

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

**UNITED STATES OF AMERICA,
Plaintiff,**

v.

**THE CITY OF FERGUSON,
Defendant.**

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Case No. 4:16-cv-180

Hon. Catherine D. Perry

**INDEPENDENT MONITOR’S
FALL 2018 SEMIANNUAL REPORT**

I. INTRODUCTION

Pursuant to paragraph 438 of the Consent Decree entered into between the United States Department of Justice (“DOJ”) and the City of Ferguson, Missouri (the “City”) (together, the “Parties”), the Independent Monitor (the “Monitor” or the “Monitoring Team”) submits this Fall 2018 Semiannual Report, which covers the reporting period of April 1, 2018 through September 30, 2018.¹

Between April and September 2018, the City made considerable progress in furtherance of implementation of the Consent Decree. Notably, the City began policy development in new subject areas, including voluntary contacts, stops, searches, citations, and arrests; commenced the development and scheduling of roll call training on developed policies, including in the areas of use of force and body-worn and in-car cameras; identified key information necessary for the Monitor to initiate baseline audits in various subject areas; and continued to make significant progress with respect to implementation of Consent Decree provisions pertaining to reform of the Ferguson Municipal Court (“Municipal Court”). Key tasks which have not yet been

¹ In accordance with Paragraph 439 of the Consent Decree, this report has been agreed to by the Parties.

completed, but which should be prioritized over the course of the next reporting period, include, among other things, policy development in new subject areas such as bias-free policing, the implementation of all developed policies, and increased progress in the subject areas of community engagement, training and supervision, and data collection.² The Monitoring Team recognizes that the City and the DOJ have put much effort into achieving the goals of the Consent Decree and working toward meaningful outcomes in Ferguson. The working relationships and processes followed by the City, DOJ, and the Monitoring Team, and the input provided by community stakeholders, have consistently reflected a spirit of cooperation, which the Monitoring Team expects will continue as all parties work together to facilitate substantial implementation of the Consent Decree by Year Five.³

A. The Monitoring Process

Through the work of its subject matter experts, the Monitoring Team will conduct reviews and audits to determine whether the City, Ferguson Police Department (“FPD”), and the Municipal Court are in compliance with the Consent Decree, and will provide technical assistance as needed to guide the City through the implementation process. Specifically, the Monitoring Team will ensure timely and complete implementation of the Consent Decree through the following three phases: (1) policy revision and review; (2) training and implementation; and (3) auditing and compliance assessment.

² Throughout this report, the Monitor refers to both the “reporting period” and the “next reporting period.” For purposes of this status report, the “reporting period” refers to April 1, 2018 through September 30, 2018, while the “next reporting period” encompasses October 1, 2018 through March 30, 2019.

³ Throughout this report, the Monitor refers to “Year One,” “Year Two,” “Year Three,” etc. to identify past achievements and to outline future goals. The monitorship officially began when the former Monitor was appointed by the Court on July 22, 2016. Accordingly, Year One ran from August 2016 through July 2017, Year Two began in August 2017 and ended in July 2018, Year Three commenced in August 2018 and will end in July 2019, Year Four will begin in August 2019 and end in July 2020, and Year Five will commence in August 2020.

1. Policy Revision and Review

The Consent Decree requires FPD and the Municipal Court to incorporate its provisions into specific policies and procedures as appropriate. See Consent Decree, ¶ 42. The Monitoring Team is pleased that the Parties continue to work collaboratively in executing the policy revision and review protocol set forth in the Spring 2018 Status Report. See Dkt. No. 85 at 5. Throughout the reporting period, the Parties and Monitoring Team continued to seek feedback from the community regarding this policy revision and review protocol. During this process, and at community meetings and town hall events attended by the Monitoring Team, some community members expressed concern that the current protocol fails to provide an adequate opportunity for the community to comment on developed policies prior to implementation.

Currently, the policy revision and review protocol incorporates the “solicitation of community input” as a critical step in the development of policies. Indeed, as has been the case with numerous policies developed thus far, the Parties have solicited important feedback from the community through multiple policy forums which were open to the public and held prior to the finalization of a policy in a given subject area. The community, however, has expressed a desire to (1) review how the input provided at community forums or other events has or has not been incorporated into finalized policies; and (2) comment on finalized policies prior to implementation. As a direct result of these expressed concerns, the Parties, together with the Monitoring Team, discussed ways in which the protocol could be modified to allow for additional community input prior to policy rollout, and agreed to amend the policy development protocol to include a comment period for both Ferguson Police Officers and members of the community, generally, once a policy has been approved by the Monitoring Team. Accordingly,

as of October 1, 2018, the policy development protocol has been modified to include a 30-Day Comment Period as described below:⁴

- i. *Kick-off/Announcement of Policy Area:* FPD notifies DOJ and the Monitor of its intent to begin drafting or revising policies in an identified subject area;
- ii. *Technical Assistance:* The appropriate SME on the Monitoring Team provides FPD and DOJ with technical assistance in the form of model policies and/or initial guidance as to best practices in the identified subject area;
- iii. *Gap Analysis:* FPD and DOJ conduct an assessment or gap analysis of FPD's current state of affairs (i.e., ascertain how FPD's existing policies, practices, and systems differ from the Consent Decree's requirements and best practices);
- iv. *Solicitation of Community Input:* Several provisions of the Consent Decree require community involvement in the implementation of specific policies, including those designed to improve police/community relations. The Parties are committed to soliciting community feedback on other policies as well, even where not explicitly required by the Consent Decree. While the Parties continue to evaluate the best means of involving community stakeholders in the policy development process, the Parties have found that policy forums are an effective means of inviting and obtaining community input.
- v. *Policy Revision:* FPD and DOJ revise policies, practices, and systems in the target subject area to the extent required under the gap analysis;
- vi. *Return to Monitor/SME:* Upon completion of a draft policy, the Parties submit the policy to the Monitor and/or appropriate SME for review. The SME will review the policy and either provide final approval or arrange for a conference call to discuss additional revisions; and
- vii. *30-Day Comment Period:* Once the Monitoring Team has approved a draft policy, the City will email the policy to FPD officers from varying ranks and units. Officers will have a meaningful opportunity to review and comment on the new or revised policy or procedure during a 30-day period. At the same time, FPD will post the policy to the FPD website for review by the community. Community members will also have 30 days to provide comment on the draft policy or procedure. At the close of the 30-day period, the Parties will determine whether any modifications to the draft policy are appropriate. If modifications are made, the revised policy shall be submitted to the Monitor for review and final approval. After the Monitor has approved the final policy, officers will be provided roll call training and the policy will be implemented and published.

⁴ The steps outlined in the process are not necessarily intended to be implemented sequentially. Rather, the Parties and the Monitoring Team will determine the appropriate methodology on a case-by-case basis.

During the next reporting period, as FPD continues to finalize and implement new and revised policies, it should also prioritize compliance with paragraph 46 of the Consent Decree, which requires the City to maintain a complete, up-to-date manual of all FPD policies and procedures. As part of this process, and to facilitate timely implementation of new and revised policies, FPD should also continue to renumber its existing and revised policies to be consistent with the overall organizational system for policies that FPD is developing. During the reporting period, FPD completed the process of renumbering its use of force general orders, which will be implemented during the next reporting period.

2. Training and Implementation

During the reporting period, FPD continued to build its capacity to comply with the training requirements of the Consent Decree. Indeed, Assistant Chief McCall and Lieutenant Dilworth have been instrumental in developing roll call training curricula and materials for policies relating to use of force and body-worn and in-car cameras. In addition, FPD successfully completed training of its personnel on the requirements, goals, and expectations of the Consent Decree. The Monitoring Team was able to attend one of the training sessions and is pleased to report that it was informative, well-received, and compliant with Paragraph 303 of the Consent Decree.

During the next reporting period, FPD, in conjunction with the Training Committee, should prioritize the development of a training plan, including a plan for the rollout of roll call, in-service, and supervisor trainings, as well as a plan for ensuring that FPD's systems are sufficient for organizing and tracking training data. The development of an adequate training plan will require thoughtful consideration of the various methods required for training delivery as well as a careful examination of Missouri state certification requirements to determine

whether they harmonize with the Consent Decree's requirements for officer training. For this reason, the Monitoring Team repeats its recommendation—first articulated in the Spring 2018 Status Report—that the City hire a Training Coordinator, preferably with expertise in training development and delivery, to assist in the development of a robust training program.

3. Auditing and Assessing Compliance

With the exception of provisions related to court reform and overhaul of the Municipal Code, much of the implementation phase of the Consent Decree remains to be completed. Using the audit methodology it initially developed during Year Two, the Monitoring Team conducted its second Municipal Court audit in March of 2018, the details of which are described in Section II(F) below. The remaining subject areas did not enter the implementation stage during the reporting period and could not be audited. As outlined below, however, the Monitoring Team expects that implementation will occur in the areas of use of force, stops, searches, and arrests, accountability, and community engagement during the next reporting period. Furthermore, in anticipation of forthcoming policy rollouts, the Monitoring Team has taken steps to develop initial measures of compliance review in these subject areas. Descriptions of these measures are provided in the corresponding subject matter sections below.

With respect to future audits, the Monitoring Team will commence an audit designed to assess the implementation of each new policy approximately six months following the rollout of that policy. The Monitoring Team will notify the Parties thirty days in advance of commencing any audit and will provide a proposed methodology in accordance with Paragraph 426 of the Consent Decree. At that time, the Monitoring Team will also submit any requests for documents and materials needed to assess compliance. See Consent Decree, ¶ 426.

