines will not be used to apprehend anyone suspected of being under the influence of drugs or alcohol, if no other serious crime is involved.....
- 9 its bite. If the suspect is determined to be unarmed, the handler will immediately order the canine to release the bite.....
- 9 such deployment is necessary to prevent imminent serious physical injury or death to any person, including an officer.
- 9 167. FPD will ensure that canines are not used for crowd control. C. Use of Force in Ferguson Jail

C. Use of Force in Ferguson Jail

- 9 within the FPD jail booking or lockup areas.
- 9 169. FPD will ensure that at least two correctional officers are present in the FPD jail at all times.
- 9 surveilled by stationary video cameras that are always recording....

9 D. Use-of-Force Reporting and Investigation:

- 9 are positively recognized when they appropriately minimize or avoid use of force.....
- 9 process for reporting and investigating all FPD officer uses of force. ....

9 1. Force Reporting:

- 9 before the end of shift, and to immediately report the use of force to a supervisor. .... Officers will note in their use-of-force reports the existence of any body-worn
- 9 174. All officers observing a use of force by an FPD officer will be required to document their observations in writing before the end of shift.
- 9 specific detail.....
- 9 the material omissions or inaccuracies are found to be deliberate, the employee will be disciplined, up to and including termination.
- 9 177. Officers who use or observe a reportable use of force but do not report it will be disciplined, up to and including termination.
- 9 the use of force to a supervisor unless the FPD officer is certain that the use of force was previously reported.
- 9 of firearms.

9 2. Force Response and Investigation:

- 9 an FPD officer. .... FPD will make a good-faith attempt to revise its mutual aid agreements with other agencies to ensure that FPD is notified when other agencies
- 9 181. Scene management and investigation will be conducted by an uninvolved supervisor, i.e., a supervisor that neither ordered nor participated in the use of force.
- 9 182. Supervisors who conduct high-quality force investigations will receive preference for assignments and promotions.
- 9 force for purposes of response and investigation within FPD:
- 9 including pressure point compliance and joint manipulation techniques.....
- 9 1 force. Type 2 force includes the use of an ECW, OC spray, weaponless defense techniques (e.g., elbow or closed-fist strikes, kicks, leg sweeps, and takedowns);
- 9 applications of an ECW on an individual during a single interaction.....
- 9 completed within 60 days.....

9 Ferguson and the investigation of critical incidents that involve FPD officers in or outside of Ferguson.....a. The immediate FPD response to a critical incident,

9 3. Force Review and Assessment

9 186. The determination of whether a use of force violates FPD policy will be based on a preponderance of the evidence standard.

9 187. All Type 3 uses of force will be reviewed and approved by the supervisor, or an investigation initiated, as appropriate, within 24 hours.

9 of time to be stated in FPD policy.

9 consistent with FPD policy and law. ... The FRB will: a. Except where the administrative investigation of the incident is conducted by an outside agency, review all

9 be stated in FPD policy.

9 Section XIX.B. of this Agreement.

9 advise the Chief of Police in writing, who will ensure that appropriate modifications occur and document their completion in writing.

9 ensure that appropriate corrective action occurs and document its completion in writing.

9 194. The Chief of Police will approve all use-of-force investigation findings and all disciplinary adjudications.

9 E. Ongoing Assessment and Improvement:

9 assessments of FPD's use-of-force practices.....

10 X. CRISIS INTERVENTION:

10 partnerships to:

10 196a. assist individuals who are in mental health crisis or who are in crisis related to the influence of alcohol or drugs ("individuals in crisis");

10 within the community;

10 196c. provide the foundation necessary to promote community solutions to assist individuals with mental illness; and

10 196d. reduce the need for individuals with mental illness to have further involvement with the criminal justice system.

10 A. Crisis Intervention Coordinator:

10 ("Coordinator") to better facilitate communication between FPD and members of the area mental health community....

10 requirements set forth in this Agreement...

10 B. Specialized Crisis Intervention Officers:

10 will maintain their standard patrol duties, except when called upon to respond to incidents or calls involving individuals in crisis....

10 200. To be eligible for consideration, officers must have at least three years of experience as a law enforcement officer....

10 assumed responsibility for the scene. ....

10 Program and the terms of this Agreement, including the requirements set forth in Section XVII.

10 C. Crisis Intervention Requirements:

10 will develop and implement appropriate policies. ....

10 appropriate.

10 205. FPD policy will provide that a crisis intervention response may be necessary even in situations where there has been an apparent violation of law. ....

10 D. Ongoing Assessment and Improvement:

10 assessments of FPD's CIT first responder model of police-based crisis intervention. ....

