

Dear Judge Perry,

I sincerely thank the Court for granting this Fairness Hearing and for allowing both written and oral comments from the community.

As the Court is aware, this settlement is the product of a negotiation that occurred over a period of months behind closed doors and between two sets of people who were not themselves directly impacted by the unlawful practices precipitating this case.

While it is standard practice for attorneys to negotiate on another's behalf, a heightened level of scrutiny should be applied to an agreement reached by attorneys choosing to work in complete secrecy from those on whose behalf the attorneys claim to speak.

Setting aside any ethical questions surrounding such an arrangement, the practical implications are that the final product may suffer from a deficit of input. Such is the case with this Consent Decree. Throughout its drafting, this Consent Decree did not have the benefit of community members' insights into the issues addressed, and it is the weaker for it.

Both parties have stated that they believe that a Fairness Hearing to obtain public comments is in the interest of justice. But merely granting the public a place to speak does little to advance the interest of justice. Rather, community members ought to have the opportunity to truly impact this decision that will so profoundly impact them.

The Department of Justice has been disingenuous in asking the Court to hold a Fairness Hearing to accept public comments on the Consent Decree while at the same time suggesting that the Court adopt the settlement as-is and without change.

Community members consider this Fairness Hearing to be their only opportunity to supply the Court with the collective insight that was locked out of closed-door negotiations. They hope to better inform the Court by using their real-world experiences with law enforcement and the municipal courts to provide a unique perspective not fully

understood by either the Ferguson city officials, who have been largely complicit in the previous unlawful practices, or the Department of Justice's team of attorneys, who by their own admission do not wholly understand the affected community and its needs.

I ask the Court to show its leadership in the pursuit of justice by recognizing the importance of considering the input of those most impacted by a case when deciding its outcome.

I ask the Court to not merely hear the testimony of community members, but to take full advantage of this often hard-won knowledge of the harrowing realities of policing so that the Court might shape a better outcome for all stakeholders.

I ask the Court to listen to the myriad voices of the this diverse community and to be moved to amend the Consent Decree.

In particular, I ask the Court to strengthen the Consent Decree to allow for effective civilian oversight, greater transparency, and stronger accountability. Making these changes will go a long way in restoring the trust of a community in its officials, police force, and courts.

Respectfully submitted,

Keith Rose

Dear Judge Perry,

There is still a great distrust of the City of Ferguson, among both community members and members of the press. One reason for this distrust is a historic lack of transparency.

Ferguson City Council meetings are frequently held in closed session, even when the Council is discussing topics that the Missouri Sunshine Law mandates be held in open session. Additionally, open-session City Council meetings are frequently held in spaces too small to accommodate the anticipated crowd, leading to dozens of community members and journalists being locked out. In fact, a recent City Council meeting that discussed whether or not to adopt this very Consent Decree resulted in both residents and credentialed journalists being forced to stand outside on the steps for the duration.

The City of Ferguson has also avoided transparency by blatantly defying the provisions of the Missouri Sunshine Law pertaining to public records requests. Not only have they delayed responses to seemingly-simple records requests for months, but they have often required deposits of hundreds or even thousands of dollars before starting to work on requests. Numerous new agencies, from St. Louis Public Radio (charged \$2,050 for a request) to The Anchorage Press (charged \$6,500 for a request), as well as advocacy groups, including the Radio Television Digital News Association, have cited these fees as apparent attempts to avoid transparency by creating insurmountable barriers to obtaining (theoretically) public records.

The Consent Decree [paragraph 413] requires the City to “make publicly available on request and on the City’s website all FPD and municipal court policies and protocols”, which is a good start. But if the City is still refusing transparency with regard to its other records, the community and the press will still not be able to hold Ferguson’s elected

officials and public servants to account, and the trust necessary for the community to move forward will never be rebuilt.

I ask the Court to take this spirit of transparent public records agreed to in the Consent Decree and to expand it to include complete public access to all public records in the possession of the City of Ferguson and its Police Department.

I ask the Court to instruct the City and the FPD to waive or substantially reduce all fees associated with public records requests that are noncommercial in nature and made in the public interest during the period for which the Consent Decree will be in effect.

I ask the Court to instruct the City to observe all open meetings laws, including the relevant provisions of the Missouri Sunshine Law.

Respectfully submitted,

Keith Rose