II. DETAILED STATUS UPDATE

Because the Consent Decree contains numerous objectives and requirements that the City, FPD, and Municipal Court have agreed to implement, the Parties have prioritized specific provisions of the Consent Decree. For FPD, the following six subject matter areas are the priorities: (1) community policing and engagement; (2) bias-free police and court practices; (3) stops, searches, citations, and arrests; (4) use of force; (5) recruitment; and (6) accountability (including the Civilian Review Board (the “CRB”). With the exception of bias-free police and court practices, policy development and rollout in each of the six priority areas should be completed by the end of Year Three. In addition to these priority areas, the City, with support from the DOJ and Monitoring Team, has continued working toward implementation of the remaining requirements of the Consent Decree, with particular emphasis on implementation of provisions regarding municipal court reform, the school resource officer program, and body-worn and in-car camera policies. This report outlines the efforts of the Parties and Monitoring Team in these areas, and details progress toward substantial compliance with the Consent Decree. A table summarizing the achievements of the reporting period (April 1, 2018 through September 30, 2018) as well as the Monitoring Team’s stated goals for the next reporting period (October 1, 2018 through March 30, 2019) is attached as **Appendix A**.

A. Community Policing and Engagement

Although progress with respect to Community Policing and Engagement has been steady, it has been slow, with very few community focused provisions having been implemented during Years 1 and 2. Because community-oriented policies are critical to achieving substantial compliance, the Monitoring Team renews its recommendation, initially outlined in the Spring 2018 Status Report, that the City hire a community engagement and/or outreach coordinator

who is responsible for overseeing implementation of the community engagement provisions of the Consent Decree. Increased focus by the City on community engagement will serve not only to address concerns expressed at town hall meetings with the Monitor and during the public comment portion of the June 2018 status hearing, but will help the City to achieve one of the Consent Decree's broader goals of increasing transparency and trust within the community.

During the reporting period, the Parties provided the Neighborhood Policing Steering Committee ("NPSC") with a revised community policing policy. The NPSC re-reviewed the policy to determine whether it was satisfied with how its initial comments had been incorporated into the draft policy. The Monitoring Team reviewed and approved the finalized community policing policy, and the DOJ attended the NPSC's October 2018 meeting in order to explain how its comments were and/or were not ultimately incorporated into the finalized policy. The Parties will solicit comments from officers and the community during the newly-implemented 30-Day Comment Period, which will run from November through December 2018. Once policy development is complete, the City should prioritize the roll out of both roll call and in-service training on the community policing policy during the next reporting period. By the end of the next reporting period, the City, in conjunction with the DOJ, should also have completed policy development with respect to a separate, more detailed community engagement plan and separate crime prevention plan, if necessary.

In addition, the Monitoring Team expects the City to prioritize community engagement and to make significant progress with respect to implementing community-oriented provisions of the Consent Decree over the course of the next six months. Specifically, the City should focus on Paragraphs 19, 23, 25, and 33 of the Consent Decree by developing community-focused plans for: (1) launching a neighborhood mediation program; (2) participating in group structured

dialogues with community members; (3) establishing Neighborhood Associations in each of Ferguson's apartment complexes; and (4) developing a policy for responding to NPSC recommendations. To assist FPD officers with achieving the community policing and engagement goals set forth in the Consent Decree, the City must also work, during the next reporting period, to develop a shift schedule and deployment plan that enables close and effective supervision and supports a community-oriented approach to policing.

With respect to its community engagement, the Monitoring Team hosted community events, with an opportunity to ask the Monitor direct questions, at Ferguson City Hall on June 25 and September 19, 2018. Since launching the fergusonmonitor@hoganlovells.com email address and the www.fergusonmonitor.com website during the reporting period, the Monitoring Team has received a steady stream of communications from the community as well as frequent additions to its listserv. In addition, Steven Parish, the Monitoring Team's community engagement consultant, engaged in community outreach by attending neighborhood association meetings, consulting with local organizations, such as the Ferguson Collaborative and Urban Strategies, and participating in Ferguson's Unity Weekend. The Monitoring Team will continue its efforts to increase outreach to the Ferguson Community by hosting community events on at least a quarterly basis. In addition, the Monitoring Team will make efforts to broaden the reach of its community interactions by not only utilizing its listserv and website to communicate Monitor announcements to the community, but also by arranging for announcements, status reports, and other key documents to be distributed in Ferguson's public areas, such as City Hall and the public library.

Finally, the Monitoring Team requested and received a list of all FPD community engagement events planned between October 1, 2018 and January 1, 2019. The Monitoring

Team has commenced development of a community-engagement assessment form and will use the information provided by the City to develop an initial audit schedule and methodology to measure the City's community engagement efforts.

1. The Neighborhood Policing Steering Committee

During the reporting period, the NPSC played a critical role in the development of FPD's community policing policy. In the next reporting period, the NPSC will work with FPD to similarly support and provide feedback to the Parties during the development of the community-engagement plan as well as policies aimed toward improving FPD's ability to receive, consider, respond to, and act upon NPSC recommendations in a timely and transparent manner. See Consent Decree ¶ 23.

2. Civilian Review Board

The Civilian Review Board ("CRB") continues to develop internal policies/manuals for self-governance and to formulate a program for the promotion of public awareness and education as required by Paragraph 405(d),(g). During the next reporting period, the CRB will work with FPD as well as the NPSC to provide feedback and support during the development of the community-engagement plan. In addition, pursuant to paragraph 405(d) of the Consent Decree, within 60 days of implementation of the City's Mediation Program, the CRB shall develop and recommend a program designed to promote awareness regarding the options available for filing misconduct complaints.

Currently, the CRB meets on a monthly basis. The Lead Monitor attended a CRB meeting during the reporting period and intends to attend another CRB meeting during the upcoming reporting period in order to address Consent Decree questions that are specifically related to the CRB.

3. Surveys

Paragraphs 429 and 430 of the Consent Decree require that the Monitoring Team conduct annual surveys of members of the Ferguson community, including Ferguson residents, law enforcement personnel, and detained arrestees. In particular, the surveys are aimed at gathering information about (1) the community's experiences with and perceptions of FPD, public safety, and the municipal court; and (2) police officers' attitudes regarding their jobs and the Ferguson community. Although the Officer Attitudes and Perceptions Survey was administered to FPD officers in the late summer of 2017, the results of that survey have not yet been published to FPD officers. The Monitoring Team will prioritize distribution of these survey results during the next reporting period.

In addition, the Monitoring Team is pleased to announce that the City of Ferguson has contracted with the Police Foundation to deliver officer and community surveys over the course of Year Three. In the next reporting period, the Monitoring Team, along with members of the Police Foundation, will meet with community members in Ferguson to discuss strategies for successful administration of a community survey. The Monitoring Team will work with the Police Foundation to ensure that such surveys are administered as soon as it is feasible to do so.

B. Bias-Free Police and Court Practices

The Parties have not yet commenced policy development in the area of bias-free policing and court practices. During the next reporting period, the City should focus on the development of such policies with an understanding that drafts should be submitted to the Monitoring Team prior to the close of Year Three. To achieve this, the City must prioritize the development of policies with respect to bias-free policing and court practices, including policies that address training for interacting with individuals who have a limited ability to speak, read, write, or

understand English, that pertain to officer response to allegations of domestic violence and sexual assault, and that generally address timely and meaningful access to police and court services for all.

C. Voluntary Contacts, Stops, Searches, Citations, and Arrests

During the reporting period, the Parties began policy development in the area of voluntary contacts, stops, searches, citations, and arrests and held two policy forums in June of 2018. The Parties made substantial progress in the areas of investigatory stops and detentions and field investigation reports. The Parties will work during the next reporting period to incorporate community feedback obtained during the policy forums into the draft policies on stops, searches, citations, and arrests, to complete development of these policies, and to begin roll call training in these specific areas. The Parties should also use the next six months to continue the policy review and revision process with respect to related policies, including warrant applications, summons and police report procedures, and prisoner conveyance, so that policy development in these areas may be completed by the end of Year Three. Over the course of Year Three and into Year Four, the Monitoring Team will work with the Parties to ensure that the spirit and goals of the stop, search, and arrest provisions of the Consent Decree are, where applicable, incorporated into other policies which more directly relate to other policy areas, but which implicate the Fourth Amendment.

In order to conduct a baseline audit in the area of stops, searches, arrests, and citations, the Monitoring Team requested and received from the City the total number of arrest reports and field inquiry reports generated by the FPD between January 1, 2017 and June 30, 2018. Due to the large number of arrest reports, the Monitor further requested, and received, a breakdown of each arrest by offense. Because there were too few field inquiry reports from which to draw a

representative sample, the Monitoring Team continues to assess the best measures for capturing a more accurate representation of FPD's "Terry stops" between January 1, 2017 and June 2018. Over the course of the next reporting period, the Monitoring Team will use the information provided by the City to develop its audit methodology and to assess baseline measures in these areas.

D. Use Of Force

During the reporting period, the Parties completed policy development, and received final approval from the Monitoring Team, with respect to an umbrella policy pertaining to the use of force and a suite of policies that correspond to various instrumentalities of force, as well as policies concerning the reporting and investigation of uses of force. During the next reporting period, the FPD has committed to posting these draft use of force general orders to its website and making them available to officers and the community in accordance with the 30-Day Comment Period outlined in Section A(1)(viii) above. Following the comment period, and by the end of the next reporting period, the City should complete its roll out of the use of force general orders and develop a comprehensive plan for in-service training in these areas.

The Monitoring Team requested and received from the City the total number of use of force reports generated by the FPD between January 1, 2017 and June 30, 2018. During the next reporting period, the Monitoring Team will use these reports to develop a methodology and to conduct an audit of FPD use of force reports in order to establish a baseline for future audits.

E. Recruitment

The Parties have drafted a Recruitment Plan for attracting and retaining a high-quality and diverse work force as required by Paragraphs 282 and 283 of the Consent Decree. Final approval of the plan is pending as the City has not yet developed a method for complying with

Paragraph 283(a), which requires the City to offer salaries that will place FPD among the most competitive of similarly sized agencies in St. Louis County. While the Monitoring Team anticipated completion of the Recruitment Plan in this reporting period, the City was unable to do so and has prioritized finalization during the next reporting period. Once completed, the provisions of the Recruitment Plan must be explained to rank and file members of FPD, with documentation of this training provided to the Monitoring Team. Upon implementation, the Monitoring Team will review job applications and background investigation files to assess compliance.

F. Municipal Court Reform

Reform of the Ferguson Municipal Court continued to progress under the Consent Decree during the reporting period. Pursuant to Paragraph 323 of the Consent Decree, the Monitoring Team has engaged with the DOJ and the City to reform the Municipal Court to ensure that the Municipal Code is enforced for the purpose of protecting public safety and to enable the fair and impartial resolution of municipal charges.

With assistance from the Court staff, including the Court Clerk, the Municipal Court Judge, and the City Attorney, the City of Ferguson has worked cooperatively with DOJ and the Monitoring Team to develop, revise, and implement policies and procedures that effectively address the findings of DOJ's investigation and related provisions of the Consent Decree. The policies that were prioritized for the third and fourth quarters of Year Two have all been drafted, and either (1) have been reviewed, approved and implemented by the City, or (2) are currently under review by the Monitoring Team, DOJ, or the City. As of the September 2018 status hearing, municipal court policy development was ahead of schedule.

1. Policy Development

Pursuant to Paragraph 328 of the Consent Decree, and in conjunction with DOJ, the City has begun developing and implementing the ordinances and policies necessary to ensure the fair administration of justice as well as the constitutionality and legality of Municipal Court procedures. The goal is for the City to develop a comprehensive manual of all policies, procedures, and protocols related to the Municipal Court.

To date, the City has made outstanding progress on developing and implementing these policies, in coordination with DOJ and the Monitoring Team. Below is a summary of the Municipal Court policies that have been developed since the Spring 2018 Monitor's Report:

a) Policy to Ensure Adequate Notice to Individuals Charged with a Violation of the Ferguson Municipal Code.

- Pursuant to Paragraph 334, the City has drafted a plan for performing monthly audits of citations, arrest notification forms, and other notices of violations used by officers to ensure that such documents are completed properly and provide the recipient with thorough and accurate information.
- The plan is now under review and revision by DOJ to ensure alignment between FPD, the City Prosecutor, and the Municipal Court. See id. ¶ 334.

b) Policy to Eliminate Unnecessary Barriers to Resolving Cases.

- The City has drafted and received approval of a Continuance Policy pursuant to Paragraph 339. As of the September status conference, the new continuance policy has been posted to the website.
- To enable effective auditing of compliance with the continuance request process required by Paragraph 339(b), the City must also develop a method of recording all requests for a continuance and whether those requests were granted or denied.

c) Policy to Conduct Ability-to-Pay Determinations in Conjunction with Imposing Fines and Fees.

- In conjunction with DOJ, the City has developed a policy to ensure that defendants are provided with appropriate ability-to-pay determinations consistent with subdivisions (a) through (e) of Paragraph 340 of the Consent

Decree. The policy was reviewed and approved by DOJ and the Monitoring Team by June 2018, ahead of the September 2018 target completion date.

d) Policy to Ensure Appropriate Alternative Sentences, Like Community Service, and the Availability of Payment Plan Options.

- The City has developed a comprehensive community service program and a policy designed to ensure that defendants are provided with options for court-managed plans with reasonable periodic payments starting with an ability-to-pay determination or uniform procedures for seeking modifications to periodic payment plans pursuant to Paragraph 345.
- This policy was developed in conjunction with DOJ and approved by the Monitoring Team by June 2018, ahead of the September 2018 target date.

e) Policy to Implement Requirements for Municipal Arrest Warrants to Avoid Using Them as a Means of Collecting Civil Court Debt.

- In conjunction with DOJ, the City has developed a written policy, procedure, and protocol for compliance with the Show Cause process outlined in subsections (a) through (d) of Paragraph 348.
- This policy was reviewed and approved by DOJ and the Monitoring Team by June 2018, ahead of the September 2018 target date.

f) Policy to Implement Fair Trial Procedures.

- Pursuant to Paragraph 353 of the Consent Decree, the City drafted an order on trial procedures and the Municipal Court Judge signed and issued the order on August 16, 2017. The order on trial procedures is currently available on the City's website.
- In conjunction with DOJ, the City has also drafted a Trial Procedures Policy, which is currently under review by the Monitoring Team.

2. Audit Procedures & Compliance

Pursuant to Paragraph 424 and consistent with its responsibility to ensure compliance with the Consent Decree, the Monitoring Team established a biannual audit schedule of the specific provisions addressing Municipal Court reform. The second audit was conducted in March of 2018. In preparation for the March 2018 audit, the Monitoring Team sent a notice to the City outlining the twenty-three (23) provisions of the Consent Decree designated for

auditing during the reporting period. As with previous audits, the audit procedures were divided into six categories:

- i. *Document Review*: The Monitoring Team requested to review policies, procedures, and other documents such as the City budget during the audit;
- ii. *City Ordinance Review*: The Monitoring Team reviewed the ordinances that the City was required to enact, repeal, or revise in compliance with the Consent Decree. Most, if not all, required changes to City ordinances were completed before the effective date of the Consent Decree, so this and future audits involve confirming that no subsequent changes have been made to these ordinances;
- iii. *Database Review*: The Monitoring Team requested access to or reports from the court's computerized database, ITI, during the audit to confirm the existence, or non-existence of certain cases, the status of certain cases, and the status fines and fees paid. At the time of issuance of this report, the Monitoring Team does not have remote access to ITI and currently accomplishes confirmation of information available in the database through onsite visits or specific requests for reports from the Court Staff; requested reports have been readily and satisfactorily provided;
- iv. *Website Review*: The Monitoring Team reviewed the City's website and the specific pages designated for the Ferguson Municipal Court, as well as the website of the City's online payment vendor, to audit compliance with the Consent Decree provisions requiring the City to maintain a website and to make certain information readily accessible;
- v. *Municipal Court Case File Review*: The Monitoring Team requested onsite review of case files to audit compliance with the Consent Decree provisions related to the Comprehensive Amnesty Program and the reduction or dismissal of cases in which defendants were subject to fines and fees related to Failure to Appear charges. The Monitoring Team notified the Court Staff prior to the court visit to have cases made available for review; and
- vi. *Observation of Municipal Court Operations*: The Monitoring Team attended a court session to observe the operations of the Ferguson Municipal Court, pursuant to several provisions of the Consent Decree, including required notifications to defendants, ability-to-pay determinations, options related to alternative sentences (*e.g.*, community service in lieu of payment of fines) and payment plans, and the conduct of the Municipal Court Judge and City Prosecutor to ensure their independence and impartiality.

Each provision related to Municipal Court Reform has been evaluated and provided with a compliance grade for the March 2018 audit period based on the following scale:

- i. **Substantial Compliance:** Indicating that the City has satisfied the written requirements of the Consent Decree provision and fulfilled the purpose of the provision by doing so;
- ii. **Partial Compliance:** Indicating that the City has satisfied some but not all requirements of the Consent Decree provision;
- iii. **Initial Development:** Indicating that, during the audit period, the City has taken at least one measure in the process of fulfilling the requirements of the Consent Decree, but has not yet completed its requirements;
- iv. **Out of Compliance:** Indicating that the City received notice that the Consent Decree provision would be assessed during the audit period, but has not yet fulfilled the requirements of the provision and has not taken meaningful steps to do so; and
- v. **Not Assessed:** Indicating that the Monitoring Team did not give the City notice that this provision of the Consent Decree would be assessed this reporting period. For Consent Decree provisions that the City addressed ahead of schedule, without notice of assessment from the Monitoring Team, the City has received one of the compliance grades outlined above.

3. Summary of Audit Findings

The findings of the audit are outlined below in *Table 1: Ferguson Municipal Court Reform at a Glance*, with reference to specific provisions of the Consent Decree as applicable.⁵

The specific bases for these ratings are explained in further detail below:

⁵ Table 1 captures provisions of the Consent Decree that can be audited, reviewed, or quantified on a biannual basis.

Table 1: Ferguson Municipal Court Reform at a Glance

Consent Decree Provision	Audit Procedures	Status
¶ 324: Ensure cap on revenue from municipal fines and fees	Document Review: City budget and financial records	Substantial Compliance
¶ 325: Remove municipal court from oversight of City Finance Director	Observation of Municipal Court Operations and review of city budget	Substantial Compliance
¶ 326: Implement Comprehensive Amnesty Program for cases without a disposition initiated before January 1, 2014, and repeal all or parts of Ferguson Municipal Code §13-60, §13-63, §13-70(2) and (3), and §44-50	City Ordinance Review; Database Review of pending and closed cases; Municipal Court Case File Review of pending and closed cases; Observation of Municipal Court Operations	¶ 326(a) – Partial Compliance ¶ 326(b) – Partial Compliance ¶ 326(c) – Partial Compliance ¶ 326(d) – Partial Compliance
¶ 327: Implement Comprehensive Amnesty Program, eliminate charges, and cancel warrants for cases without a disposition initiated before January 1, 2014	Database Review of pending and closed cases; Municipal Court Case File Review of pending and closed cases; Observation of Municipal Court Operations	Partial Compliance
¶ 328: Develop and implement policies to ensure fair administration of justice	City Ordinance Review; Website Review; Observation of Municipal Court Operations	Partial Compliance
¶ 329: Increase transparency of court operations	Website Review	Partial Compliance
¶ 331: Make information available regarding cost-free legal assistance	Website Review; Observation of Municipal Court Operations	Out of Compliance
¶ 333: Ensure adequate notice to individuals charged with a violation	Document Review of Citation and Supplemental Form; Website Review	Partial Compliance
¶ 335: Maintain up-to-date contact information for individuals with cases pending in the Court	Document Review of “Updated Contact Information” form; Observation of Municipal Court Operations	Partial Compliance
¶ 336: Revise online payment system to allow late payments and payment plan installations	Website Review	Partial Compliance
¶ 341: Maintain public list of preset fines, accounting for punitive nature, local income levels, and regional averages	Document Review of current fines and fees schedule; Website Review; Observation of Municipal Court Operations	Substantial Compliance ⁶
¶ 342: No additional fines and fees for Failure to Appear or violations of repealed code provisions §13-60, §13-63, §13-70(2), or §13-70(3).	City Ordinance Review; Database Review of pending and closed cases; Municipal Court Case File Review of pending and closed cases; Observation of Municipal Court Operations	Substantial Compliance

⁶ In light of an agreed amendment to Paragraph 341, the City is currently in Substantial Compliance with this provision. The amendment took effect after completion of the March 2018 audit but prior to issuance of this report.

¶ 344: Implement community service as a sentence alternative	Document Review of New Policy; Observation of Municipal Court Operations	Partial Compliance
¶ 345: Provide options for court-managed payment plans	Document Review of New Policy; Observation of Municipal Court Operations	Partial Compliance
¶ 357: Ensure independence of City Prosecutor	Ordinance Review; Observation of Municipal Court Operations	Partial Compliance
¶ 358: Ensure impartiality of municipal court judge	Ordinance Review; Observation of Municipal Court Operations	Substantial Compliance
¶ 360: Develop protocols for conducting cost-feasible, data-driven, and qualitative assessments of court practices	Document Review; Website Review	Not Assessed
¶ 413: All policies on website	Website Review	Partial Compliance

4. Detailed Audit Findings – Summary Descriptions

a) Ensuring that Municipal Code Enforcement is Driven by Public Safety

- Pursuant to Paragraph 324 of the Consent Decree, the City achieved substantial compliance with the 12.5 percent cap on revenue from municipal fines and fees, consistent with the mandate of Mo. Rev. Stat. § 479.350, and remained in substantial compliance with this provision during the March 2018 audit period.

b) Comprehensive Amnesty Program

- Pursuant to Paragraph 326 of the Consent Decree, the City has implemented a Comprehensive Amnesty Program which includes a process for declining to prosecute all open cases without a disposition that were initiated prior to January 1, 2014, unless the City Prosecutor finds good cause to continue the prosecution. In Year Two, the Parties collaborated in the development of the “good cause criteria,” which are provided herewith as **Appendix B**. As of the March 2018 audit, the City was in partial compliance with Paragraph 327 of the Consent Decree, requiring implementation of the Comprehensive Amnesty Program; the elimination of all relevant charges, fines, and fees pending from cases initiated prior to January 1, 2014; and the cancellation of any municipal arrest warrants or collection of fines and fees associated with these cases. The finding of partial compliance largely reflects the fact that the City’s review was ongoing but not complete at the time of the audit.
- As of the March 2018 audit, the City had reviewed 6,085 cases without a disposition with 1,847 cases that still needed to be reviewed. At that time, the City Prosecutor had decided to continue prosecution of approximately 320 cases, based on the agreed-upon Good Cause Criteria, as outlined in Appendix B.

- During the March 2018 audit, the Monitoring Team reviewed 32 cases provided as a sample of the approximately 320 cases kept open under the good cause criteria as part of the Comprehensive Amnesty Program (as of February 28, 2018). Below is a summary of the 32 cases:

Cases	Good Cause Criteria
26 Cases - Driving While Suspended or Revoked under 44.81	3
1 Case - Indecent Exposure	2
2 Cases - Trespassing First	2
2 Cases - Stealing under \$500	2
1 Case – DWI	1
32 Total Cases	

- The five cases kept open under the second good cause criteria (the offense originally charged involves an identified victim who is available to assist in further prosecution of the pre-2014 case) raise a concern. None of the documentation within these files demonstrates any effort by the City to confirm that the alleged victim is available to assist in further prosecution of the case. For cases involving alleged conduct such as trespassing or stealing items valued under \$500, the alleged victims are largely businesses, not individual persons.
- As of September 2018, the City has completed review of all 7,932 pre-2014 cases, and has continued prosecution on 1,744 cases.
- An audit of the good cause case review was conducted as part of the September 2018 municipal court audit. In anticipation of the audit, the Monitoring Team requested and received a chart outlining which of the four provisions of the good cause criteria the City Prosecutor relied upon to continue prosecution of each of the 1,744 cases. The Monitoring Team will report the results of this audit in the Spring 2019 status report.
- Pursuant to Paragraph 326(b) of the Consent Decree, and through an order issued by the Municipal Court Judge, the City has eliminated all pending charges, fines, and fees related to Failure to Appear Violations without requiring defendants to make bond payments, appear in court, or take any other action. This was confirmed in ITI during the March 2018 audit.
- Pursuant to Paragraph 326(c) of the Consent Decree, the City has repealed all or parts of Ferguson Municipal Code § 13-60, § 13-63, § 13-70(2) and (3), and § 44-50, and has eliminated all pending fines and fees imposed pursuant to the

applicable provisions of these sections. During the March 2018 audit, the Monitoring Team confirmed that there were no active or pending cases in ITI associated with these provisions.

- Pursuant to Paragraph 326(d) of the Consent Decree, the City has taken measures to ensure that, where a defendant has made total payments that exceed the amount of the initial fines and fees imposed for a municipal ordinance violation, including payments for associated Failure to Appear Violations, the City has recommended that the fines be stayed and the case be closed without requiring defendants to make a bond payment, appear in court, or take any other action. Where payments have been made that do not total or exceed the original fine amount, the City has recommended lowering the fine and fee debts owed down to the amount of the initial fines and fees imposed, minus any payment already made by the defendant. As part of the March 2018 audit, the Monitoring Team reviewed a random sample of ten percent of the 238 cases where FTA fines had been waived. The FTA fines waived totaled \$61,123 for all 238 cases.

c) Increasing Transparency of Court Operations

- As part of the March 2018 audit, the Monitoring Team confirmed that the Municipal Court website needs further updates, including links to the new and approved court policies, such as the Continuance Policy (as of the September 2018 audit period, the new Continuance Policy was available on the website). Pursuant to Paragraph 330 of the Consent Decree, the City must also identify other ways to increase the transparency of court operations, besides posting materials on its website.

d) Ensuring Adequate Notice to Individuals Charged with a Violation of the Ferguson Municipal Code

- To ensure individuals charged with violations receive adequate and reliable information about their rights, the City revised the citation document and created a citation supplemental form to provide a clear statement notifying the recipient of the right to challenge the charge in court and instructions regarding how to do so, see Consent Decree at ¶ 333(d); to provide a clear statement that the recipient is entitled to have the amount of the imposed fine proportioned to the recipient's ability to pay, see id. ¶ 333(h); to provide the range of possible penalties for failing to meet court requirements, see id. ¶ 333(i); and to provide clear instructions regarding how to acquire information regarding a pending charge, including how to contact a clerk of the Municipal Court by phone or in person, see id. ¶ 333(j). These changes were made and approved by DOJ and the Monitoring Team as part of the March 2018 audit. The Monitoring Team checked the website and confirmed that the information referenced on the citation supplemental form is in fact available on the website. Additional audit methodologies are being developed to assess whether the citation supplemental form is consistently provided to individuals being charged with a violation.

- During the March 2018 audit period, the Monitoring Team observed Night Court proceedings and confirmed that Court Staff are requesting updated contact information by providing each defendant who appears in court with an “Updated Contact Information” Form, pursuant to Paragraph 335. Completion of the form continues to be optional, however, and there is not consistent documentation of a defendant’s affirmative refusal to complete the form.
- e) Revising the Online Payment System to Make All Municipal Court Payments Available Online Except Where Prohibited By Law**
- Pursuant to Paragraph 336 of the Consent Decree, the City has engaged an outside vendor called The Payment Group (“TPG”) to manage its online payment system. During the March 2018 audit, the Monitoring Team confirmed that the TPG website had not yet been revised to reflect the outstanding concerns with language about partial payments identified during the prior audit.
- f) Conducting Ability-to-Pay Determinations in Conjunction with Imposing Fines and Fees**
- Consistent with Paragraph 342, the City has not imposed any additional charges, fines, fees, or costs in response to any alleged or found “Failure to Appear” Violation.
- g) Ensuring Appropriate Alternative Sentences, Like Community Service, and the Availability of Payment Plan Options**
- Pursuant to Paragraphs 344 through 346 of the Consent Decree, the Municipal Court provides for appropriate alternative sentences such as community service and payment plan options for satisfying fines, fees, and costs; both were observed during court as part of the March 2018 audit. The City has developed and received approval for policies related to alternative sentences, community service, and payment plans. Further auditing methodologies are being considered to assess the frequency and compliance of the community service and payment plan options being utilized by the court.
- h) Ensuring the Independence of the Municipal Court from the City Prosecutor**
- Pursuant to Paragraph 357 of the Consent Decree, the Monitoring Team observed that the separate case file system for the City Prosecutor was not yet fully operational during the March 2018 audit period.
 - The City Prosecutor appeared to otherwise operate independently of the Municipal Court.

i) Ensuring the Impartiality of the Municipal Judge

- Pursuant to Paragraph 358 of the Consent Decree, the Monitoring Team was satisfied with the indications of the impartiality of the Municipal Court Judge as observed during trial proceedings as part of the March 2018 audit period, and will continue to monitor compliance with this provision of the Consent Decree during future audits.

G. Accountability

The City has drafted and implemented policies with respect to the Duty to Report Misconduct and the Duty of Candor. During the reporting period, the City finalized its Internal Investigations policy after incorporating community feedback obtained during policy forums, and continued to develop a disciplinary matrix, citizen complaint form, and mediation policy. In September, the City also provided, upon request of the DOJ and the Monitoring Team, a complaint tracking sheet detailing the status of investigations initiated since 2017. Because the tracking sheet failed to capture the bulk of information required pursuant to Consent Decree ¶¶ 377-379, the Monitoring Team and the DOJ asked the City to provide a revised version. In the next reporting period, the City should finalize the complaint tracking document and complete policy development in this area. Once the entire suite of internal investigations policies has been completed, and has been approved by the Monitoring Team, the 30-day comment period will commence. In anticipation of this forthcoming rollout, the Monitoring Team will conduct an audit of the City's internal investigations to establish a baseline for future audits.

H. School Resource Officer Program

During the reporting period, the Memorandum of Understanding ("MOU") between FPD and the Ferguson-Florissant School District ("FFSD") was finalized and approved by the Monitoring Team and executed by authorized FFSD executives. The MOU provides the foundation for establishing daily practices that will build trust and cooperation between FPD

and Ferguson's youth and sets out policies designed to achieve the Consent Decree's goal of avoiding negative police interactions and developing alternatives that promote keeping students in school and out of the criminal justice system. During Year Three, the City, working together with the DOJ, will continue to develop the School Resource Officer Program Operations Manual ("SRO Manual"). Over the next year, the SRO Manual should be developed in consultation with FFSD faculty and staff, the Youth Advisory Board, and other FFSD stakeholders. The Monitoring Team anticipates that implementation of the SRO Manual, including SRO training, will be completed in Year Four.

I. Body-Worn and In-Car Cameras

The Parties received final approval from the Monitoring Team with respect to their body-worn and in-car camera policies during the reporting period. Over the course of the next six months, the Parties should finalize the City's policy with respect to public accessibility of body-worn and in-car camera recordings and then present all body-worn and in-car camera policies to the officers and the public for comment. The Monitoring Team expects that the rollout of both roll call and in-service training with respect to body-worn and in-car camera policies will occur by the end of the next reporting period.

J. Data Collection

During the next reporting period, the City must develop a plan for complying with the data collection provisions of the Consent Decree. Data collection affects nearly every aspect of the Consent Decree and is a critical piece of achieving Consent Decree implementation. At a minimum, the Monitor hopes that by March 30, 2019, the City will have identified each provision of the Use of Force; Stop, Search, Arrest, and Citation; and Bias-Free Policing sections of the Consent Decree that require data collection, and analyzed whether the required

data is currently tracked by the FPD, and if so, how. While the Consent Decree requires developing a comprehensive data collection plan for all sections of the Consent Decree, doing so for these three key areas during the next reporting period would be a significant accomplishment. To achieve this, however, it is necessary that FPD designate, as soon as possible, a data collection coordinator or manager with the required expertise (e.g. in analytical methods, information technology and software systems, etc.). Although the DOJ has provided FPD with resources to help in this necessary task, the data collection coordinator will play a critical role in this process. To the extent data measures are not currently tracked by the FPD, the data coordinator must identify where and how such data will be tracked in the future. The City, which has made little to no progress with respect to data collection to date, must prioritize this aspect of the Consent Decree during Year Three or risk stalling further implementation efforts.

III. Conclusion

Significant work remains to be done before the City achieves substantial compliance with the Consent Decree. To ensure continued progress as well as implementation by Year Five, this report lays out a number of significant milestones which the City is expected to achieve over the course of the next reporting period. In particular, significant resources must be dedicated to the areas of community policing and engagement, data collection, and training development. As was stated in the Spring 2018 Status Report, the Monitor continues to believe that hiring outreach, data, and training coordinators will provide the critical support necessary for the City to achieve the expected progress in these areas.

Additionally, in support of the City's efforts to achieve both short and long term implementation goals, the Monitor submits a Year Three Workplan ("Workplan"), which

outlines all of the Consent Decree benchmarks set by the Monitor for Year Three. When read together, the status report and the Workplan demonstrate that the Consent Decree cannot be read as many distinct or isolated sections, but as objectives so intertwined that achievement of one section is often dependent on compliance with another. For example, the development of underlying infrastructure, such as a robust data collection plan or a well-developed FPD community engagement program, will be instrumental in achieving compliance with dozens of other Consent Decree provisions. The Workplan also outlines the member of the Monitoring Team tasked with monitoring progress with respect to various Consent Decree provisions. The Parties are encouraged to reach out to the relevant subject matter expert where appropriate, as the Monitoring Team can serve to not only audit and monitor, but also to support efforts to achieve compliance throughout the implementation process. The Monitor has filed, as **Appendix C**, a Ferguson Monitorship Cost Summary, which details the total budget available and amounts charged to the City by the Monitoring Team during Years One and Two. It is the Monitor's hope that the Stated Goals as outlined in Appendix A, together with the Workplan, will serve to encourage transparency, promote a holistic and comprehensive approach to implementation, and drive considerable progress over the course of Year Three. The Workplan has been submitted with this report as **Appendix D**.

Based upon its interactions with the Parties during the reporting period, the Monitoring Team continues to feel encouraged by FPD's and the Municipal Court's efforts to implement the provisions of the Consent Decree. While DOJ provided significant support to the City in reviewing, revising, and developing the required policies, achieving substantial compliance with the Consent Decree in a timely manner will require the City to assume more responsibility in the training and implementation phases. The Monitoring Team will continue

to collaborate with the Parties to ensure compliance with the Consent Decree, and will continue to detail its progress through semi-annual reports to the Court.

Date: November 30, 2018

Respectfully submitted,

/s/ Natasha Tidwell

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that the foregoing was filed electronically on November 30, 2018 with the Clerk of the Court for the United States District Court for the Eastern District of Missouri, and was served by ECF notice by operation of the Court's electronic filing system.

/s/ Natasha Tidwell

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Case No. 4:16-cv-180

APPENDIX A

Appendices to the Independent Monitor’s Spring 2018 Report
United States v. The City of Ferguson
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Implementation of Consent Decree
Stated Goals: October 2018 – March 2019¹

Consent Decree Section	Completed During Reporting Period April 1, 2018 – September 30, 2018	To Be Completed Next Reporting Period October 1, 2018 – March 30, 2019
Policy Revision & Review	<ul style="list-style-type: none"> • Parties modified the policy revision and review protocol to allow for officer and community comment on developed policies prior to implementation • Completed renumbering of use of force general orders 	<ul style="list-style-type: none"> • Assemble and maintain up-to-date manual of all FPD policies and procedures • Continue to renumber existing and revised policies
Training	<ul style="list-style-type: none"> • Where applicable, developed schedule for delivery of training • Trained FPD personnel on the Consent Decree • Finalized systems and protocol for development of rollcall training 	<ul style="list-style-type: none"> • Develop Training Plan as required by Consent Decree • Train on developed policies
Community Policing & Engagement	<ul style="list-style-type: none"> • Finalized community policing policy 	<ul style="list-style-type: none"> • Post community policing policy for officer and public comment • Conduct roll call and in-service training on community policing policy • Develop community engagement plan • Develop neighborhood mediation plan • Develop plan for responding to NPSC recommendations • Develop shift schedule and deployment plan • Release results of Officer Attitudes and Perceptions Survey • Begin hosting small-group dialogues between FPD and community members • Establish Neighborhood Associations in each of Ferguson’s apartment complexes • Monitoring Team to re-administer survey to FPD officers • Monitoring Team to administer community survey

¹ The provisions outlined in this Appendix represent the six priority areas identified by the Parties (see Monitor Report, Section II) as well as other areas on which the Parties intend to make significant progress over the next reporting period.

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<p>Voluntary Contacts, Stops, Searches, Citations, & Arrests</p>	<ul style="list-style-type: none"> • Initiated policy development 	<ul style="list-style-type: none"> • Post policies for officer and public comment • Complete policy development and conduct rollcall trainings on investigatory stops and detentions and field investigation reports • Continue to develop policy in other areas • Monitoring team to conduct baseline audit of arrest reports and field inquiry reports
<p>Use of Force</p>	<ul style="list-style-type: none"> • Completed use of force policy development 	<ul style="list-style-type: none"> • Post policies for officer and public comment • Train on developed use of force policies • Develop training curriculum for use of force reporting and investigation policy • Monitoring team to audit FPD use of force and incident reports to establish baseline for future audits
<p>Recruitment</p>	<ul style="list-style-type: none"> • Drafted recruitment plan and began negotiations with respect to salary provision 	<ul style="list-style-type: none"> • Finalize recruitment plan • Train FPD officers on approved recruitment plan • Implement developed policy • Initiate compliance audit • Revise recruitment plan as necessary
<p>Municipal Court Reform</p>	<ul style="list-style-type: none"> • Monitoring Team conducted September 2018 audit • Developed policies regarding: notice to individuals; continuances; ability-to-pay determinations; alternative sentences and payment plan options; municipal arrest warrants; and fair trial procedures 	<ul style="list-style-type: none"> • Monitoring Team to conduct March 2019 audit • Complete policy development • Develop and implement public education campaign regarding Municipal Court operations
<p>Accountability</p>	<ul style="list-style-type: none"> • Completed policy development • Incorporated community feedback into Internal Investigations Policy 	<ul style="list-style-type: none"> • Post policies for officer and public comment • Implement developed policies • Train on developed policies • Monitoring Team to conduct audit of internal investigations to establish baseline for future audits
<p>School Resource Officer Program</p>	<ul style="list-style-type: none"> • Finalized MOU between FPD and FFSD 	<ul style="list-style-type: none"> • Continue development of SRO Manual • Host policy forum • Implement MOU
<p>Body-Worn & In- Car Cameras</p>	<ul style="list-style-type: none"> • Completed body-worn and in-car camera policy development 	<ul style="list-style-type: none"> • Post policies for officer and public comment • Train on developed policies • Implement developed policies • Develop and/or implement policies regarding

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		public accessibility of body-worn and in-car camera recordings
Bias-Free Police & Court Practices		<ul style="list-style-type: none"> • Initiate policy development • Host policy forum
Municipal Code Reform		<ul style="list-style-type: none"> • Initiate development of plan for the reassessment and revision of the Municipal Code • Continue to obtain feedback from Ferguson community, including ongoing review of the Municipal Code by the NPSC
Supervision		<ul style="list-style-type: none"> • Develop shift schedule and deployment plan • Develop curriculum for Supervisor Trainings
Data Collection		<ul style="list-style-type: none"> • Identify a data collection coordinator • Identify all data-based provisions of the Use of Force; Stop, Search, Arrest, and Citation; and Bias-Free Policing sections of the Consent Decree and analyze whether the required data is currently tracked within FPD, and if so, how. To the extent data measures are not currently tracked by the FPD, the data coordinator must identify where and how such data will be tracked in the future.

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APPENDIX B

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Good Cause Criteria **Comprehensive Amnesty Program**

Pursuant to Paragraph 326 of the Consent Decree in *U.S. v. City of Ferguson*, the City of Ferguson will eliminate all warrants and decline prosecution in cases initiated prior to January 1, 2014 unless, in the judgment of the City Prosecutor, good cause exists to continue prosecution. For purposes of this Program, the City will continue prosecution of any case initiated before January 1, 2014, if one or more of the following criteria are met:

1. The offense originally charged involved assaultive behavior or reckless endangerment to others, to include Driving While Intoxicated; or
2. The offense originally charged involves an identified victim who is available to assist in further prosecution of the pre-2014 case; or
3. The offense originally charged is a Driving While License Suspended or Driving While License Revoked, **AND**
 - a. The original Driving while License Suspended charge was issued because of something other than failing to appear or pay pursuant to RSMo 302.341.1; **AND**
 - b. The defendant is unable to show that either his license was reinstated, or that he is no longer driving.

If the first and any subsequent Driving while License Suspended or Driving While License Revoked charges were issued because the defendant's license was suspended based on failing to appear or pay pursuant to RSMo 302.341.1, the prosecutor will dismiss the charge(s).

4. The defendant has been convicted, either through plea or verdict, of an additional offense since 2014 that involves assaultive behavior, reckless endangerment to others, to include Driving While Intoxicated; or
5. The City Prosecutor reasonably believes that, in the interests of justice and public safety, the case should proceed. For cases left open under this provision, the City Prosecutor shall articulate the factors leading to the decision to continue prosecution in a written statement of findings.

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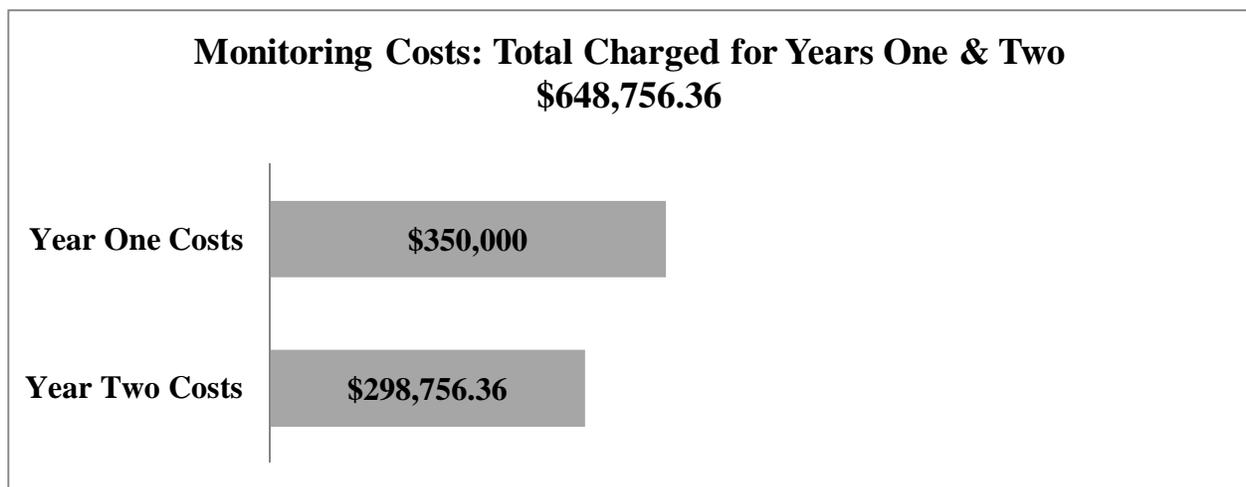
APPENDIX C

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Ferguson Monitorship Cost Summary: Years One & Two

The chart below summarizes the total cost of \$648,756.36 for work performed by the Monitoring Team during the first two years of the Monitorship. Specifically, the Monitoring Team charged \$350,000 to the City of Ferguson in Year One and \$298,756.36 in Year Two. Per the “Agreement Regarding Monitoring Costs,” which was signed by the Parties on February 5, 2016, monitoring of ongoing compliance and implementation of the Consent Decree by the Ferguson Police Department and Municipal Court will not cost more than \$1.25 million in total or more than \$350,000 in any single year, for five years. Accordingly, the Monitoring Team rolled over, to Year Two, any fees for work performed in Year One that were in excess of the \$350,000 annual cost cap. These Year One excess fees, which amounted to \$159,028.03, were incorporated into the Year Two costs.

In total, fees for work performed by the Monitoring Team in Year Two amounted to \$207,908.33. However, Hogan Lovells US LLP wrote off \$68,180.00 of its fees for work performed by its attorneys on a *pro bono* basis. As a result, the Monitoring Team charged the City \$139,728.33 for work performed during Year Two. The \$139,728.33 was thus added to the \$159,028.03 in fees for work performed in Year One for a total Year Two Monitoring cost of \$298,756.36.



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APPENDIX D

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CD ¶	YEAR THREE: August 2018 - July 2019	Phase I	Phase II	Phase III	Audit Schedule
COMMUNITY POLICING & ENGAGEMENT					
19	City to host and participate in group structured dialogues, arranged and led by a qualified neutral facilitator, between police officers and community members and groups, with an emphasis on community members and groups who previously have not had strong or positive relationships with FPD or the City.	City to select Neutral Facilitator. Completion date: 12/31/2018	Develop plan for structured dialogues and submit to MT (Stewart & Parish). Completion date: 01/31/2019	Begin first series of structured dialogues. Completion date: 04/31/2019	
20	City and FPD to develop a community-engagement plan in consultation with the Neighborhood Policing Steering Committee ("NPSC"), the Civilian Review Board ("CRB"), individuals and groups within Ferguson, and community stakeholders who can provide unique perspectives and assistance, such as local colleges and universities.	Designate Community Outreach Coordinator. Completion date: 12/31/2018	Develop Community Engagement Plan (and Crime Prevention Plan if needed) and submit to MT (Stewart & Parish). Completion date: 04/30/2019	Public Comment Period for Community Engagement Plan and roll call/training briefing. Completion date: 07/31/2019	
23	City, in consultation with FPD and the NPSC, to develop and implement policies to receive, consider, respond to, and act upon NPSC recommendations in a fully transparent and timely manner. The City will designate a City employee to provide administrative support necessary for the NPSC to effectively perform its advisory function.	Develop Policy for Responding to NPSC Recommendations and submit to MT (Stewart & Parish). Completion date: 04/30/2019	Public Comment Period for NPSC Recommendations Policy and roll call training/briefing. Completion date: 07/31/2019		

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CD ¶	YEAR THREE: August 2018 - July 2019	Phase I	Phase II	Phase III	Audit Schedule
25	The City to assist with the establishment of a Neighborhood Association in each of Ferguson's apartment complexes.	Establish Neighborhood Associations in Apartment Complexes. Completion date: 04/30/2019			
26	City to develop an FPD crime-prevention plan and community-policing plan to ensure that policing is oriented around community priorities and partnerships and based on problem-solving principles.	Finalize CP policy and submit to MT (Stewart). COMPLETE	Public Comment Period for Community Policing Policy and roll call training/briefing. Completion date: 01/31/2019	Incorporate into In-Service Training Plan. Completion date: 04/30/2019 (and annually thereafter)	MT (Parish) to conduct baseline audit of FPD's community engagement efforts. Audit Schedule: Spring 2019
27	FPD to develop and implement Ferguson's "Neighborhood Policing Plan: A Police Community Partnership."	Develop Neighborhood Policing Plan and submit to MT Stewart & Parish. Completion date: 04/30/2019	Public Comment Period for Neighborhood Policing Plan and roll call training/briefing. Completion date: 07/31/2019		
28	FPD to develop strategies for working with community to address crime trends, policing complaints, neighborhood quality of life and working with community.	Develop schedule of monthly command staff CP/Crime analysis meetings and submit to MT (Stewart & Parish). Completion date: 03/31/2019			

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CD ¶	YEAR THREE: August 2018 - July 2019	Phase I	Phase II	Phase III	Audit Schedule
29-30; 256- 258	The City will develop and implement a staffing plan that enables close and effective supervision and will revise its current shift sequences and deployment to better support a community-oriented approach to policing and will post officer patrol area assignments on FPD website.	Develop Shift Schedule/Deployment Plan and submit to MT (Stewart & Tidwell). Completion date: 03/31/2019			
33, 34	City to affiliate with the Community Mediation Services of St. Louis and to develop a plan for providing neighborhood mediations that promote lasting resolutions of appropriately selected disputes among community members, while reducing the need for involvement in the criminal justice system. The City will also affiliate with the Community Mediation Services of St. Louis to provide a community-centered mediation program to act as an alternative to the misconduct investigation process for certain civilian allegations of officer misconduct.	City, DOJ, and MT (Parish) to begin planning meetings. Completion date: 03/01/2019	Finalize Neighborhood Mediation Plan. Completion date: 07/31/2019		
REFORM OF THE FERGUSON MUNICIPAL CODE					
40	City to develop and implement plan for comprehensive reassessment and revision of remaining Code provisions to ensure they are consistent with U.S. Constitution and other laws and provide clear and appropriate guidance to public and law enforcement	Finalize plan for Reassessment and Revision of Municipal Code and submit to MT (Aghedo & Tidwell).			

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CD ¶	YEAR THREE: August 2018 - July 2019	Phase I	Phase II	Phase III	Audit Schedule
	officers.	Completion date: 06/30/2019			
POLICIES & TRAINING					
45	City to review policies and procedures within one year of implementation to ensure they provide effective direction to FPD personnel and remain consistent with Agreement.	City to review policies implemented in Year One and Two and identify deficiencies. Completion date: 06/30/2019			
46	The City agrees to maintain a complete, up-to-date manual of all FPD policies and procedures that is organized and maintained in a manner that makes it easily accessible and clear to officers, employees, and others. Officers and employees will have access to the manual in hard copy form, and in a readily usable electronic format (e.g., through an FPD intranet system accessible within the mobile data computers of FPD officers). Revisions and updates to FPD policies and procedures will be incorporated into the manual.	City to complete renumbering of Policies (ongoing).			
49-51	FPD to establish a Training Committee, develop schedule for delivering all training required in Agreement, and develop a written Training Plan for supplementing FDP recruits' academy training; enhancing FPD's	Establish Training Committee and submit names to MT (Tidwell).	Develop Training Schedule and submit to MT (Stewart & Tidwell).	Submit training plan to MT (Stewart & Tidwell).	

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CD ¶	YEAR THREE: August 2018 - July 2019	Phase I	Phase II	Phase III	Audit Schedule
	field training, and implement comprehensive in-service training.	Completion date: 12/31/2018	Completion date: 02/28/2019	Completion date: 05/31/2019	
BIAS-FREE POLICE AND COURT PRACTICES					
65-71	The City to provide clear policy, training, and supervisory direction on prohibited conduct, including selective enforcement activities or decisions, non-enforcement of the law, and the selection or rejection of particular tactics and strategies based upon stereotypes or bias. The City's policies shall take into account influences of implicit bias, stereotype threat, and gender bias on officer enforcement decisions, use of force, and other police and court activity.	Parties to conduct public forums and initiate development of policies on Bias-Free Police & Court Practices Completion date: Spring 2019	City to provide Monitoring Team with draft policy (Norwood). Completion date: 07/31/2019		
67	FPD police and court employees will provide timely and meaningful access to police and court services to all. City will develop and implement policies and training to ensure timely and meaningful police services to LEP individuals.	Parties to conduct public forums and initiate development of policies that address access for LEP individuals. Completion date: Spring 2019	Develop policies to address access for LEP individuals and submit to MT (Norwood). Completion date: 07/31/2019		

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CD ¶	YEAR THREE: August 2018 - July 2019	Phase I	Phase II	Phase III	Audit Schedule
VOLUNTARY CONTACTS, STOPS, SEARCHES, CITATIONS, AND ARRESTS					
75	The City agrees to ensure that all FPD voluntary encounters, investigatory stops and detentions, searches, citations, and arrests are conducted in accordance with the rights, privileges, and immunities secured or protected by the Constitution and the laws of the United States. FPD will ensure that these police activities are part of an effective overall crime prevention strategy; are consistent with community priorities for enforcement; build trust between FPD and the community; and are adequately documented for tracking and supervision purposes.	City to review its entire body of existing policies to ensure requirements of Consent Decree in this area are met and, where necessary, rescind and revise. Ongoing through Year Four			MT to conduct baseline audit of FPD stops, searches, and arrests to include reporting of investigatory detentions. Audit Schedule: Winter/Spring 2019
76-82	The City to provide clear direction with respect to policies related to voluntary contacts and investigatory detentions in accordance with the requirements of the Consent Decree.	Develop Investigatory Detentions policy and revised Field Interview Report and submit to MT (Stewart & Tidwell). Completion date: 01/31/2019	Public Comment Period for Investigatory Detentions policy and Field Interview Report and roll call training/briefing. Completion date: Spring 2019		
83-89	The City to provide clear direction with respect to policies related to searches with or without a warrant in accordance with the requirements of the Consent Decree.	Develop umbrella Search policy and submit to MT (Stewart & Tidwell). Completion date:	Public Comment Period for umbrella Search policy and roll call training/briefing. Completion date: Spring		

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CD ¶	YEAR THREE: August 2018 - July 2019	Phase I	Phase II	Phase III	Audit Schedule
		01/31/2019	2019		
90-95	The City to provide clear direction with respect to policies related to issuing citations and conducting warrantless arrests in accordance with the requirements of the Consent Decree.	Develop Power of Arrest and Detentions policy and submit to MT (Stewart & Tidwell). Completion date: 01/31/2019	Public Comment Period for Power of Arrest and Detentions policy and roll call training/briefing. Completion date: Spring 2019		
FIRST AMENDMENT PROTECTED ACTIVITY					
110	Parties acknowledge that First Amendment protected activities serve important societal functions, including promoting transparency in government affairs, ensuring accountability of public officials, and encouraging community feedback -- whether critical or laudatory -- that ultimately reduce tension and foster a sense of openness and trust between law enforcement and the public.	Parties to conduct public forums and initiate development of policies on FPD officer response to First Amendment Protected Activity. Completion date: Spring 2019	Develop draft policies on FPD officer response to First Amendment Protected Activity and submit to MT (Parish & Stewart). Completion date: Summer 2019		
FORCE					
128-170	The City will ensure that its use-of-force policies, training, supervision, and accountability systems are designed to ensure that FPD officers use force in accordance with the Constitution and other laws, FPD policy, and the Consent Decree. City to	Draft umbrella Use of Force and Weapon-Specific policies and submit for Public Comment.	Conduct roll call training/briefing on Use of Force Policies. Completion date: 1/31/2018	Incorporate into In-Service & Supervisor Training Programs. Completion date: 04/31/2019 (and	

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CD ¶	YEAR THREE: August 2018 - July 2019	Phase I	Phase II	Phase III	Audit Schedule
	develop policies pertaining to general use-of-force and weapon-specific requirements.	COMPLETE		annually thereafter)	
172-194	FPD to develop and implement comprehensive process for reporting and investigating all FPD officer uses of force.	Draft Use of Force Reporting & Investigations Policy and revised Use of Force report and submit for Public Comment. COMPLETE	Conduct roll call training/briefing on Use of Force Reporting & Investigations Policy. Completion date: 1/31/2019	Incorporate into In-Service & Supervisor Training Programs. Completion date: 04/30/2019 (and annually thereafter).	MT to conduct baseline audit of FPD Use of Force reporting. Audit Schedule: Winter/Spring 2019
CRISIS INTERVENTION					
197-206	FPD will implement a Crisis Intervention Team (CIT) first-responder model of police-based crisis intervention with community, health care, and advocacy partnerships.	Designate a Crisis Intervention Coordinator. COMPLETE	Initiate development of Crisis Intervention program and host policy forums. Completion date: Summer 2019		
SCHOOL RESOURCE OFFICER PROGRAM					
210	Monitor to develop an SRO program and operations manual that clearly defines the role of each SRO and promotes the role of SRO as one of educator, counselor, mentor, and law enforcement problem-solver, consistent with best practices.	Parties to conduct public forums and initiate development of SRO Operations Manual. Completion date: Spring 2019	Submit draft SRO Manual to MT (Tidwell). Completion date: Summer 2019		

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211	<p>FPD will review and make a good faith effort to amend its Memorandum of Understanding (MOU) with FFSD, to delineate authority and specify procedures for law enforcement interactions with students while on school grounds, consistent with this Agreement. Before providing SRO services at any school in which FPD is not currently engaged, the City will enter into an MOU with the appropriate school district consistent with the Consent Decree. Further, any subsequent MOU with FFSD shall be consistent with the Consent Decree.</p>	<p>Finalize and implement MOU. COMPLETE</p>			
BODY-WORN AND IN-CAR CAMERAS					
228-250	<p>In an effort to bring continued transparency regarding police activities; improve the effectiveness and reliability of use-of-force and misconduct investigations; 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 cameras, and will ensure that such devices are used consistent with law and policy. All aspects of FPD's use of body-worn and in-car cameras will be designed and implemented to promote transparency, provide learning opportunities to officers, and increase officer safety, while ensuring officer accountability and respect</p>	<p>Finalize BWC and ICC policies including footage sharing provisions and submit to MT (Goodrich). Completion date: 12/15/2018</p>	<p>Public Comment Period for BWC and ICC policies and roll call training/briefing. Completion date: 2/28/2019</p>		<p>MT (Goodrich) to conduct audit of BWC and ICC policy implementation. Audit Schedule: Summer 2019</p>

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	for individual privacy rights.				
SUPERVISION					
75, 99-108	The City agrees to ensure that all FPD voluntary encounters, investigatory stops and detentions, searches, citations, and arrests are conducted in accordance with the rights, privileges, and immunities secured or protected by the Constitution and the laws of the United States. FPD will ensure that these police activities are part of an effective overall crime prevention strategy; are consistent with community priorities for enforcement; build trust between FPD and the community; and are adequately documented for tracking and supervision purposes.	City to review its entire body of existing 4th Amendment-related policies to ensure requirements of Consent Decree in this area are met with regards to the role of supervisors and, where necessary, rescind and revise. Ongoing through Year Four			
256-258	The City will develop and implement a staffing plan that enables close and effective supervision and will revise its current shift sequences and deployment to better support a community-oriented approach to policing and will post officer patrol area assignments on FPD website.	Develop Shift Schedule/Deployment Plan and submit to MT (Stewart & Tidwell). Completion date: 03/31/2019			

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317	City to develop and implement supervisory training course for all new and current supervisors to carry out all supervisory duties established in policy and this Agreement, and provide specific instruction on methods for ensuring supervisory duties are fulfilled.	Develop Curriculum for Supervisor Training Program and submit to MT (Stewart). Completion date: 04/30/2019	Begin Supervisor Training Program. Completion date: 06/30/2019		
RECRUITMENT					
281-285	City will develop, with Neighborhood Policing Steering Committee, a written Recruitment Plan that includes clear goals, objectives, and action steps for attracting and retaining a high-quality and diverse work force.	Finalize Recruitment Plan including salary study and submit to MT (Parish & Tidwell). Completion date: 12/31/2018	Roll call training/briefing. Completion date: 2/28/2019		MT (Norwood) to audit recruitment and hiring records to assess compliance. Audit Schedule: Spring 2019
MUNICIPAL COURT REFORM					
329	City will make the following information publicly available by means other than website: - clear and accurate description of the municipal court payment process, including information regarding: any pre-established fines and fees; - a person’s court obligations once they are charged with a municipal ordinance	Identify alternative method(s) of public communication; make required information available by these alternative means. Completion date: 03/31/2019			

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CD ¶	YEAR THREE: August 2018 - July 2019	Phase I	Phase II	Phase III	Audit Schedule
	violation; - a person’s rights and responsibilities for challenging a charge; - payment and community service options; - how to seek an ability to pay determination; and - the potential consequences for non-payment or missed court dates.				
330	City will develop and implement a plan for a public education campaign aimed at providing members of the broader Ferguson community with accurate and complete information regarding operations of the FMC. The public education campaign will include specific measures to inform the public that appearing in court without being able to pay pending fines or fees will not result in jail time.	Develop and implement public education campaign. Completion date: 03/31/19			
331	City will make broadly available information regarding cost-free legal assistance that may be available to individuals with pending municipal charges.	Identify alternative method(s) of public communication; make required information available by these alternative means. Completion date: 03/31/2019			

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CD ¶	YEAR THREE: August 2018 - July 2019	Phase I	Phase II	Phase III	Audit Schedule
334	City will develop and implement a plan to regularly and at least on a monthly basis, audit citations, arrest notification forms, and other notices of violations used by officers to ensure that such documents are completed properly and in a manner that provides individuals with thorough and accurate information as required by this Agreement.	Finalize and implement FPD and FMC concurrent policies. Completion date: 12/31/2018			MT to review audit procedures and results.
335	City will maintain up-to-date contact information for individuals with cases pending in the FMC and ensure that court staff request updated address and other contact information each time a defendant appears in court or otherwise communicates with court staff and that any updated information received is maintained in the defendant's municipal court file.	Develop mechanism for requiring defendant to sign refusal to provide updated contact information. Completion date: 1/31/2019			MT (Aghedo) to conduct audit. Audit Schedule: September 2019
348	City will establish and implement protocols, through policy or ordinance, to ensure that arrest warrants related to municipal code violations will be issued, if at all, only after all other mechanisms available for securing a person's appearance in court have been exhausted. Such protocols will also ensure that arrest warrants are not being issued in response to a person's financial inability to pay a fine or fee. The protocols will also include, at a minimum, the provisions of ¶348 (a)-(d).	Draft policy or ordinance. Completion date: 03/31/2019			MT (Aghedo) to conduct audit. Audit Schedule: Fall 2019

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CD ¶	YEAR THREE: August 2018 - July 2019	Phase I	Phase II	Phase III	Audit Schedule
351-352	City will report a defendant’s failure to appear or pay a fine in a case involving a moving traffic violation to the MO Dept. of Revenue only to the extent as required by MO law. Prior to sending notification to DOR, City will advise defendant, by mail, of pending notification and offer defendant reasonable opportunity to pay or present good cause for failure to pay outstanding fine (MO Rev. Stat § 302.341.1). If defendant’s license is suspended, City will provide compliance letters immediately once a defendant appears in court following the suspension. City will ensure that compliance letters are not conditioned upon payment of outstanding fines or fees in full.	Create tracking code in ITI to ensure notices are sent to defendant from FMC and are sent to MDR by FMC. Completion date: 1/31/2019			MT (Aghedo) to conduct audit. Audit Schedule: Fall 2019
352	In cases in which a defendant’s driver’s license has been suspended for failing to appear or pay a fine in a case involving a moving traffic violation, City will provide compliance letters that satisfy the requirements of MO Rev. Statute § 302.341.1 immediately once a defendant appears in court following the suspension. City will ensure that compliance letters are not conditioned upon payment of outstanding fines or fees in full.	Create tracking code in ITI to ensure notices are sent to defendant from FMC and are sent to MDR by FMC. Completion date: 1/31/2019			MT (Aghedo) to conduct audit. Audit Schedule: Fall 2019

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CD ¶	YEAR THREE: August 2018 - July 2019	Phase I	Phase II	Phase III	Audit Schedule
359	City will implement appropriate mechanisms for providing defendants with mental illness or intellectual or developmental disabilities with information about their available options for diversion from the municipal justice system.	Develop policy or protocol; create tracking code in ITI and submit to MT (Aghedo). Completion date: 03/31/2019			MT (Aghedo) to conduct audit. Audit Schedule: Fall 2019
415	Within 60 days following the expiration of each year of the term of this Agreement, the City will produce an annual report describing FMC activity. The purpose of the report will be to inform the public of the City's law enforcement achievements and challenges, as well as new programs and steps taken to address challenges and build on success. The annual report will further provide information regarding the City's implementation and status of this Agreement. Subject to applicable law, the annual report will address the requirements contained in subsections (a)-(n).	Draft annual report of Year Three activity for FMC and submit to MT (Aghedo). Completion date: 07/31/2019			
ACCOUNTABILITY					
361-368	Holding public servants accountable when they violate law or policy is essential to ensuring legitimacy of governance and community confidence. Well-functioning accountability systems also promote employee safety and morale. The City will	Finalize Disciplinary Matrix and Citizen Complaint Form and submit to MT (Tidwell). Completion date: 12/31/2018	Public Comment Period for Disciplinary Matrix and Citizen Complaint form and roll call training/briefing. Completion date: 04/30/2019	Incorporate into In-Service and Supervisor Training Programs. Completion date: 06/30/2019 (and annually thereafter)	MT (Tidwell) to conduct baseline audit of completed internal investigations. Audit Schedule:

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	review applicable policies and personnel regulations to ensure incorporation of these accountability principles. Any violation of the personnel rules and regulations, including of provisions relating to the principles of accountability, shall be subject to appropriate discipline, up to and including termination. These policies shall include a Duty to Report Misconduct; Duty of Candor; and Internal Investigations.				Spring 2019
399-400	City to provide and provide appropriate resources for community-centered mediation program to act as an alternative to misconduct investigation process.	Develop Community-Centered Mediation Program and submit to MT (Tidwell). Completion date: 12/31/2018	Public Comment Period for Mediation Program policy and roll call training/briefing. Completion date: 04/30/2019		
CIVILIAN OVERSIGHT					
405(d)	CRB will develop and recommend a program to promote awareness throughout the broader Ferguson community about the options available for filing misconduct complaints, and about the misconduct complaint process.	Within 60 days of implementation of Complaint Mediation Program City will develop awareness program and submit to MT. Completion date: Winter 2019			

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CD ¶	YEAR THREE: August 2018 - July 2019	Phase I	Phase II	Phase III	Audit Schedule
DATA COLLECTION					
412	To ensure that collected data is complete, accurate, and reliable, the City agrees to work with the Monitor to develop and implement a cost-feasible data collection plan and related protocols, to be approved by the Monitor and DOJ.	Identify a data collection coordinator. Completion data: 12/31/2018	In consultation with DOJ, City will complete and provide to the MT (Goodrich) a worksheet identifying, for the provisions pertaining to Use of Force, Stop, Search, Arrest, and Citations, and Bias-Free Policing, the data it currently collects, that which the CD requires, and where and how such data is tracked or will be tracked in the future. Completion date: 03/30/2019	In consultation with DOJ, City will complete and provide to the MT (Goodrich) a worksheet identifying for all remaining CD provisions, the data it currently collects, that which the CD requires, and where and how such data is tracked or will be tracked in the future. Completion date: 06/30/2019	
413	The City will make publicly available on request and on the City’s website all FPD and municipal court policies and protocols, as well as all public reports described in the Consent Decree. Any exceptions will be limited to information that must remain confidential to protect public safety and approved by DOJ and the Monitor.	Ongoing as policies are implemented.	Ongoing as policies are implemented.	Ongoing as policies are implemented.	Ongoing as policies are implemented.