



Written by [Bob Adelman](#) on March 5, 2015

## Scathing DOJ Report Puts Ferguson PD in Tough Spot

Not only did the Department of Justice's report on the results of its investigation into the Ferguson Police Department following the self-defense shooting of Michael Brown by officer Darren Wilson last August contain powerful evidence of racial bias, it has also put the FPD into an existential predicament: Consent to make costly changes to meet federal mandates, fight the DOJ in court, or fold.



No one from the FPD is offering the third alternative as a solution, at least not yet. The department is still recovering from revelations that in a town that is two-thirds black, 85 percent of traffic stops, 90 percent of tickets, and 93 percent of arrests involve blacks. As the *New York Times* [noted](#) following its review of the DOJ report, "In cases like jaywalking, which often hinge on police discretion, blacks accounted for 95 percent of all arrests."

The investigation, which lasted six months and reviewed more than 35,000 pages of police records, data from arrest records on stops, searches and arrests, and hundreds of interviews, "describes a city," according to the *Times*, "where police used force almost exclusively on blacks and regularly stopped people without probable cause." The DOJ found racial bias even in e-mails circulated within the FPD.

The DOJ's mandates are likely to reflect Attorney General Eric Holder's demand for "wholesale change," which are almost certain to include massive internal structural changes to the FPD, a more racially balanced force, more extensive training in community relations, an improved public relations campaign, and reorganization at the highest levels of the department. They may also include demands that a disinterested neutral court-ordered monitor be put in place to confirm that the mandated changes are taking place. These are similar to changes forced by the DOJ onto police departments in Newark, New Jersey; Albuquerque, New Mexico; and Cleveland, Ohio.

All of these will cost millions, money that Ferguson, a middle-class town of barely 20,000 people, won't be able to afford. That leaves the option of contesting the mandates in court. Already Brian Fletcher, a former mayor who is now running for the city council, has declared the DOJ's report unfair and biased, partly due to the large number of people from out of town who visit Ferguson to shop. He also admitted that some changes need to be made, and that some in the municipal court system are already being implemented.

Lawsuits cost millions, as well, with uncertain outcomes, especially in dealing with a DOJ that already has invested millions in its investigation into racial bias in the city and an attorney general determined to make this a final triumph before leaving office in the next couple of months.

There is a third option, although most aren't liking how it sounds: fold up shop, close down the department, fire all its employees, and pass the responsibility of keeping the peace onto another agency: the St. Louis County Police Department. As Tim Fitch, the former head of that department, told the online *Huffington Post*:

My guess is it's going to be so expensive to the city of Ferguson [that] they're going to have to



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make a survival decision. Financially, I don't believe they're going to be able to [either sue or comply]. Either they're going to [try to] fight it, and not be able to afford that, or to implement all the changes that DOJ is going to require [which will] be so expensive, they're not going to be able to do that [either].

The third option — turning over peace-keeping responsibilities to the St. Louis County Police Department, with its 1,100 employees, its \$90 million budget, and its fleet of military equipment including helicopters and armored vehicles given to them by the U.S. government — gives one of Ferguson's most vocal protesters the willies. Tony Rice, one of the Ferguson riots' organizers in the wake of the August shooting of Brown by Wilson, is having second thoughts about that. As far as dissolving the FPD, Rice said, "They should fold ... but St. Louis County approved of the militarization of its officers [and] I am not fond of them."

Ferguson resident James Knowles agreed with Rice:

I can tell you that the citizens I hear from — and this is even from citizens who've been involved in the protests — want nothing to do with St. Louis County Police.

Many people ... feel that they have the most influence over a local municipal police department.

When officers from St. Louis County came into Ferguson with their armored vehicles and officers dressed like military soldiers to restore peace, the protest was so loud that the Missouri State Highway Patrol was ordered by Governor Jay Nixon to take over from them.

Colonel Jon Belmar of the St. Louis County PD defended his agency's actions: "I don't know how we can responsibly ... not provide our young officers some protection," adding:

Does it look right if we have armored trucks ... does it look right if we have TAC guys who are wearing military style fatigues ... is that appropriate?

I think the answer is that we can ... in certain circumstances.

That's the pickle the FPD is facing: Sign a consent decree with the DOJ, contest their complaints in court, or let another agency — one with heavy baggage of its own and even further removed from local control — take over.

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