11 XI. SCHOOL RESOURCE OFFICER PROGRAM:

11 enforcement on a daily basis. This program, through education and the promotion of mutual respect,.... A. Revision of SRO Program and Training and

11 A. Revision of SRO Program and Training and Qualifications of SROs

11 208. FPD agrees to use SROs who:

11 208a. have the ability to work effectively with students, parents/guardians, teachers, and school administrators;

11 208b. possess strong interpersonal communication skills;

11 208c. have the ability to competently engage in public speaking;

11 208d. have effective teaching skills;

11 208e. have effective counseling skills;

11 208f. understand the importance of diversion programs and alternatives to arrest for youth;

11 208g. are respectful to the youth and families of all backgrounds and cultures; and

11 the school to which the officer will be assigned shall be considered.

11 that is consistent with FPD's Training Plan the terms of this Agreement.

11 the Monitor, and subject to approval by DOJ, FPD will develop an SRO program and operations manual....

11 delineate authority and specify procedures for law enforcement interactions with students while on school grounds....

11 B. SRO Non-Involvement in School Discipline:



- 11 not participate in any situation that can safely and appropriately be handled by a school's internal disciplinary procedures....
- 11 resolution techniques to de-escalate the situation....
- 11 protect the safety of students and school personnel....

11 C. Minimizing School Arrests and Force:

- 11 students, school personnel, and the public....
- 11 at school....
- 11 217. FPD agrees to ensure that, upon arresting a student, officers notify the student's parent/guardian of the arrest as soon as practicable. ....
- 11 circumstances indicate that the restraints are necessary to ensure the immediate physical safety of any person.
- 11 219. An FPD officer may not remove a student from school grounds with the intent of circumventing the requirements of this Agreement.
- 11 discipline personnel, alternatives to arrest, and diversion programs for students who are charged with offenses...
- 11 221. FPD will require that SROs exercise their discretion to refer youth to alternatives, rather than arrest them, whenever possible.
- 11 the physical safety of the officer or any other person. ....
- 11 223. FPD will ensure that FPD officers de-escalate school-based incidents whenever possible. ....

11 D. SRO Supervision and Evaluation:

- 11 224. FPD agrees to ensure that supervisors visit SROs to observe SRO activity in schools at least once every two weeks.
- 11 least once a semester.
- 11 other FPD officers were involved in the discipline, arrest, or restraint of a student....

11 E. Ongoing Assessment and Improvement:

- 11 assessments of FPD's SRO program....

12 XII. BODY-WORN AND IN-CAR CAMERAS:

- 12 enhance supervision of FPD stops, searches, and arrests; and provide material for officer training, the City will equip FPD officers with body-worn and in-car

12 A. Body-Worn and In-Car Camera Requirements:

- 12 reasonably expected to regularly interact with the public are equipped with, and required to wear while on duty, fully functioning body-worn cameras and
- 12 articulated and approved privacy considerations require a search not to be recorded; ....
- 12 vehicle departs, or until the officer's participation in the motor vehicle stop ends....
- 12 retrieve camera footage for investigatory, training, evidentiary, and public access purposes.
- 12 231. Within 60 days of the Effective Date, the City agrees to develop and implement policies to direct the use of body-worn and in-car camera equipment....
- 12 reluctant to cooperate if recorded. In such cases, officers shall articulate on camera their reason for not recording the activity.
- 12 alter or satisfy an officer's obligation to use a body-worn camera as required by policy.
- 12 recorded event that should have been recorded under FPD policy, as well as any interruptions or terminations of recordings. ....
- 12 235. Officers shall inform individuals that they are being recorded at the earliest reasonable and safe opportunity.
- 12 236. The City agrees to ensure that recording equipment assigned to officers or their cars is functioning properly at the beginning and end of each shift....
- 12 237. The City agrees to ensure that body cameras are worn in a manner that prevents obstruction of the camera viewpoint to the greatest extent possible.
- 12 encounters with known undercover officers or confidential informants; ....
- 12 computers accessible by the general public, or public websites. ....

12 B. Supervisory Responsibilities Related to Body-Worn and In-Car Cameras:

- 12 shall hold officers under their command accountable when they do not use body-worn and in-car recording equipment consistent with policy and this Agreement....
- 12 241. Supervisors shall be required to periodically inspect body worn cameras and in- car video cameras for functionality....
- 12 supervision and that is consistent with this Agreement. Specifically, supervisors shall:
- 12 stops, searches, arrests, or uses of force. .... b. Identify and review all available body-worn and in-car camera recordings in the course of conducting misconduct
- 12 training of officers.
- 12 camera footage to identify training needs and scenarios, which shall be addressed by, and incorporated into, training curricula and programs.

