

United States Department of Justice Civil Rights Division Investigation of the Ferguson Police Department - Practices Violate the Law and Undermine Community Trust, Especially Among African Americans

U.S. Government, Department of Justice

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The Civil Rights Division of the United States Department of Justice opened its investigation of the Ferguson Police Department ("FPD") on September 4, 2014. This investigation has revealed a pattern or practice of unlawful conduct within the Ferguson Police Department that violates the First, Fourth, and Fourteenth Amendments to the United States Constitution, and federal statutory law. Ferguson's law enforcement practices are shaped by the City's focus on revenue rather than by public safety needs. This emphasis on revenue has compromised the institutional character of Ferguson's police department, contributing to a pattern of unconstitutional policing, and has also shaped its municipal court, leading to procedures that raise due process concerns and inflict unnecessary harm on members of the Ferguson community. Further, Ferguson's police and municipal court practices both reflect and exacerbate existing racial bias, including racial stereotypes. Ferguson's own data establish clear racial disparities that adversely impact African Americans. The evidence shows that discriminatory intent is part of the reason for these disparities. Over time, Ferguson's police and municipal court practices have sown deep mistrust between parts of the community and the police department, undermining law enforcement legitimacy among African Americans in particular. I. REPORT SUMMARY * II. BACKGROUND * III. FERGUSON LAW ENFORCEMENT EFFORTS ARE FOCUSED ON GENERATING REVENUE * IV. FERGUSON LAW ENFORCEMENT PRACTICES VIOLATE THE LAW AND UNDERMINE COMMUNITY TRUST, ESPECIALLY AMONG AFRICAN AMERICANS * A. Ferguson's Police Practices * 1. FPD Engages in a Pattern of Unconstitutional Stops and Arrests in Violation of the Fourth Amendment * 2. FPD Engages in a Pattern of First Amendment Violations * 3. FPD Engages in a Pattern of Excessive Force in Violation of the Fourth Amendment * B. Ferguson's Municipal Court Practices * 1. Court Practices Impose Substantial and Unnecessary Barriers to the Challenge or Resolution of Municipal Code Violations * 2. The Court Imposes Unduly Harsh Penalties for Missed Payments or Appearances * C. Ferguson Law Enforcement Practices Disproportionately Harm Ferguson's African-American Residents and Are Driven in Part by Racial Bias * 1. Ferguson's Law Enforcement Actions Impose a Disparate Impact on African Americans that Violates Federal Law * 2. Ferguson's Law Enforcement Practices Are Motivated in Part by Discriminatory Intent in Violation of the Fourteenth Amendment and Other Federal Laws * D. Ferguson Law Enforcement Practices Erode Community Trust, Especially Among Ferguson's African-American Residents, and Make Policing Less Effective, More Difficult, and Less Safe * 1. Ferguson's Unlawful Police and Court Practices Have Led to Distrust and Resentment Among Many in Ferguson * 2. FPD's Exercise of Discretion, Even When Lawful, Often Undermines Community Trust and Public Safety * 3. FPD's Failure to Respond to Complaints of Officer Misconduct Further Erodes Community Trust * 4. FPD's Lack of Community Engagement Increases the Likelihood of Discriminatory Policing and Damages Public Trust * 5. Ferguson's Lack of a Diverse Police Force Further Undermines Community Trust * V. CHANGES NECESSARY TO REMEDY FERGUSON'S UNLAWFUL LAW ENFORCEMENT PRACTICES AND REPAIR COMMUNITY TRUST * VI. CONCLUSION * FOOTNOTES

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