

600 Washington Ave | Suite 2500 | Saint Louis, Missouri

THE TRUE FERGUSON EFFECT: THE IMPACT OF TRAGEDY AND FEDERAL OVERSIGHT ON LOCAL GOVERNMENT

OFFICE AND INDUSTRIAL LEASES

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Municipal Law Practice

Apollo is currently the City Attorney for Ferguson Missouri, taking over these duties in October 2016 (after the consent decree had been negotiated and signed by the City). In this position, he counsels the City of Ferguson in implementing the broad, sweeping police and municipal court reform associated with the decree. He also advises the City Council and City Manager on the day to day operations of the City and how those operations are (or will be) affected by the anticipated reforms under the consent decree. In this role, Apollo has gained valuable insight into the ripple effect of federal oversight on a local government and has a unique understanding of the true "costs" associated with federal oversight.

Apollo was recognized by *The National Black Lawyers* Top 100 as one of the top "40 Under 40" in America and was named an "Up & Coming" attorney by Missouri Lawyers Weekly in 2014.

Education

Washington University in St. Louis School of Law (LL.M.)
Saint Louis University School of Law (J.D.)
University of Missouri (B.A.)

About St. Louis County, MO

- **Population:** 996,726
- **Demographics:** 70.3% White (68.9% Non-Hispanic White), 23.3% African American, 0.2% Native American, 3.5% Asian, 0.03% Pacific Islander, 2.5 % Hispanic or Latino
- **Size:** 523 sq mi
- **Distance from the City of St. Louis:** Surrounds St. Louis City
- **Median Age:** 38
- **Median Household Income:** $61,103
- **Median Housing Value:** $176,000

About the City of Ferguson

- **Population:** 20,815
- **Demographics:** 67.4% Black, 29.3% White, 0.5% Asian, 0.4% Native American
- **Size:** 6.20 sq mi
- **Distance from the City of St. Louis:** 1.7 miles
- **Median Age:** 33
- **Median Household Income:** $41,571
- **Median Housing Value:** $87,100

Why the City of Ferguson?

- Ferguson is one of 98 municipalities in St. Louis County, MO (88 incorporated and 10 unincorporated)
- History of racially unbalanced policing and law enforcement in St. Louis County
- A long-standing tension between minority groups and police officers predicated on unfair/unbalanced policing
- Michael Brown Jr. was shot within 500 feet of the next municipality (Jennings, MO)

Why the City of Ferguson

- Long standing practice in St. Louis County of policing areas with minority residents different than other areas
- The riots in the aftermath of the Michael Brown Jr. shooting and the decision not to indict Darren Wilson brought in police officers from multiple districts, not just Ferguson officers.
- The Ferguson police department never had any tanks, riot gear, or military-style weapons.

Why the City of Ferguson?

- Federal Government came in and asked to see documents/records related to Darren Wilson and the Ferguson police
- What they found in those records and documents, coupled with the witness interviews they conducted led to federal oversight

What is the Ferguson Effect?

- The “official” definition of the **Ferguson effect** involves the idea that increased scrutiny of police following the 2014 shooting of Michael Brown Jr. in Ferguson, Missouri has led to an increased crime rate (or sometimes increased murder rate) in major U.S. cities.
- Focuses on the scrutiny of policy departments, their operations, hiring practices, and interactions with the public

What is the Ferguson Effect?

- What about the other aspects of City Government affected by tragic events and federal oversight?
  - Operational Challenges
  - Cultural Challenges
  - Budgetary Challenges

Operational Challenges

- On the heels of tragedy, government operations can be complicated by the balancing of several concepts:
  - Transparency
  - Structural limitations
  - Citizens rights
  - Employee rights

Operational Challenges

- The Concept of Government Transparency
  - What does it mean?
  - How far reaching is the concept?
  - What does the public have the right to know?
  - Operational implications

Operational Challenges

- Structural Limitations
  - Are governmental departments flexible such that they can meet the evolving demands of the public?
  - Are departments structured such that citizens demands can be met in a timely manner?
  - Is there a need for a Public Relations Department? Communication's Department?

Operational Challenges

- Citizens Rights
  - Rights to attend public meetings
  - Right to organize and lawfully protest
  - Rights to certain services provided by the government
  - Right to obtain certain information (sunshine laws)

Operational Challenges

- Employee Rights
  - Common law privacy rights in personnel records
  - Closed Records vs Open Records
  - Employee Safety
  - Employee Wellness

Cultural Challenges

- Them vs Us Attitude
  - Can be along demographic lines
  - Can be along socio-economic lines
  - Can be amongst citizen groups or government committees
  - Can be citizens vs government officials
  - Can be between elected officials and staff

Cultural Challenges

- Employee morale
  - What steps can be taken to keep employees engaged?
  - Government need vs employee wellness
  - Eroding of Trust between employees and elected officials

Cultural Challenges

- Citizen Morale
  - What platforms do citizens have to be heard?
  - Do citizens believe their concerns are being addressed and if not, what is the aftermath?
  - What role does social media play?

Budgetary Challenges

- Adjusting to the loss of a significant revenue source (can also be cultural challenge)
- The significant “cost” of federal oversight
- Consent Decree’s are expensive
  - Independent Monitor Cost
  - Reorganization Cost (personnel and operations)
  - Loss of political capital with citizens
  - Stigma related to federal oversight

Budgetary Challenges

  - Increase in vendor services costs (i.e., legal, insurance, etc.)
  - Implications on a City's credit rating
- Meeting the increased demand for services without finding new sources of revenue
- Balancing of priorities competing for funds:
  - Elected Officials
  - Staff
  - Citizens
  - Federal Government

Lessons Learned

- Tragic events can effect for more than police operations in a City
- Such events can present operational, cultural, and budgetary challenges that intertwine to complicate the relationship between a local government and its citizens
- Should Cities have emergency management plans?