12 C. Storage and Public Availability of Recordings:

- 12 worn and in-car camera recordings.
- 12 categorized and accessible within 24 hours of the recording being made. Recordings will be categorized according to the kind of incident or event captured in the
- 12 logging and tracking all body-worn and in-car camera recordings.
- 12 under investigation or in litigation, until at least one year after the final disposition of the matter, including appeals....
- 12 recordings publicly available to the maximum extent allowable under Missouri law and consistent with individual privacy rights.

12 D. Ongoing Assessment and Improvement:

- 12 qualitative assessments of body-worn and in-car camera use. ....

13 XIII. SUPERVISION:

13 251. First line supervisors and FPD command staff play a critical role in ensuring lawful, effective, and community-centered policing. ....

13 A. Supervisory Character and Duties:

13 FPD policy, and the terms of this Agreement; and consistently demonstrating professionalism, courtesy, and respect towards all people with whom they interact. ....

13 253. FPD supervisors shall provide close and effective supervision and accordingly shall:

13 FPD policy, and community policing principles;

13 253b. provide leadership, counseling, direction, and support to officers as needed;

13 253c. lead efforts to engage individuals and groups and ensure that officers are working actively to engage the community and increase public trust; Agreement;

13 253e. identify misconduct and ensure that it is adequately addressed through corrective action, training, or discipline; and

13 253f. identify training and professional development needs and opportunities on an individual, squad, and department-wide level.

13 appropriate. Supervisors shall be required to document, at a minimum:

13 trust, and otherwise engaging in community policing;c. All occasions where supervisors respond to the scene as required by policy;d. All reviews of officer conduct,

13 will be based upon the fulfillment of supervisory duties. ....

13 B. Supervisor Staffing and Officer Assignment to Supervisors:

13 256. Within 180 days of the Effective Date, the City agrees to develop and implement a staffing plan that enables close and effective supervision. ....

13 of first line supervisors to allow for close and effective supervision of officers. ....

13 geographic areas in the City. ....

13 C. Early Intervention System:

13 consistent with this Agreement. ....

13 each officer. ....

13 database. ....

13 department-wide conduct. Among the information captured will be:

13 262a. all uses of force;

13 262b. all injuries and deaths to persons in custody;

13 charges;

13 262d. all instances in which an officer issues three or more citations during a single encounter;

13 262e. violations of FPD's body-worn and in-car camera policies;

13 officer's credibility or that a motion to suppress evidence was granted on the grounds of a constitutional violation by an FPD officer;

13 262g all misconduct complaints, including the disposition of each allegation;

13 262h. judicial proceedings where an officer is the subject of a Full Order of Protection or other restraining order, which officers shall be required to report;

13 actions of FPD personnel;

13 262j. all disciplinary action taken against employees;

13 262k. all non-disciplinary corrective action required of employees;

13 262l. all awards and commendations received by employees, including those received from civilians;

13 262m. sick leave usage, especially in concert with regular days off and holidays; and

13 supervisor (if known) and demographic information regarding each civilian (e.g., protected characteristics).

13 individuals. ....

13 duties. ....

13 265. The City will ensure that FPD command staff collect and, at least quarterly, analyze EIS information related to supervisor, squad, and officer trends.

13 an employee first comes under their supervision. ....

13 identified problematic or potentially problematic officer conduct. ....

13 Agreement and FPD policy. ....

13 FPD employees are provided with information regarding the scope and function of the EIS within 60 days of its implementation.D. Ongoing Assessment and

13 D. Ongoing Assessment and Improvement

13 qualitative assessments to ensure that FPD officers are being closely and effectively supervised. ....

14 XIV. OFFICER ASSISTANCE AND SUPPORT:

14 health, judgment, and performance and can thus negatively impact officer well-being. ....

14 A. Support Services for Officers and Their Families:

14 counseling and mental wellness services including: confidential counseling services; crisis counseling; stress management counseling; and mental health

14 EAP to all officers and employees.

14 field of mental health care.

14 incident (e.g., serious injury, officer-involved shooting, officer-involved accident involving fatality, or all other uses of force resulting in death or serious injury. ....

14 demonstrations, or periods of civil unrest, during which rest and recovery periods shall be in keeping with relevant protocols, as set out below.

14 long as the City retains control over such buildings.

14 similar services, and may require employees to pay the applicable charge for such services.

14 B. Officer Support During Public Demonstrations and Periods of Civil Unrest: