

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) No. 4:16-CV-180-CDP
)
 CITY OF FERGUSON, MISSOURI,)
)
 Defendant.)

STATUS CONFERENCE

BEFORE THE HONORABLE CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

JULY 2, 2019

APPEARANCES:

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Courtney A. Caruso, Esq.
HOGAN LOVELLS US LLP

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UNITED STATES DEPARTMENT OF JUSTICE

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1 (Proceedings commenced at 1:06 p.m.)

2 THE COURT: All right. Good afternoon. We are here
3 in the case of United States of America versus the City of
4 Ferguson. This is Case No. 4:16-CV-180. This is the -- as
5 everyone knows -- the Consent Decree case, and we're here for
6 a status hearing and report from the Monitor about -- and as
7 well as the parties about the progress under the Consent
8 Decree. This is a hearing where we have agreed to hear
9 comments from the public, and so a number of you have signed
10 up to speak, and we will do that, but I think it's appropriate
11 to hear from the Monitor initially, and then we can hear from
12 the public.

13 Is that acceptable, Ms. Tidwell, or would you rather
14 do it the other way around?

15 MS. TIDWELL: No. That's fine, Your Honor.

16 THE COURT: Okay. And so I would ask the lawyers to
17 please stand and introduce themselves for the record.

18 Before you do that, Jeanette, I just left that piece
19 of paper with the list of the signups in my office. Thank
20 you.

21 All right. I have the list of people who are going
22 to speak.

23 So if each of you -- I guess, let me start with you.
24 For the United States, would you please state your names?

25 MR. VOLEK: Jude Volek for the United States.

1 MS. SENIER: Amy Senier for the United States.

2 THE COURT: All right. And for the City?

3 MR. CAREY: Apollo Carey, City of Ferguson.

4 THE COURT: And for the Monitor?

5 MS. TIDWELL: Good afternoon, Your Honor. Natasha
6 Tidwell along with Courtney Caruso.

7 THE COURT: All right. Thank you, all.

8 All right. Ms. Tidwell, I know you filed your
9 report.

10 I did want to mention to the public someone had
11 called about the websites, and our court website did have
12 the -- as well as the Monitor's website did have the notice of
13 this hearing. I'm not sure the City's did, but it's in two of
14 those places. Also, the Monitor filed a status report, a
15 quarterly status or the semiannual status report, last week,
16 and that's not yet gone up on our Court's website, but it will
17 be posted before you leave the building today. It's going up
18 right now, so if people wanted access to that as well.

19 So, Ms. Tidwell, I'll hear your comments.

20 MS. TIDWELL: Thank you, Your Honor.

21 So as you mentioned, Your Honor, last Friday, the
22 Monitoring Team filed its semiannual report to the Court
23 reporting on activities from the period of October 1st, 2018,
24 through March 31st, 2019. It was posted to the Monitor's
25 website last Friday. We've also brought some hard copies that

1 we left on the table for where the public comment sign-up is.

2 THE COURT: Thank you. Yeah.

3 MS. TIDWELL: If you would bid my indulgence, I just
4 want to thank Ms. Caruso for her hard work on the report, on
5 getting it out and getting everybody's work and comments in.
6 So, hopefully, that outlines, hopefully clearly, sort of the
7 state of affairs. So I don't want to recap the report in its
8 entirety, but I did want to highlight and sort of reiterate a
9 few points, beginning with the work plan, Your Honor.

10 So, in December, along with the fall semiannual
11 report, the Monitoring Team published a work plan outlining
12 the tasks and goals towards implementation for year three. As
13 is required by the Consent Decree, the parties were given 30
14 days in which to review the work plan and its timelines prior
15 to publication. We also met in -- met here in advance of
16 publication to discuss some of the -- discuss the timetable.

17 Appendix A to the semiannual report we just filed
18 details the progress on each of the tasks identified for
19 completion during year three, and as you read it, you'll see
20 that many are incomplete, and as we approach the end of year
21 three, which is the end of this month, it will be time for the
22 Monitoring Team to begin drafting a plan for year four, but
23 what do we do with the incomplete items from year three? Do
24 we just cut and paste them into year four? It seems like more
25 needs to be done to communicate the need to prioritize and

1 ensure a feasible path to full implementation, and the City
2 has to engage its enhancement -- has to enhance its engagement
3 in the process.

4 As I mentioned, a year ago, once we moved out of the
5 policy development phase, which we are largely done with on
6 the police side and the court side, it would mean that DOJ
7 could no longer drive the progress towards implementation.
8 Once we get to training and putting officers out to implement
9 the policies, the City has to take the lead on that. So a
10 first step, a crucial first step in that, is the appointment
11 of a Consent Decree Coordinator, which is a position that's
12 been open and is long overdue for filling.

13 The work plan serves many purposes, one of which is
14 to serve as this road map to implementation; however, it's
15 just words on the paper without the City's acceptance of the
16 tasks and the timelines that are outlined and a commitment to
17 completing those tasks on time.

18 One way in which the City could communicate its
19 commitment is through regular communication with DOJ and with
20 the Monitoring Team as to its progress towards completing each
21 task. Right now what we have is a system where the Monitoring
22 Team or the Department of Justice will prompt the City and
23 say, "Well, you know, what's the status of this?" or we'll ask
24 for the City to fill in the work plan on its progress, where
25 it feels it lies on certain tasks within the work plan.

1 And if something is due on April 30th, if the time --
2 if the work plan calls for completion by April 30th, on
3 March 30th, that shouldn't be the first time that people are
4 thinking about how we're going to implement that. April 30th
5 shouldn't be the first time that people are thinking about
6 implementing it. It should be -- there needs to be somebody
7 in place who's forecasting and has the vision to think about
8 deadlines to come and not just the work that is immediately
9 due, and that's been absent throughout this process in many
10 areas of the police department's implementation.

11 This is yet another reason why the Consent Decree
12 Coordinator position is so vital. Without a person serving in
13 that role, tasks are left incomplete or without the foresight
14 needed to envision mode of completion ahead of time. For
15 instance, the community engagement plan and the neighborhood
16 policing plan. The Monitoring Team has, in past reports, in
17 meetings with the parties, and in this courtroom, emphasized
18 the need for the City, in compliance with Consent Decree
19 paragraphs 29 through 30 and 256 to 258, to undergo a staffing
20 study and revise its shift schedules and patrol boundaries to
21 better support the engagement plan and community policing more
22 broadly. It is the foundation upon which the community
23 engagement plan rests. The work plan, which the City
24 approved, called for the staffing study to be completed by
25 March 31st, 2019, and for the neighborhood policing engagement

1 plans to follow. That layering was purposeful by the
2 Monitoring Team. The Monitoring Team can't approve the
3 policies that are now in development without the staffing
4 study if we don't have a staffing study that tells us how the
5 shift schedules and deployment of officers is going to be
6 changed to meet with the plan as outlined. We've said that
7 repeatedly, but despite that, the City has moved along with --
8 has moved forward with development of the plans.

9 A Consent Decree Coordinator would, hopefully, do as
10 the job title suggests and coordinate the City's
11 implementation efforts so as not to have anyone's efforts
12 expended in vain, and although the Consent Decree expressly
13 calls for a Consent Decree Coordinator, we are now heading
14 into year four, and the role has yet to be filled as
15 envisioned by the Consent Decree. Interim Chief McCall has
16 served nominally in that role, but it's clear that throughout
17 his tenure he has been stretched very thin by other
18 responsibilities. Without a dedicated Consent Decree
19 Coordinator, the Monitoring Team cannot undergo the effort of
20 drafting a year four work plan, one that has a plan, a
21 feasible plan, for implementation of the Consent Decree's
22 provisions by the end of year five.

23 This absence of forward thinking and planning is also
24 evident in other subject areas. Training: The Monitor -- the
25 work plan calls for the completion of a training plan and

1 schedule consisting of the City's plan and timeline for
2 delivery of all the training required under the Consent
3 Decree. In response to this action item in the work plan, the
4 City provided a spreadsheet detailing the general availability
5 of statewide police training courses. The courses didn't list
6 a corresponding Consent Decree provision, nor did the City
7 provide lesson plans or other explanatory details which would
8 identify if and how the state-sponsored training would address
9 the Consent Decree.

10 Data collection: Another area marked as incomplete
11 relates to data collection. The City was to complete and
12 provide to the Monitoring Team by March 30th a worksheet
13 listing the various data elements required under the Consent
14 Decree in three specific subject areas -- use of force; stop,
15 search, and arrest; and bias-free policing. A worksheet
16 detailing the remaining subject areas was scheduled for
17 completion by June 30th, 2019, just a few days ago. We don't
18 have either.

19 Those are just a few of the subject areas in the most
20 recent -- that are outlined in the semiannual report that
21 contains the list of tasks from the work plan and their
22 current status. There's not much else that we can -- that we
23 can do as the Monitoring Team. We can report out. We can
24 press. We can give ideas as to how we think different
25 provisions should be grouped together or how they should be

1 implemented together. We can offer to give technical
2 assistance where we can. We can try to advise. But the City
3 has to take -- take on more of a role and more responsibility
4 in these areas.

5 I'll briefly outline or detail some of the activities
6 of the Monitoring Team during the reporting period, beginning
7 with the court audit which was conducted by Ms. Aghedo in --
8 most recently, in March, but the semiannual report details the
9 results of the audit from September of 2018. The municipal
10 court made significant progress in most areas. The one area
11 of concern continues to be the Comprehensive Amnesty Program,
12 specifically, good-cause criteria number two, which provides
13 that there is a good cause to continue prosecution of a
14 pre-2014 case if there is an identifiable victim who is
15 available to assist in further prosecution. We understand
16 that the parties are working to either revise good-cause
17 criteria number two or to implement a process by which the
18 review of these cases can be completed, and the Monitoring
19 Team looks forward to resolution from the parties, but in the
20 meantime, the provision remains out of compliance.

21 In the area of training and audits, we had -- the
22 use-of-force policies were the first to complete the public
23 comment and full policy development process, and so roll call
24 training on those was completed last week. Subject matter
25 expert, Bob Stewart, from the Monitoring Team, was in Ferguson

1 last week, and he was able to attend one of the trainings. He
2 reports that it was thoughtfully presented by Lieutenant
3 Dilworth, who has done great work in the area of training for
4 the police department. Mr. Stewart reported that he was
5 pleased that a number of sergeants were there because we
6 recognize the importance of first-line supervisors to the
7 success in use-of-force reporting and implementation of the
8 policies as a whole. Mr. Stewart also was able to conduct a
9 pre-baseline review of use-of-force reports now that the
10 policies are in the implementation phase. He made some
11 general observations about the -- the scope of reporting as it
12 existed before the policies were implemented, and we hope to
13 report on that in our next report.

14 And, finally, Your Honor, just moving to the
15 community survey, as you know, we opened a community survey in
16 April, early April, and we had indicated that would close on
17 July 8th. One of the things that the Police Foundation
18 permits us to do with regards to the surveys is to track in
19 real time the demographic information of survey takers so that
20 we can better assess what areas of the city people are
21 representing to make sure that the populations that the
22 Consent Decree speaks to specifically -- that we're hearing
23 from folks within those communities, and we haven't been, and
24 so one of the things that we've discussed -- and our subject
25 matter expert, Mr. Parish, has taken the lead here -- has been

1 in talking about and strategizing on ways to enhance
2 participation, and so to that end, we are going to take a hard
3 look at some of the community events scheduled for the summer
4 in and around Ferguson to think about ways to engage folks who
5 might already be out at these places but also to go into
6 places where people might be to try to see if we can somehow
7 enhance participation in those particular -- whether it be the
8 neighborhood associations or some of the other places to see
9 if we can get more involvement, and so we've decided to keep
10 the survey open for at least another 30 days and possibly up
11 until Labor Day just to -- so we can look at the full calendar
12 and figure out a plan. It will probably involve us hiring
13 some folks to help with handing out surveys or doing some
14 in-person survey taking at community events or whatever, but
15 we're trying to put a plan together to get -- hopefully, to
16 get the numbers up by the end of summer.

17 THE COURT: Yeah. I was going to ask you about that
18 because I think before, the deadline had been next Monday --

19 MS. TIDWELL: That's right.

20 THE COURT: -- a week from yesterday, and so, you
21 know, to the extent anybody here can get the word out, we've
22 got people who are interested here, but you know who the other
23 people are, and certainly, if the press can assist in getting
24 the word out that this is an important community survey that
25 we'd like to -- we need to have people fill out, it's online,

1 it's available, and we need to hear from the community and
2 from all facets of the community, which is what you're
3 pointing out. So I appreciate that you're going to work on
4 some of the summer events and try to see that, but I would
5 just make a plea to everybody here, because the fact you're
6 here means you care, that you ask people to fill out the
7 survey.

8 MS. TIDWELL: Thank you, Your Honor.

9 And one other sort of informal feedback mechanism
10 that we're starting to explore a little bit more is with the
11 youth of the city. We had -- there was some questions that
12 the Police Foundation raised about the informed consent
13 process of getting children under 18 to take the survey, and
14 so in lieu of sort of trying to figure that out or hash that
15 out, we had our first meeting last night with the Ferguson
16 Youth Initiative, and we're starting to think about ways that
17 we can bring sort of small focus groups of Ferguson youth
18 together to try to get maybe not through a formal survey but
19 just sort of an informal means as part of the outcome
20 assessment role of the Monitor.

21 And finally, Your Honor, just in terms of policy
22 development, I'm sure the parties will speak to the remaining
23 areas for policy development. I know that there was recently
24 a First Amendment policy forum. Before that, there was a
25 bias-free policing forum, and it was great that our subject

1 matter expert on that area, Professor Norwood, who is here
2 today -- I didn't mention when I mentioned Ms. Caruso -- was
3 able to assist and attend that, and she'll be waiting for the
4 draft policy from the parties.

5 And so that's it for me, Your Honor, unless you have
6 questions, but I will --

7 THE COURT: I appreciate that, and I did -- I mean
8 your report is very comprehensive. It's actually the report
9 as of the 30th of March. So some things have happened since,
10 but also you're supplementing here today of the things that
11 have not happened.

12 MS. TIDWELL: That's right.

13 THE COURT: And so I think that's important.

14 All right. Thank you.

15 Mr. Volek, I'll hear from you next or Ms. Senier.

16 MR. VOLEK: Ms. Senier will report for the United
17 States.

18 THE COURT: Ms. Senier.

19 MS. SENIER: Good afternoon, Your Honor. Thank you
20 very much for this opportunity to brief the Court and the
21 public on recent activity in terms of implementing the Consent
22 Decree. We're also grateful to the Court for affording the
23 public the opportunity to address the Court directly.

24 I am going to provide some updates on the policy
25 review and revision process, focusing really where the

1 parties' energies have been devoted over the past several
2 months, which is on the solicitation and incorporation of
3 public feedback in a number of policy areas.

4 The first is stop, search, and arrests. Last
5 Wednesday, FPD was able to post online for public and officer
6 comment the first suite of stop, search, and arrest policies.
7 These include general orders on investigatory stops, search
8 warrants and warrantless searches, citations and warrantless
9 arrests, and *Miranda* as well as the attendant forms and
10 appendices that go with those policies. Those will remain
11 open for public and officer comment until August 2nd.

12 As the Monitor mentioned, last week, Monday and
13 Tuesday evening, the parties hosted to two policy forums.

14 THE COURT: Let me back up and just go through this
15 in case the public doesn't know how you all are doing these
16 policies. The City makes proposals of the policies, sends
17 them to the Department of -- I may get this wrong. So you may
18 need to stop me if I miss some steps. The City develops their
19 proposed policies. They send them to the Department of
20 Justice. You all have a dialogue between yourselves, and once
21 you think it's -- and you have an informal dialogue, I
22 believe, with the Monitor and the subject matter expert
23 people, but then -- then you're putting it up on the -- online
24 for this 30-day comment, including from both the police and
25 members of the community. Everyone can comment. And then

1 implement -- incorporating whatever, you know, what you can
2 from the feedback into the policy that then goes to the
3 Monitor. Have I got the steps right?

4 MS. SENIER: You have all of the steps right, Your
5 Honor, with the one exception being that at the front end of
6 this process, the parties hold a policy --

7 THE COURT: Right.

8 MS. SENIER: -- forum, which before the policy has
9 even been drafted by the department, we elicit input from the
10 community on the front end that informs the first draft that
11 FPD creates, and then the process as you described continues.

12 THE COURT: And I would just -- part of why I wanted
13 to focus on that is I want the members of the public -- again,
14 I know we have interested members here today, but members of
15 the public to know that they are a part of this process, and
16 in fact, we -- during -- as it went on, you all, with my
17 approval, sort of changed the steps to make sure that the
18 community feedback was being incorporated before the Monitor,
19 you know, made final approval, and that's been very helpful as
20 well as these policy forums. And so I would encourage members
21 of the public to participate in those to the extent -- you
22 know, to the fullest extent possible because I think it's been
23 a very good process in making sure that the community's
24 concerns were addressed, you know, to the extent this is
25 something everyone does.

1 So if you'll go back to -- now you were talking about
2 the next forum or the next policy forum, I think.

3 MS. SENIER: Yes, Your Honor. Last Monday and
4 Tuesday evenings, the parties hosted two forums on the First
5 Amendment policy, and this will be a policy that will govern
6 how FPD can protect or to police First Amendment protected
7 activities in Ferguson, and to echo --

8 THE COURT: And when you're talking about First
9 Amendment protected activities, again, explain to the --
10 explain briefly what you mean, what kinds of things.

11 MS. SENIER: Absolutely, Your Honor. The Consent
12 Decree covers three. That's the right to criticize one's
13 government without fear of retaliation. It's the right to
14 observe and record law enforcement activities. And it's the
15 right to protest. Those are the three buckets of First
16 Amendment policy -- activities that this policy is going to
17 cover.

18 THE COURT: All right. Thank you.

19 MS. SENIER: And the policy forums were incredibly
20 helpful to the parties. The members of the public who
21 attended both events were able to provide their expertise and
22 insight, oftentimes, based on their personal experiences in
23 Ferguson and in the areas surrounding Ferguson, and the
24 breadth and the depth of their feedback is really going to be
25 invaluable in the development of the policy which, again, is

1 in its very early stages.

2 The parties also held forums on the bias-free
3 policing policy. Those were in April, and as the Monitor
4 mentioned, that policy is currently being drafted with
5 assistance, technical assistance, from the Monitoring Team's
6 subject matter expert Professor Norwood.

7 Just a final update on the use-of-force policies.
8 The final versions of those policies were posted online and
9 distributed to officers on June 7th. They do not take effect
10 until officers have undergone roll call training on the entire
11 suite of policies. Lieutenant Dilworth has been working very
12 hard on putting together a comprehensive set of roll call
13 trainings on the entire suite of policies. It started last
14 Monday. We understand that it's off to a very good start, and
15 it is now scheduled to run all the way through January, but,
16 again, that's the entire suite of policies, including all of
17 the weapons policies, reporting and investigation, all the way
18 through the Force Review Board. So once those roll call
19 trainings are finished, the policies will be in effect.

20 The recruitment plan: We do not have a further
21 update. We are where we were the last time we were before
22 Your Honor. We are waiting on the City's plan for coming into
23 compliance with paragraph 283(a) of the decree, which is the
24 provision that requires the City to provide salaries that
25 place it amongst the most competitive with similarly sized

1 agencies in the region. We understand that the City has some
2 numbers that they're considering. We're waiting to get those
3 numbers, again, with the all-important analysis that underlies
4 those numbers, showing that it is a competitive agency in
5 St. Louis County.

6 The SRO Program: As Your Honor knows, the FPD now
7 has a final MOU in place with the Ferguson-Florissant School
8 District, and in the last reporting period, they were able to
9 identify a new point of contact in the school district with
10 whom they can work to move towards drafting the program
11 manual, and they have a number of steps that they still need
12 to overcome in order to draft that manual, including getting
13 time during O-Week, which is the week before classes start,
14 where SROs can get in front of faculty and staff and go over
15 the MOU so that everyone is clear on exactly what the
16 expectations are of SROs in the school.

17 THE COURT: And the MOU, as I understand it, or the
18 Memorandum of Understanding is between the Ferguson Police
19 Department and the school district, setting out what the
20 school resource officer is expected to be doing and how the
21 school district will facilitate that; correct?

22 MS. SENIER: That's correct, Your Honor. That's
23 correct. And then we're hopeful that the SROs can get some
24 time with the school counselors, the district counselors in
25 early fall, and then, hopefully, to have some sort of a forum

1 in October or November at the schools with students and
2 parents so that it will operate similar to the policy review
3 process that Your Honor laid out earlier in the hearing.

4 The Civilian Review Board: We are very happy to
5 report that all the slots have been filled. They are now
6 operating with a full complement of nine members. The City
7 moved very swiftly since the last status conference and, in
8 fact, since April. On April 23rd, DOJ had the opportunity to
9 meet directly with the City Council, and we expressed our
10 concern about the three vacancies at the time. The council
11 moved very quickly thereafter and filled the two slots that
12 were open in Ward 2 and the one slot that was the at-large
13 slot, and they even were able to reopen the process and make
14 sure that they were able to get a representative of the
15 Ferguson business community. So we're very excited that they
16 are now up and running, and we believe that the only thing
17 that remains to happen is that those three new members get
18 trained, and then they will be up and running full speed.

19 The community policing policy: The parties have
20 received input from the community as part of that policy
21 review process that the Court laid out earlier. The Monitor
22 has approved it, and it should be ready for public posting
23 very soon.

24 The community policing plan: The Monitor mentioned
25 it earlier during this hearing. We understand that it's

1 pending the staffing study. It was our understanding that FPD
2 wanted to wait until there was a final chief in place.

3 Knowing that they have appointed a permanent chief, which I'll
4 get to in a few minutes, we're hopeful that that staffing
5 study can be completed in short order because, as the Monitor
6 mentioned, it really is the backbone for so many of these
7 community policing activities.

8 And then finally, accountability and body-worn
9 cameras. Those policies were both posted for public and
10 officer feedback. We have -- the parties have gotten that
11 feedback, and they are now -- we are now working on
12 implementing and incorporating that feedback into both
13 body-worn cameras, in-car cameras, and the full suite of
14 accountability policies. Once those are done, they will go to
15 the Monitor for approval and then hopefully for officer and
16 public observation on the website.

17 So the parties have made significant progress in the
18 area of policy development. This isn't to suggest that we
19 disagree in any way with the Monitor's assessment of where
20 things are. Much remains to be done.

21 I did want to update the Court on the amnesty, the
22 court amnesty discussion. As the Monitor mentioned, the last
23 time we were before the Court, there was some discussion about
24 where the parties were in terms of implementing the good-cause
25 criteria, and for the benefit of those in the audience,

1 paragraph 326 of the Consent Decree required the City to
2 dismiss pre-2014 cases unless there was good cause to hold
3 those cases open. In November 2018, the parties agreed and
4 filed with the Court on the public docket five criteria by
5 which the prosecutor could determine whether to hold a
6 pre-2014 case open. The City has made tremendous progress in
7 dismissing cases under those criteria, but there was a
8 discussion as to the precise process in place for implementing
9 good-cause criteria number two, and good-cause criteria number
10 two says that the prosecutor can hold open a pre-2014 case if
11 the offense originally charged involves an identified victim
12 who is available to assist in further prosecution of the
13 pre-2014 case, and the question was exactly what is the
14 process by which the parties are going to or the City is going
15 to determine availability. We believe we've reached an
16 agreement with the City. It's going to be an opt-in letter.
17 The City is going to mail letters to all of the victims in the
18 approximately 560 cases that remain open under good-cause
19 criteria number two. The recipients of that letter have 30
20 days to respond. They will respond to either say, "I'm
21 available, and I want the case to continue" or if the City --
22 in which case the case will continue. Or if the City gets no
23 response or hears that the victim is not interested in
24 pursuing prosecution, the case will be dismissed. DOJ thinks
25 that this is the most efficient and equitable way to implement

1 good-cause criteria number two, and we're grateful that we've
2 reached agreement with the City on this.

3 THE COURT: And I know that these -- of these 563 or
4 however many are remaining, there are a variety of offenses,
5 but many of them may be offenses where the victim is a
6 business in the community, and so knowing whether the business
7 wishes to proceed, I mean, is important because if they don't
8 have someone who's willing to come to court and testify, then
9 the City has agreed that they're not going to keep moving
10 forward on that. I mean they'll dismiss that if there's
11 nobody who could come and be available to actually prosecute
12 that.

13 And these are not -- there's another good-cause
14 criteria related to dangerousness or violence. These are
15 mostly property crimes or other types of offenses. They're
16 not victimless. That's the whole point of this category, but
17 they are cases where the need to see if a victim is coming
18 forward and willing to come testify about whatever, if it's a
19 shoplifting or something similar, whatever it is. So okay.

20 MS. SENIER: Yeah. Absolutely, Your Honor. Yes,
21 there is still the good-cause criteria number five --

22 THE COURT: Right.

23 MS. SENIER: -- which is that a case can remain open
24 if public safety or the interests of justice demands it.

25 THE COURT: Right.

1 MS. SENIER: I did want to mention the data issue,
2 which you know we raised this repeatedly before the Court and
3 with the City, and we really feel -- DOJ continues to think
4 that we have done all that we can at this point by way of
5 providing FPD with templates that they can fill out as to how
6 they're collecting data, reviewing the various forms that our
7 officers have to require to capture that data, but we're
8 really bumping up against a wall here with the various systems
9 that the department is using to collect data and also the lack
10 of expertise in-house.

11 And, again, in that April 23rd meeting with the City
12 Council that was so valuable, we had an opportunity to really
13 impress upon the council face-to-face that DOJ doesn't think
14 it's feasible any longer to place the many demands that the
15 decree places on the department in terms of data collection on
16 a sworn officer with supervisory duties who's also carrying a
17 lot of the training burden under the decree. We believe that
18 it's past time for the City to engage an external consultant.
19 We made that case to the City Council. We recommended a
20 candidate, and it's our understanding that the City has at
21 least talked to that individual, and we're hopeful that we
22 will hear in short order that there is either an engagement of
23 that individual or someone else to help the City begin the
24 all-important task of getting in place the systems and
25 processes it needs to start collecting data to demonstrate

1 compliance with the decree.

2 THE COURT: Right. Because unless there is accurate
3 data that's reviewable in some form of what kind of stops and
4 searches and other events are happening that are -- you know,
5 that we wish to track and the Consent Decree requires tracking
6 and knowing about, we can't track it. We don't know what it
7 is without the data. So, yeah. Okay.

8 MS. SENIER: Absolutely, Your Honor. It's so
9 critical not only for Consent Decree compliance but just for
10 good policing, for FPD to have some clarity on these data
11 systems. So we're hopeful that we'll see movement on that
12 very shortly.

13 Final two points. We understand that the City has
14 selected a permanent chief. We understand that it is Captain
15 Jason Armstrong who was with Forest Park in Georgia, and DOJ
16 looks forward to speaking with incoming Chief Armstrong at his
17 earliest convenience so that we can discuss ways that FPD can
18 maintain and, indeed, accelerate its progress in implementing
19 the Consent Decree.

20 We do want to take this moment to recognize the many
21 contributions of Interim Chief McCall during this process.
22 For nearly three years, the Interim Chief has worked
23 tirelessly to implement the Consent Decree. He has worked
24 hand in hand with us on policy review and revision. He has
25 been the public face of the decree in the community. He has

1 worked to identify resources within the department that can go
2 towards implementation. So we are very, very grateful to
3 Interim Chief McCall for his many contributions towards
4 implementing the Consent Decree.

5 THE COURT: Yes. And I'm very grateful too. I know
6 how much he's done, and I know Mr. Carey has certainly
7 expressed that to me as well.

8 MS. SENIER: And then, finally, Your Honor, I've
9 mentioned several times our April 23rd meeting with the City
10 Council. It was an opportunity that DOJ had to meet directly
11 with key decision makers in the City, and we found this an
12 invaluable opportunity to engage directly with the City
13 Council and update them on the successes to date and the
14 extensive work that remains, and I've mentioned two areas
15 already. First was the CRB vacancy situation, and to their
16 credit, the City Council moved very swiftly after that meeting
17 to fill those vacancies. I've mentioned data. We're very
18 hopeful that we will see swift action on the data requirements
19 of the Consent Decree as a result of that meeting.

20 There are three other areas that we raised with the
21 council, and they really go to the Monitor's concerns echoed
22 or raised earlier today in this hearing. The first is
23 training. There are many, many training requirements under
24 the Consent Decree, and really, all of the policy development
25 and all of the progress that the parties have made to date on

1 policy development will be for naught if there's not a robust
2 training program in place, and to be clear, the roll call
3 trainings that Lieutenant Dilworth is designing right now are
4 not a substitute for the comprehensive, scenario-based,
5 in-service training that officers need to get under the
6 Consent Decree. So it's really imperative that the department
7 develop that training expertise either in-house or drawing
8 upon external resources so that it can get the training that
9 it needs and really operationalize the policies under the
10 Consent Decree.

11 The second area that we expressed concern to the City
12 Council was community engagement, which the Monitor has also
13 raised today. We understand that Assistant Chief Eickhoff,
14 who was the community liaison most recently, he is moving on.
15 So that's a position that remains vacant, and we think that
16 there's much room to grow in improving the relationship
17 between the community and FPD.

18 And then, finally, we raise concerns about the
19 transparency requirements under the Consent Decree. Paragraph
20 415 of the decree requires the City to file an annual report
21 on the activities that FPD and the municipal court have made
22 in implementing the decree, and paragraph 456 requires FPD to
23 file similar reports every six months. These reports are not
24 getting filed. I don't think anything has been filed since
25 the fall of 2016, and these reports are different from the

1 Monitor's reports. They're different from updating the work
2 plan. They're different from the status hearings. These
3 reports have their own specific requirements under those
4 provisions of the Consent Decree, and it's really critical
5 that FPD and the City take these requirements seriously and
6 file those reports as a matter of transparency to the Court
7 and to the public and as kind of an internal barometer in
8 terms of gauging their own success. It's another way for them
9 to take ownership of the process. So that's another area that
10 we raised with the City Council.

11 We're hopeful that we'll have more opportunities to
12 dialogue with them. We found it very, very useful, and we
13 look forward to our next meeting with them.

14 THE COURT: All right. Thank you.

15 MS. SENIER: Do you have any questions for me?

16 THE COURT: I don't think so. Not at this time.

17 Mr. Carey.

18 MS. SENIER: Thank you.

19 MR. CAREY: Good afternoon, Your Honor.

20 THE COURT: Good afternoon.

21 MR. CAREY: So as is customary, I'd like to introduce
22 some of the folks from the City that are here today to help
23 participate in the hearing. We have our Interim City Manager,
24 Jeff Blume. Sitting next to him is Councilwoman Ella Jones.
25 Behind those folks is our City Clerk, Octavia Pittman. And

1 then behind Ms. Pittman is Lieutenant Dilworth, who is the
2 City's Training Coordinator under the Consent Decree. And
3 then also, obviously, sitting next to him is Interim Chief
4 McCall. And then to my right is Fran Griffin, our newly
5 elected councilwoman. So we -- we do have a pretty good
6 contingent here representing the City, which, you know, we
7 typically have here.

8 So what I'll do is just start by addressing some of
9 the areas of concern that were raised both by the Monitor and
10 the Department of Justice. The first one, obviously, being
11 the elephant in the room, is the Consent Decree Coordinator.
12 I think the Monitor made really good points about, you know,
13 where the City is falling behind as it relates to that
14 particular position. You know, I liken it to, you know,
15 having folks on a football field playing football but without
16 a coach. You know, we have no -- you know, with no coaching
17 staff and nobody to kind of direct us as we, you know, go play
18 by play. So, believe me, the people that are playing on each
19 play are playing very hard, and that analogy goes to, you
20 know, Chief McCall, Lieutenant Dilworth, myself, the Interim
21 Chief or -- excuse me -- the Interim City Manager. At each
22 play, we're playing real hard, we're doing what we need to do,
23 but we do -- I mean we just don't have that coordinator
24 position filled yet, and it's been about a year or so, maybe a
25 little bit more than a year, that we've been warned, I guess,

1 so to speak, that, you know, this particular time was coming,
2 but I will say, you know, during that time frame, we've also
3 needed a police chief, a city manager, an HR coordinator, a
4 court administrator, a judge, more police officers. So, you
5 know, it -- it -- you know, we've got to have a city. You
6 know, we have to have people in place to be in compliance, you
7 know, in order to move forward. So, you know, we have had
8 some personnel struggles that have made us -- you know, have
9 had us falling behind.

10 We did here recently -- I'm sure you saw on the news
11 that we do have the new police chief in place, and I think
12 I -- at the last hearing we had, I kind of gave you a priority
13 list in terms of where these positions were from the City's
14 priority, and the police chief was our first priority, and as
15 soon as that person was hired, then all efforts and attention
16 from the City would be turned to the Consent Decree
17 Coordinator. So that's where we are now.

18 THE COURT: I understand you already -- I mean a long
19 time ago, you wrote the job description and everything; right?

20 MR. CAREY: Yes. Yeah, we did, and we've got -- and
21 we have --

22 THE COURT: And you've posted the position; right?

23 MR. CAREY: We've posted the position. We have
24 applications to review. We've got people still, you know,
25 calling us, asking us about the position. The very next step

1 is to go through the applications and start that selection
2 process or that vetting process, so to speak, but, again,
3 given the, you know, multiple personnel issues we've had, we
4 had to prioritize what we have, and I think that's -- you
5 know, that's the only real reason that we -- that I stand here
6 today telling you that, you know, I don't disagree with
7 anything that the Department of Justice said or the Monitor
8 said about how much work there is needing to be done. You
9 know, we've just been behind the eight ball.

10 THE COURT: So what's your -- what's your expected
11 timeline on being able to fill this position and doing the
12 work that needs to be done to do that?

13 MR. CAREY: I would imagine that by the next status
14 hearing -- you know, I would hope that by the next status
15 hearing we would have an identified candidate, somebody who
16 would, you know, accept the position. We have enough to start
17 that -- to start that process in earnest. In other words, the
18 only thing we need to do is start sifting through the
19 information that we have and start interviewing and vetting
20 the candidates. So I'd imagine by the next status hearing I
21 would have a good update for you on that.

22 THE COURT: Which will probably be sometime around
23 the end of September?

24 MR. CAREY: September, yes, ma'am.

25 THE COURT: Okay.

1 MR. CAREY: So that's -- that's where we are with
2 that particular position. You know, it does -- you know, it
3 just puts us behind the eight ball. There's really no other
4 way to put it because there are so many requirements and so
5 many things under the Consent Decree that require that person
6 who's doing the 30,000-foot planning, and we just -- we just
7 don't have that, and that's just where that is.

8 This issue of data collection that was raised by the
9 Department of Justice and also, obviously, the Monitor several
10 times -- and the Department of Justice actually put the City
11 in connection or in touch with a potential contractor, a guy
12 by the name of Ben Horwitz, who was the data collection
13 analyst or expert in the City of New Orleans for their consent
14 decree. The City has reached out to him, has had meaningful
15 discussion with him regarding a potential engagement; however,
16 because we are a public entity, we do have to go through some
17 steps. So there will be an RFP process that the City does go
18 through just to make sure that we aren't missing any potential
19 experts in this market that might, you know, be able to
20 provide that. My thought process, though, is that given
21 Mr. Horwitz's background, his skill set, and the fact that he
22 just came from another city with a consent decree doing this,
23 that, you know, we may not find anybody as qualified as him,
24 but we do have to go through the process that we're required
25 to do under state law in terms of the RFP and just making sure

1 we advertise and that kind of thing, but it's looking
2 promising there with the data collection expert. I would --
3 as far as time frame is concerned -- and I know that's
4 probably your next question you were going to ask -- I would
5 imagine by the next status hearing we would have that; we
6 would have some sort of engagement already going forward with
7 the data collection person. We'd be able to accelerate our
8 progress in that area.

9 Other than that, the Department of Justice did
10 mention our recruiting plan, and we are -- the last
11 conversation we had with the Department of Justice -- the ball
12 is in the City's court. We do have some numbers that they
13 asked us for as it relates to police salaries, and we have to
14 do a comparative analysis, and then we also have to do some
15 analysis of, you know, our compensation package to include,
16 you know, benefits and health insurance and those kinds of
17 things, to kind of give an idea of what the City offers as it
18 relates to some of the competing jurisdictions around the
19 St. Louis Metropolitan area. So that ball is in our court,
20 and that analysis is ongoing now, and I would expect in the
21 next maybe two weeks or so to have something to the Department
22 of Justice in that regard.

23 THE COURT: Let me ask you this.

24 MR. CAREY: Sure.

25 THE COURT: What about the staffing study that was

1 supposed to have happened?

2 MR. CAREY: Right. And I think what you heard the
3 Department of Justice mention was that it was the City's hope
4 that we could get our new police chief in place before we
5 undertook to do that, and we have hired him, and I believe his
6 first day is Monday, the 8th, and so that will be one of his
7 very first -- one of the very first things that he's tasked
8 with is completing this staffing study so that we can get
9 ourselves in a position where, you know, we're in compliance
10 with, you know, so many other parts of the Consent Decree that
11 we are now out of compliance with.

12 THE COURT: Well, one of the -- one of the things
13 that I know the Monitor's mentioned in the past --

14 MR. CAREY: Yeah.

15 THE COURT: -- is that the Consent Decree does have
16 provisions about shift schedules --

17 MR. CAREY: Right.

18 THE COURT: -- and having a plan so that -- so that
19 there can actually be some form of community policing and
20 community involvement; right?

21 MR. CAREY: Right.

22 THE COURT: Because without the shift schedules that
23 say -- I mean if you have the person working different times,
24 you know --

25 MR. CAREY: Right.

1 THE COURT: -- nights one week and afternoons the
2 next -- I don't know. It's hard to have consistent community
3 involvement with the police force unless you have shift
4 schedules that will accommodate that.

5 MR. CAREY: Yeah. I think the City would agree with
6 that. I mean there's -- you know, it's -- you know, we just
7 need a -- you know, we need a chief. We need somebody who --
8 because that entire concept starts from the top down, and we
9 just, you know, since October of last year, have been without
10 one, and so I think that's -- well, obviously, we've had an
11 interim chief, but the Interim Chief has been spread so thin
12 as the Monitor mentioned. So now that we have a permanent
13 chief, I think that process will begin in short order.

14 Other than that, Your Honor, I don't have any
15 specific -- any other specific things to reference. I know we
16 have comments from the public.

17 THE COURT: Yeah, I do want to hear from the public
18 and the people who have signed up, but I do also want to -- I
19 did have -- I mean I guess the other thing that the -- that
20 the Monitor mentioned that is important that we haven't
21 touched on -- I mean, first of all, what about the training?
22 And I know the roll call training sounds like it's very
23 good --

24 MR. CAREY: Right.

25 THE COURT: -- but that's not the end of the story,

1 and there is a requirement for more training and a schedule of
2 training, not just "Here's the stuff that people can go to for
3 the state requirements."

4 MR. CAREY: Yeah, I think this is related to the idea
5 of not having a quarterback as it relates to the training
6 piece of what we're doing. We do have -- and Lieutenant
7 Dilworth has worked diligently to try to put together the roll
8 call training that we have --

9 THE COURT: Sounds like he's done a very good job at
10 that --

11 MR. CAREY: Absolutely. Absolutely.

12 THE COURT: -- but he --

13 MR. CAREY: But we need somebody at that --

14 THE COURT: He can't do it all.

15 MR. CAREY: -- higher level --

16 THE COURT: Yeah.

17 MR. CAREY: -- you know, coordinating things with
18 forethought and kind of putting things together, and
19 hopefully, when we get the Consent Decree Coordinator in
20 place, we can get Lieutenant Dilworth and the Consent Decree
21 Coordinator together to come up with --

22 THE COURT: Well, you also have a training committee;
23 right?

24 MR. CAREY: We do.

25 THE COURT: And so they are also part of this

1 process.

2 MR. CAREY: They are. And they meet, I believe, once
3 a month.

4 THE COURT: Okay. So that really does need
5 attention, I think. I hope to hear from you by the next
6 hearing to show there's real progress on that.

7 And then the other issue was just -- and, again,
8 this -- I hope with the Consent Decree Coordinator you would
9 start providing the updates to the Monitor. I know some of
10 the things listed in the report recently talked about, you
11 know, they're having -- and Ms. Tidwell indicated too they're
12 having -- they or the Department of Justice are having to say,
13 "Where are you on this? Where are you on this? Where are you
14 on this?" when really you should be telling them, "Here's
15 where we are," not waiting for them to ask you specific
16 questions on everything.

17 MR. CAREY: Yeah.

18 THE COURT: And so that's something you envision a
19 coordinator would be facilitating also; right?

20 MR. CAREY: I agree. I agree 100 percent. I do
21 think it's worth noting that, on a daily basis pretty much,
22 the Department of Justice and, most of the time, the Monitor
23 are involved in our communications as it relates to what we're
24 doing on a daily basis, but as it relates to the work plan
25 itself and particular deadlines that may be coming up, to let,

1 you know, the Monitor or the Department of Justice know that
2 someone is thinking about these things, someone is putting
3 something together as it relates to these things, I think
4 that's where the coordinator piece is missing, and we haven't
5 had the initiative of someone in that particular position to
6 do that thing, but on a daily basis, in terms of, you know,
7 the policy review, you know, my interactions with, you know,
8 various folks that are helping with Consent Decree compliance
9 or, you know, whether we're dealing with consultants or we're
10 dealing with, you know, other folks, the Department of Justice
11 and the Monitor are typically, typically, cc'd on those
12 communications, but, again, you know, the overall 30,000-foot
13 view from the planning perspective is where we're lacking.

14 THE COURT: The other -- there's a couple of other
15 points too. The -- the -- your community engagement person is
16 no longer in that position, so there's now a vacant place
17 for --

18 MR. CAREY: A vacant -- yeah.

19 THE COURT: And that's a crucial part of this whole
20 Consent Decree. So what is the plan for that?

21 MR. CAREY: It is -- the plan is to hire someone
22 immediately. I mean, you know, we -- you know, as I just
23 mentioned to you, we've just been hit; I guess, the last year
24 has been pretty devastating for the City as it relates to
25 personnel, and this was just the latest issue that we've had.

1 He was doing, you know, a pretty good job in that role, and
2 then he got offered another position, and so he went and he
3 took that. So, you know, the City takes community policing
4 very seriously, obviously, and so we think that's a very
5 crucial role and that's one that we'll look to fill in short
6 order.

7 THE COURT: And then the annual reports and the
8 semiannual reports?

9 MR. CAREY: Again, another function. Well, you know,
10 another function of our Consent Decree Coordinator that we
11 don't have. I mean they've -- you know, there's no secret to
12 it, and I think it's on record that it's been pointed out
13 several times here, you know, both here in this hearing as
14 well as to the council, and the Department of Justice met with
15 the council that we need to get that going, and we're hopeful
16 with this Consent Decree Coordinator position we'll accelerate
17 our progress in that particular area.

18 THE COURT: Well, I know your new chief who is
19 starting next week --

20 MR. CAREY: Monday.

21 THE COURT: -- has a lot on his plate, but this has
22 got to be a high priority, doing all of these things with the
23 Consent Decree, and I assume when you went through the hiring
24 process you made that clear as well as all the other things
25 that a chief of police has to do, but this is really important

1 to pay attention to these functions, which I think looks like
2 a matter of organization and hiring people --

3 MR. CAREY: I think that's it.

4 THE COURT: -- so that you can really start complying
5 with these things because it's going to be really crucial to
6 have this happen.

7 MR. CAREY: I think that's fair, Your Honor, the way
8 you just characterized that as a matter of just organization,
9 leadership, and having someone at the top, you know, to make
10 those decisions. You know, there are many things that the new
11 police chief will have to do, but the City of Ferguson would
12 not have hired a police chief that it did not believe would
13 make the Consent Decree a primordial concern and compliance
14 underneath the Consent Decree a primordial concern moving
15 forward. It just would not have happened. So I know he was
16 vetted in that way by many different stakeholders in the
17 community, and so I believe the council felt very, very
18 comfortable with his commitment to that, and so I can express
19 that to you here today, that that's going to be a top, top
20 priority of the police chief.

21 THE COURT: All right. Okay. Thank you.

22 All right. We do have a number of members of the
23 public who did sign up to talk, and I think there were a
24 couple of late arrivals, and we indicated they would also be
25 allowed to speak. So let's start with the -- I think you all

1 have on numbers. So, Ms. or Mr. Porter, I can't quite read.
2 So, number one, whoever that -- oh, yes, sir. Come on up.
3 Sorry. I just couldn't quite read the handwriting.

4 MR. RORY PORTER: It's doctor's handwriting.

5 THE COURT: Doctor's handwriting. Yeah, it looks
6 like it. So if you'll just step up and state your name, sir,
7 and then I'll hear anything you wish to say. And you remember
8 our numbering -- our timing system so that you know your time
9 limits?

10 MR. RORY PORTER: Absolutely.

11 THE COURT: Okay. Thank you.

12 MR. RORY PORTER: First of all, good afternoon, Your
13 Honor. I'd like to thank you for the opportunity to speak
14 before you and the community this morning. I'm wanting to
15 reiterate and support concerns of the Human Rights Commission.

16 THE COURT: Could you tell me your --

17 MR. RORY PORTER: And, once again, my name is Rory
18 Porter.

19 THE COURT: Thank you.

20 MR. RORY PORTER: And I'm a member of the Ferguson
21 Human Rights.

22 THE COURT: All right.

23 MR. RORY PORTER: We have serious reasons to believe
24 that the Ferguson council has continued to undermine the
25 voices of the people under the leadership of Mayor Knowles.

1 For instance, the community rallied around the choosing of the
2 new police chief, which you know we had two candidates,
3 Mr. McCall and Mr. Armstrong. One with experience. The other
4 had not even read the Consent Decree. So I call him a novice.
5 For instance, the community did rally around there, and they
6 voiced their concern for Chief -- Interim Chief McCall to be
7 police chief, but once again, it fell on deaf ears.

8 Also, we -- as the Ferguson Human Rights Commission,
9 we have budgeting issues to mention. We were denied a merely
10 \$600 budget for each year to carry out our mission and to
11 ensue within themselves. That is the big issue. A measly
12 \$600 to carry out bringing the community together. And how
13 can we do it if we're not funded properly? And the community
14 can't heal in this way.

15 But we can get budget to do things like printing.
16 Ferguson said they would print the programs or anything that
17 we need, and we're still out for lunch on that. I don't know
18 about that too much.

19 But recently, we spent \$46,000 to a private marketing
20 company to rebrand Ferguson, and in the rebranding of
21 Ferguson, what better way to rebrand a community that's in
22 distrust and feel disproportionate in places by bringing the
23 community together.

24 Secondly, I would like to -- to add that this should
25 be up under data collection reporting and transparency.

1 Secondly, the need to streamline the process and protocols for
2 complaints for both the CRB and the HRC is evident. Recently,
3 the HRC filed a complaint regarding a civil matter that ended
4 up involving two -- involving the police. We completed our
5 due diligence and filed the complaint so that it could be
6 finalized by the CRB. It was a police-involved issue;
7 however, we were then advised to go back to the complainants
8 and have them redo the complaint form because it was not on a
9 CRB form. The Human Rights took the form. So we saw that it
10 was a CRB complaint, so we filed it with the CRB. So I don't
11 see why it's in limbo right now. This is not only an
12 inconvenience to the parties involved, but it's also
13 time-consuming and would make people not want to go through
14 such a tedious process in the future. This may be why few
15 complaints have been filed with the CRB to date in a city that
16 was full of police-involved corruption, and many of my people
17 in my community say, "Is there any wonder?"

18 So I'm asking the Court this morning to help us along
19 the lines of streamlining the process and the protocols for
20 both the CRB and the HRC so that we can have the data
21 collection, the reporting, and the transparency down to a
22 science.

23 Thank you, Your Honor, and have a good afternoon.

24 THE COURT: Thank you.

25 All right. The next person is Ms. Clines. And,

1 again, if you'll just state your full name before you begin,
2 and then I'll hear anything you wish to say.

3 MS. MILDRED CLINES: Mildred Clines. I apologize for
4 my dress. I actually came right over from work.

5 THE COURT: That's fine, of course, yeah.

6 MS. MILDRED CLINES: But thank you for hearing the
7 public today. We definitely want to take our opportunity
8 because we don't get to speak as often as we would like at
9 these status hearings, but thank you for hearing us today,
10 Your Honor.

11 And I'm a part -- my name is Mildred Clines, and I am
12 a member of the Ferguson Collaborative, but -- and I have
13 certain points that I'm supposed to make because we all kind
14 of divided up the areas, but I would be remiss if I didn't
15 mention my frustration, my disdain for the City Council
16 appointing the Acting or Interim City Manager. If you all --
17 if you might not know this, but -- and I don't have anything
18 against Mr. Jeffrey Blume, who is our Acting City Manager, but
19 when the DOJ came to Ferguson to do an investigation, you
20 know, because of the uprising and all the complaints,
21 Mr. Jeffrey Blume was our financial -- our Finance Director,
22 and he is actually mentioned in the Department of Justice
23 report in reference to the budget, and there was a
24 conversation, because I actually read it myself, about a
25 shortfall, a budget shortfall, and there was a conversation

1 about increasing the tickets in order to bring that budget up,
2 and Mr. Blume was in that conversation. So for the City to
3 appoint him to run the City is really like a slap in the face
4 to me as a citizen of Ferguson. I just want to say that. I
5 don't have anything against him, but I just think that
6 decision -- it's like a conflict of interest. I don't see how
7 he could even be in that position.

8 So the reason I'm -- today, I'm supposed to talk
9 about the CRB, and I before talked to you before, Your Honor,
10 and told you that I was a member of the Civilian Review Board
11 Task Force, and it was a group of citizens that came together
12 to put together what we -- what we thought a CRB should look
13 like for the City of Ferguson. Put all our input. We met
14 like every week, like three or four hours a day, once a week,
15 for like a whole year. We put our blood, sweat, and tears
16 into that to produce a product for the CRB.

17 So there's about three points I just want to touch.
18 The Ferguson Collaborative has submitted a letter. So I just
19 want to touch on about three points of the CRB. There's a
20 failure to include the CRB on the FPD hiring and promotional
21 panels. And in the Consent Decree, it actually mentions that
22 members of the CRB should be on the hiring and promotional
23 panels when you're hiring police officers, and that is not
24 happening. That's in paragraph 405 of the Consent Decree.
25 I'm not going to even read it, but it's in the Consent Decree.

1 The second thing I would like to mention is the
2 failure of the CRB to review or hear citizens' complaints. So
3 a few of us attended the meeting last night where we found out
4 that -- we found out, as the public, along with the CRB, that
5 there were like six complaints. They had no idea that there
6 were any complaints out there, and that's just not acceptable
7 either.

8 The third -- third point is a failure to educate the
9 community about the CRB. Members of the community -- most
10 members of the community don't even know the CRB even exists,
11 and we think the City should do a better job, can do a better
12 job of informing the community that this particular board
13 exists and how they can reach out to them.

14 I remember reading in the Consent Decree that a
15 person should be able to file a complaint either with the CRB
16 or with the police department. They should be able to go
17 online, you know, to submit a complaint, and I know online it
18 doesn't, and last night, members of the CRB were saying that
19 there's nothing on their website about a form about filling
20 out a complaint; there's nothing on the Ferguson Police
21 Department's website about filling out a complaint. So the
22 City can do a better job with that.

23 Also, independence. The CRB needs to be -- needs to
24 show the community and the public that they're operating
25 independent of the police department, and if you attend these

1 meetings, you don't really see that. You know, you feel like
2 the members -- of course, they're all new and are community
3 members, but they look too much to the police department for
4 answers. It's basically, "What about this? What about that?"

5 And, of course, you know, Chief McCall, who should
6 really be our chief -- the community -- that's what we really
7 wanted, but, you know, the council said different, but he
8 would -- he would give them answers, but we're trying to tell
9 them that you have the authority; you are -- you are -- they
10 don't realize what power they have, and they always look to
11 the -- to the police department for their answers. So that's
12 just not a good look. They need more training. You know,
13 they say that they need -- they need more training. They're
14 nervous about what they can do and what they can't do. So, to
15 me, all of that comes with additional training.

16 THE COURT: All right. Thank you.

17 MS. MILDRED CLINES: So that's all I'm going to say.

18 THE COURT: Thank you. Your time is up. I
19 appreciate it, Ms. Clines.

20 All right. Angelique Kidd.

21 MS. ANGELIQUE KIDD: Hi. My name is Angelique Ayaan
22 Kidd. Thank you, Your Honor, for allowing me to comment. I'm
23 a Ferguson resident, and I also was on the Civilian Review
24 Board Task Force, and I apologize if a lot of what I have to
25 say is redundant to what other people have already spoken to,

1 but it's what I feel is most important regarding the Civilian
2 Review Board.

3 First, I wanted to make sure that you are aware that
4 there's still confusion, that the Civilian Review Board is
5 still confused as to when they actually receive complaints
6 from the Ferguson Police Department. At last meeting, at last
7 night's meeting, it was mentioned -- and I'm sorry; I can't
8 remember if it was by the City Attorney or if it was by the
9 Interim Chief, but they quoted from the CRB Code of
10 Ordinances, which is -- which is also stated the same way in
11 the Consent Decree that -- that's under duties and
12 responsibilities -- the FPD shall notify the board when any
13 departmental investigation of misconduct is preliminarily
14 completed. But I also wanted to point out, as a task force
15 member, when you go to the City website, to the Civilian
16 Review Board page, and then you click under "Steps to complete
17 the Civilian Review Board Complaint Resolution and Appeal
18 Process," the task force consensus was that the CRB and FPD
19 immediately notify each other of a complaint, and that's
20 because a citizen should be able to file a complaint with
21 either/or. So the -- the -- there's some confusion there as
22 to when they actually get to receive complaints from the
23 Ferguson Police Department.

24 I also did also want to speak on the six complaints
25 that came up last night at the meeting. And I'm not -- and I

1 apologize. I'm not exactly sure what word he used, but it was
2 something to the effect of this: The Ferguson Police
3 Department discovered six complaints. Then the month of April
4 was mentioned, but I wasn't able to get clarification on
5 whether or not that's when the complaints were filed or if
6 that's when the complaints were discovered. When I asked for
7 clarification about how it was possible that the police
8 department had six complaints filed against them and were
9 unaware, I received no information. Not one person from the
10 City would answer my question.

11 So I then asked the Civilian Review Board if they
12 were aware of the complaints. Only one member was aware of
13 the complaints, and that was the current chairperson. They
14 did do elections last night. So she's now the vice chair, but
15 she was chairperson, you know, the previous five minutes
16 before, what have you, and she said that she's known for three
17 weeks, but the other board members were not aware, and
18 neither -- neither were the public aware of these complaints
19 that had been filed. When I asked her how come, she stated
20 that she was waiting to go into a closed session because she
21 didn't know if that was sensitive information for us to be
22 aware of. So when I -- I tried to explain to her that that
23 would not be considered sensitive information as she didn't
24 have to tell us the nature of the complaints, just that they
25 actually existed.

1 So, Your Honor, I did want to make sure that you
2 understood -- that you knew that our Civilian Review Board
3 doesn't even understand what's sensitive information and
4 what's not sensitive information when it comes to the
5 complaint intake process.

6 And then lastly, I did also want to let you know that
7 when you attend -- when the public attends these meetings, at
8 the actual table is the Civilian Review Board members. Then
9 it will be the Interim Chief of Police. Sometimes, the City
10 Attorney. Sometimes, the Interim City Manager. So the City
11 is not ensuring that the Civilian Review Board remains
12 independent from the Ferguson Police Department and the City
13 itself. Did you have any questions for me?

14 THE COURT: No. I appreciate that. Thank you.

15 MS. ANGELIQUE KIDD: Okay. Thank you.

16 THE COURT: All right. The next person that signed
17 up. Melanie Randels.

18 MS. MELANIE RANDELS: Hello, Your Honor. I'm going
19 to read a statement that I was hoping to be included as an
20 exhibit for written testimony today. It is endorsed by the
21 Human Rights Commission. I am a Third Ward resident as well
22 as the Ferguson Human Rights Commission Chair.

23 THE COURT: And your name is Melanie Randels?

24 MS. MELANIE RANDELS: Melanie M. Randels, yes.

25 THE COURT: Okay. Go ahead.

1 MS. MELANIE RANDELS: I am writing to bring attention
2 to concerns I have regarding some misconduct and egregious
3 comments that were made by the Mayor during our council
4 meeting on 5-27-19. Myself and other commissioners had been
5 requesting both a budget and the specific criteria to receive
6 an allocated amount annually based on the fact that we are
7 supposed to sponsor and initiate programs that propel our
8 mission according to section 21-32 in our duties.

9 Upon completion of our statements, as the community
10 began to chatter amongst themselves, the Mayor yelled, "Hey,
11 hush. You're not making too many friends up here since you
12 are making requests to the budget." This was totally
13 unprofessional and out of line as it leads us to believe that
14 funding allocations are being given not based on the
15 ordinances or our assigned tasks but instead by the mercy of a
16 personal relationship with the Mayor, and that is not okay.

17 Over the past two years -- I've only been chairwoman
18 for about 30 days, but over the past two years, we have been
19 given verifying information as to why we are denied the mere
20 \$600 request. Reasons have included we've asked too late, no
21 other commission has received a budget since the Mayor has
22 begun his term, and et cetera. This year, we did exactly what
23 the City Manager has requested in the past and were denied yet
24 again seemingly because, to our dismay, this is not even an
25 option according to the Mayor. Now, if that is the case, why

1 have we been getting the runaround for two years trying to
2 apply? This would not be at all possible had we been included
3 in the Consent Decree in 2014 or had some say in any matters
4 thereof. Hopefully, there is something that we can do to
5 address that.

6 We also went nearly a year without our appointed
7 liaison, Councilwoman Toni Burrow, coming to one meeting.
8 After several unctions, we were recently appointed a new
9 liaison, newly appointed Councilman Byron Fry, who
10 unfortunately did not know what the acronym "HRC" even stood
11 for or what our agency was supposed to do when he came to our
12 meetings. Although we are grateful he at least showed up, we
13 have concerns about how he was appointed in the first place.
14 As the community expressed during council meetings time after
15 time our support of Fran Griffin, he was selected anyway
16 without ever being consistent at community and council
17 meetings. Having been dishonest on his affidavit indicating
18 he did not owe taxes when in fact he did, he was given time to
19 rectify that after the fact. He had also made disrespectful
20 and quite heinous comments on social media about Mike Brown,
21 Jr., his family, and the community whom supported him. We
22 truly question the integrity of the decisions being made here.

23 We are requesting an apology from the Mayor for his
24 unprofessional comments regarding our request. We would also
25 like to have in writing the appropriate protocol which the

1 commission should be following to request funding going
2 forward. We also want processes streamlined for complaints
3 filed between the CRB and HRC.

4 Lastly, we are wanting to review the way in which our
5 council meetings in the city of Ferguson are held. As it is
6 currently written, the community voices our concerns; then the
7 council responds at their discretion; then the dialogue is
8 over. This is not a humane or inclusive way to relate to the
9 community. You are elected to serve.

10 Please respond to us at your earliest convenience as
11 we are eager to begin making necessary changes to ensure that
12 we can continue to be a respected entity within the city of
13 Ferguson.

14 Again, this is Melanie Randels, Ferguson Human Rights
15 Commission Chair, endorsed by the Human Rights Commission.

16 THE COURT: All right. Thank you, Ms. Randels.

17 MS. MELANIE RANDELS: Thank you.

18 THE COURT: Cassandra Butler.

19 MS. CASSANDRA BUTLER: Thank you, Your Honor. Thank
20 you for the opportunity to speak to you today.

21 It saddens me to say this, but it appears that the
22 City of Ferguson has shown clear signs that they are in fact
23 de-emphasizing and devaluing the Consent Decree. I ask you to
24 pay close attention to their actions. Of course, the City
25 never really wanted to enter a consent decree in the first

1 place, but they did finally sign it. I believe with the
2 change in administration at the federal level they have taken
3 some bold actions that indicate -- that are indications of
4 their de-emphasis of the Consent Decree. I will specifically
5 outline some of those actions to help make this point.

6 As -- the council has spent the last year and a half
7 consolidating power in the hands of the Mayor. Melanie
8 Randels mentioned that somewhat. The Mayor who told the world
9 that Ferguson doesn't have a racial problem has actively
10 worked to replace independent council people through his
11 active support of other black candidates to replace them and
12 one of which told us at the December council meeting that she
13 serves at the pleasure of the Mayor. And the other one that
14 Melanie mentioned, Byron Fry, didn't even know he was in the
15 Third Ward. And my council person who selected him or went
16 along with the Mayor told me that her kids are happy because
17 he's a gym teacher, not really telling me whether the Third
18 Ward people supported him, which they did not. So as it's
19 placed -- so as a result of this consolidation of power in the
20 council, he was able to appoint Jeffrey Blume as Interim City
21 Manager. We were all shocked by this, as Mildred Clines has
22 mentioned so, but I would say that that right there is an
23 assault on respecting the Consent Decree because of -- of him
24 being mentioned in the report but now you hire him to be the
25 Interim City Manager. So that's the first -- that's a

1 devaluation.

2 Next, I'm asking why would you use an interim city
3 manager? Why wouldn't you replace the interim city manager
4 before you hire a permanent police chief? So not only did he
5 hire a new permanent police chief, but he's also in place to
6 hire a new human resource person and also this Consent Decree
7 person. He's doing the permanent hiring as an interim. When
8 I asked him to announce the city manager position, I get
9 excuses about why it's not a good idea to do that right now,
10 and I cannot get them to indicate how long he will be in this
11 interim position.

12 Also, this whole police chief search is an indication
13 of -- of their devaluation of the Consent Decree. They
14 could -- there was lots of times they could have chosen to do
15 the right thing, but they haven't. Chief McCall was -- was --
16 he interviewed originally for the police chief position when
17 Delrish Moss was hired, but he was a finalist for that
18 position. Delrish Moss asked Chief McCall to come over about
19 six months after he's been on the job to do that interim -- I
20 mean to do that Consent Decree Coordinator position at the
21 level of a commander within the police department. So
22 actually that position was filled, and we had a police chief
23 that had experience with a consent decree from the Miami
24 Police Department, and we had a person who was given
25 responsibility to administer this Consent Decree at the level

1 of commander within the police department. So now the
2 de-emphasis happens with -- well, they could have just
3 promoted police Chief McCall because Moss and McCall worked
4 hand in hand. Together, they were like hands in glove, and so
5 the transition to administration, to knowing the department,
6 knowing the needs, knowing the personnel was really there. It
7 would have been a really smooth transition, and the Consent
8 Decree could continue without missing a beat, but, no, no, no,
9 didn't want to do that. So they put out a search, a police
10 chief search, in December; applications due in December. They
11 sent out a survey to finalists, and then they scheduled
12 interviews the first week in February. Then the first week in
13 February, they find out that the City Manager is going to
14 leave, and so they just squashed -- even though interviews
15 were set up for that first week in February, they just
16 squashed it and said, "We're going to reopen the search."

17 THE COURT: And I -- you know, I am aware of all
18 that. Your time is up, but if you have another point to
19 make --

20 MS. CASSANDRA BUTLER: Okay.

21 THE COURT: -- I don't know if you can --

22 MS. CASSANDRA BUTLER: Okay. The other point I
23 want -- well, so I want to say I think I've heard the
24 Department of Justice, I've heard the Monitor, everybody give
25 kudos to the City for -- for finally putting this coordinator

1 position out there, but I just want to make the point do not
2 lose -- I mean who's this coordinator going to report to? The
3 police chief. This police chief -- when they put out the
4 announcement for the police chief search in March, they did
5 not even have the word "Consent Decree" anywhere in the
6 announcement. That's another way they devalue that. They did
7 not look for a police chief with any consent decree
8 experience, did not even mention it in the announcement.

9 THE COURT: Thank you.

10 All right. The sixth person, you'll have to tell me
11 your name because I'm having trouble reading it.

12 MS. ANNETTE JENKINS: Annette Jenkins.

13 THE COURT: Annette Jenkins?

14 MS. ANNETTE JENKINS: Yes, ma'am.

15 THE COURT: Okay.

16 MS. ANNETTE JENKINS: Good afternoon, Your Honor.

17 So much has been said up here today, and I don't want
18 to be redundant, but this is a statement that needs to be
19 understood and made clear. Okay. I attend most of the
20 council meetings. I work in the events, I go to the outreach,
21 and I am a member of the Neighborhood Police Steering
22 Committee; however, I am very concerned and troubled with the
23 hiring of Jason Armstrong as Ferguson Chief. Mr. Armstrong's
24 experience and knowledge does not compare to Chief McCall.
25 Mr. Armstrong would have to start over from scratch. Although

1 he has some experience, a lot of the community does not want
2 him to be our chief for the first time. Chief McCall has been
3 with Ferguson ever since 2016. He has acted as the liaison
4 for the Consent Decree between the City of Ferguson and also
5 with the residents. Our council -- we had a council on the
6 25th. All but one member, Fran Griffin, voted no for
7 Mr. Armstrong. The citizens of Ferguson expressed our support
8 for Chief McCall through our votes and at the candidate
9 interview and the town hall meeting, through petition, through
10 verbal comments at the council meeting. With no respect to
11 the residents, the council voted for Jason anyway.

12 Your Honor, this is the council that we have in
13 Ferguson. As has been mentioned, one of the council members,
14 Toni Burrow, says she is there to serve the Mayor, and
15 Alderman Byron Fry said on his Facebook page he would love to
16 bust protester's head and watch it bleed. He was appointed by
17 Ward 3 and by the Mayor and other council members. Your
18 Honor, I find this very disturbing. This is the kind of
19 thinking that got Ferguson in what we're in from 2014, the
20 killing of Mike Brown.

21 The council is made of people who do not take the
22 people of Ferguson serious because if it were true, they would
23 not have went to Atlanta and hired Mr. Armstrong.
24 Mr. Armstrong stated in his interview that he wanted to get
25 away from Atlanta because he was having problems with the

1 administration, and he also said that he will have more
2 officers write more tickets. Funny. That's how we got into
3 the situation we're in now. As a 30-year resident, I am tired
4 of Ferguson looking outside for qualified men and women when
5 we have a qualified man, Chief McCall, who has been with us
6 ever since 2016. He has been through everything we have been
7 through. The residents have been -- since then, we have had
8 three chiefs, three city managers, two HR. Your Honor, I am
9 tired. I have been -- they have been putting us through this
10 search after search after search when we've got qualified
11 people right here.

12 I would like for -- Your Honor, I would like for you
13 to make them, the City of Ferguson, make public to us --
14 because they said all these chiefs and all the city managers
15 was a personal conflict, and they're saying the same thing
16 about Chief McCall. We need to know as citizens of Ferguson;
17 what is this personal conflict?

18 Again, thank you for your time, Your Honor, and I beg
19 and pray that you will listen to the people. Thank you.

20 THE COURT: Thank you.

21 Ms. Davis, Emily Davis.

22 MS. EMILY DAVIS: Hello, Your Honor. My name's Emily
23 Davis. I am a longtime Ferguson resident of Ward 1. Thank
24 you for giving us the opportunity to speak today, and I, like
25 several others before me, will apologize for being redundant,

1 but we do have a serious problem.

2 As noted in court repeatedly today, the lack of
3 leadership and organization is a significant issue and is a
4 direct result of the City's distaste for the intervention of
5 the federal government in Ferguson and the Consent Decree.
6 The introduction of the Consent Decree states that the purpose
7 of the agreement is to protect citizens, enhance safety for
8 officers and the public, and increase a very broken public
9 trust and confidence in the community. Ferguson continues to
10 work against the spirit of this agreement both actively and
11 passively in many important aspects.

12 Evidence of this, in one part, is that we are now on
13 our seventh police chief in the last five years. We had
14 Jackson, then Eickhoff. Police or Acting Police Chief. We
15 had Jackson, Eickhoff, Anderson, Eickhoff, Moss, McCall, and
16 now we're on Armstrong. So we're averaging one chief every
17 eight to nine months. Ferguson's policies and procedures are
18 broken, and the expectations of the Consent Decree are at odds
19 with the City's leadership and their resistance to change,
20 resulting in a near constant turnover at the highest level of
21 the police department.

22 But, perhaps, the most compelling evidence is
23 Ferguson's -- the Ferguson Mayor's appointment of Jeffrey
24 Blume as the Acting City Manager. The last city manager left
25 when our last chief left. Jeffrey Blume was previously

1 Ferguson's Finance Director who was directly responsible and
2 noted more than 10 times in the investigation into the
3 Ferguson Police Department for creating the scheme and pushing
4 the police department's leadership to abuse citizens and
5 violate the rights -- their rights for profit. The
6 investigation specifically states, "The evidence shows that
7 the discriminatory intent is part of the reason for these
8 racial disparities. Over time, Ferguson's police and
9 municipal court practices have sown deep mistrust between the
10 parts of the community and the police department, undermining
11 law enforcement legitimacy among African-Americans in
12 particular. The City budgets for sizable increases in
13 municipal fines and fees each year, exhorts police and court
14 staff to deliver those revenue increases, and closely monitors
15 whether those increases are achieved. City officials
16 routinely urge Chief Jackson to generate more revenue through
17 enforcement. In March 2010, for instance, the City Finance
18 Director" -- Jeffrey Blume -- "wrote to Chief Jackson that
19 'Unless ticketing writing ramps up significantly before the
20 end of the year, it will be hard to significantly raise
21 collections next year. Given that we're looking at a
22 substantial sales tax shortfall, it's not an insignificant
23 issue.' Similarly, in March 2013, the Finance Director" --
24 again, Jeffrey Blume -- "wrote to the City Manager, 'Court
25 fees'" --

1 THE COURT: If you're going to read, ma'am, you have
2 to slow down a little bit when you read because the court
3 reporter is taking down what you're writing. Everybody reads
4 too fast when they talk. So just talk at a normal speed.
5 Thank you.

6 MS. EMILY DAVIS: "The Finance Director wrote to the
7 City Manager, 'Court fees are anticipated to rise about 7.5
8 percent. I did ask the Chief if he thought the PD could
9 deliver a 10 percent increase. He indicated they could try.'
10 The importance of focusing on revenue generation is
11 communicated to FPD officers. Ferguson police officers from
12 all ranks told us that revenue generation is stressed heavily
13 within the police department and that the message comes from
14 City leadership. The evidence we reviewed supports this
15 perception. The City's emphasis on revenue generation has a
16 profound effect on FPD's approach to law enforcement."

17 Appointing Blume to the highest position of City
18 leadership is an egregious violation of the public trust and
19 confidence and completely at odds with the purpose and spirit
20 of the decree. Blume needs to be removed immediately, and the
21 City needs to initiate a transparent process for hiring
22 someone who is willing to follow and implement the Consent
23 Decree in all good faith.

24 As the investigation notes, "The City must replace
25 revenue-driven policy (*sic*) with a system grounded in the

1 principles of community policing and police legitimacy in
2 which people are equally protected and treated with compassion
3 regardless of race."

4 This cannot happen with Blume at the helm.

5 THE COURT: Thank you, Ms. Davis.

6 Mr. Rose, Keith Rose.

7 MR. KEITH ROSE: Keith Rose. I'm a member of the
8 Ferguson Collaborative. Thank you, Your Honor.

9 This afternoon, I'd like to speak a little bit about
10 First Amendment protected activity, and as we heard earlier,
11 that's one of the components of the Consent Decree, but it's
12 also an element to community policing because we've seen that
13 so much of the community interaction with their police
14 department in Ferguson over the years has been at public
15 demonstrations. So it's important to take that in mind as
16 well. And I want to lift this up because just next month will
17 be the fifth anniversary of the killing of Michael Brown and
18 the demonstrations that followed that, and I know that right
19 now the Department of Justice and the City has been working on
20 policies around First Amendment activity. I was fortunate
21 enough to attend last weekend or last week a public policy
22 forum where we discussed what we would like to see in that
23 policy, and I was very appreciative of how Ms. Senier from the
24 Department of Justice led that conversation. I do wish more
25 people had attended, but I do know that that process is long

1 and it will not be in a place for next month.

2 So I want to talk a little bit about these
3 anniversaries because we've seen that in the past they've been
4 flash points for political demonstration. So on the first
5 anniversary, we saw around 130 people arrested in different
6 municipalities. We saw the use of tear gas in Ferguson. We
7 saw one armed protester participant who was shot by police,
8 and we saw one independent journalist who was detained by a
9 Ferguson Police Department officer and had his phone seized
10 because he filmed that person being shot, and I'm unfortunate
11 to inform the Court that the officer who arrested and detained
12 him is actually now the one training, as we heard today,
13 Lieutenant Dilworth. He's now the one training the other
14 officers, and so I find that to be unfortunate.

15 Now, on the second anniversary of Michael Brown's
16 killing, we saw a handful of demonstrations around. We saw
17 maybe 10 people arrested, and we saw an officer seize a
18 clergyman's phone and take it as evidence even though my
19 understanding was he made no effort to arrest that clergyman.

20 So knowing that on these events there is a higher
21 likelihood that there's going to be First Amendment activity
22 and there's going to be violations of people's rights, I think
23 it's important that the City proactively take steps to ensure
24 that those rights are going to be protected just in this
25 coming month, even though I know that the long process will

1 not be able to go into effect, that this policy will not have
2 had all the reviews that we would hope to see in a policy.

3 Now, my experience with Ferguson policing more
4 recently would come from what I believe were the two most
5 recent arrests at demonstrations in the city of Ferguson. One
6 of those was, I believe, October 13th of 2017, where I,
7 myself, and maybe four other people were arrested by the
8 Ferguson Police Department, and while I actually have no
9 complaints about how those arrests took place, I will say that
10 one thing I found troubling was the way they housed arrestees
11 after people were arrested. I know that the practice has been
12 to take them to St. Ann's facility, but what happened with us
13 was we were put in a garage behind the Ferguson Police
14 Department for quite some time, and while we were in there, we
15 weren't shackled to any furniture or anything like that. We
16 were kind of just free to roam, and in that space, in that
17 garage, were allowed to come some people who I believe were
18 Police Explorers, some young people, and other members of the
19 community who said they were there to bring support -- cookies
20 and cakes and bottles of water -- to the officers, and I found
21 it very confusing that these people were in there interacting
22 with us, some of them jeering my fellow arrestees. So I would
23 like the City of Ferguson to create some policy for next
24 month. If there are any arrestees, how are they going to
25 handle people between the time that they are taken into

1 custody and transported to St. Ann.

2 The most recent arrest at a Ferguson protest, I
3 believe, took place about 18 months ago in the Walmart parking
4 lot, where a very active community member was arrested for
5 asking a question of an officer, and the takeaway from that
6 that I had was she complained to the department. I actually
7 heard a recording of a phone call she had with then Chief Moss
8 the next morning where he said he was going to take care of
9 it, but what ended up happening is no complaint was filed that
10 she understands. So she believed her conversation was itself
11 a complaint, but she's been told since then that no actual
12 complaint was filed and that no steps had been taken to remedy
13 whatever happened. So I would like there to be some kind of
14 formal complaint process that people understand to be the
15 complaint process in place in case there are any interactions
16 next month.

17 And additionally, while I understand that there is no
18 community engagement officer in place, I believe that to
19 dramatically reduce tensions, one thing that the City could do
20 today is find one or two officers to be designated as the
21 community liaison, someone who can go out during these
22 demonstrations and help understand what the demonstrators are
23 wanting to see out there on the streets so that they can
24 de-escalate the tension because what we've seen in the past is
25 when the demonstrators go out to protest and they're met only

1 with silent officers in body armor, they do not feel like
2 there is any -- any give or take. And so what we've seen at
3 previous demonstrations, both in the county and in the city,
4 is that when there is one officer or two who are interfacing
5 with them, they feel much more free -- not more free. They
6 feel much more at ease, and tensions de-escalate rather than
7 escalate. So it would be very good if the City could appoint
8 one or two and then train them in de-escalation techniques
9 between now and mid August.

10 THE COURT: All right. Thank you, sir.

11 MR. KEITH ROSE: Yes, ma'am.

12 THE COURT: Fran Griffin.

13 MS. FRAN GRIFFIN: Good afternoon. I just wanted to
14 touch on a few things. I was able to read over the federal
15 status report, and I've noticed a few things that I just
16 wanted to touch on. So in regards to the final copies of
17 policies being published, there have been people in the
18 community who have been waiting to see what has been accepted
19 and what has not for a long time, and we were told that the
20 reason why they hadn't been published was because the roll
21 call training had not taken place and there wasn't -- they
22 didn't want any kind of confusion to come about where the
23 public was thinking that these were things that the police
24 were already trained on. That is understandable; however,
25 when you've got people in the community who are actively

1 engaged, they need to have some follow through. They need to
2 know what has been accepted and what hasn't. This can be done
3 in a few ways. It can be done through the NPSC. We have
4 monthly meetings all the time. There has been at least one
5 session where DOJ was able to come back and explain to us -- I
6 think it was the recruiting and hiring policy -- where they
7 were able to come to the NPSC and they were able to explain
8 what was accepted, what wasn't. I appreciate the 30-day
9 process for accepting additional recommendations, but in the
10 idea of just being transparent, it would be good to have a
11 process set up so that people won't be waiting months and
12 months at a time for the training to finish to see what their
13 work -- what part of their work actually got implemented into
14 the policy.

15 THE COURT: Can I just -- I'm going to stop you right
16 there, and we'll stop your time for a minute. Let me just ask
17 the Monitor. I thought the final policies had been published.
18 Ms. Nor -- sorry -- Ms. Tidwell.

19 MS. TIDWELL: Yes, that's my understanding, though,
20 but I'm not sure if Councilwoman Griffin is referring to from
21 the public comment period what was accepted --

22 THE COURT: And what wasn't. Okay.

23 MS. TIDWELL: -- and what was not and why -- you
24 know, why the finished product is the finished product.

25 THE COURT: All right. All right. Is that what --

1 MS. FRAN GRIFFIN: Yes.

2 THE COURT: So you can start the time again.

3 Is that what you're talking about?

4 MS. FRAN GRIFFIN: Yes.

5 THE COURT: It's not that -- because the actual
6 policy has been published, but you want to see something more
7 talking about what was accepted and what wasn't and why?

8 MS. FRAN GRIFFIN: Yes, because right now, now that
9 we have this 30-day period, the people that are actually
10 working on it don't get to see what all has been recommended.
11 So just because one individual recommends it doesn't mean
12 that -- we don't know if it's the police that the
13 recommendation that the DOJ is accepting -- if it's their
14 recommendation, if it's the community's. Like there's no way
15 of us being able to know what has been accepted and what
16 hasn't. So we actually appreciated the opportunity that the
17 DOJ took to come out to the NPSC and explain that process to
18 us so we would know out of -- out of the people's work what
19 was actually implemented into the policy.

20 In regards to the scheduling of community forums,
21 it's been expressed on a few times, on a few occasions, that
22 we try to make sure that those community forums are not being
23 held at the same time as, say, a City Council meeting or a
24 neighborhood association meeting so that we are not
25 overlapping and giving the residents -- making the residents

1 choose between which meeting they want to attend. For
2 instance, this most recent one that we had in Ferguson with
3 the DOJ in regards to the First Amendment were scheduled on a
4 Monday and Tuesday. Well, Tuesday was City Council meeting.
5 Our City Council meetings are every second and fourth Tuesday
6 of the month at 7:00 unless we have a holiday or something
7 around that time. So that's something that DOJ was well aware
8 of beforehand. Now, granted, we did have two days, but we
9 also have other neighborhood association meetings, other
10 things going on throughout the community. So just knowing
11 that ahead of time and then planning it on a day when people
12 would like to attend both things just makes it very
13 compromising for people to attend, and I think the whole goal
14 is to maximize on community participation. So I would hope
15 that --

16 THE COURT: Is there some master calendar about
17 neighborhood association meetings or other community meetings?

18 MS. FRAN GRIFFIN: Not so much neighborhood
19 association meetings, but definitely the City Council
20 meetings, yeah.

21 THE COURT: I know that, but the others -- I mean,
22 yeah, I understand your point, but it's -- you know, they have
23 to schedule them sometime, and if there's a meeting every
24 night, they're going to conflict with something. I don't --
25 unless there's some -- I understand your point about the City

1 Council meetings. Okay. Go ahead.

2 MS. FRAN GRIFFIN: Community surveys. So we had
3 talked about that. We had actually talked about that during
4 the City Council meeting. It was suggested that those surveys
5 be put at the Urban League and at the library, and that is
6 very appreciative. We talked about that. We also -- there
7 was also a suggestion made to have them at the municipal
8 courts building because those -- that's an opportunity where
9 we can maximize on people actually filling out the surveys.
10 During the municipal courts, the residents have to sit there;
11 they cannot speak, you know, out loud; they have to sit and
12 wait for their turn to be called on so they can interact with
13 the judge. So we -- I personally thought that was a good
14 opportunity for people to be handed the survey when they come
15 in the door, and they can fill it out and drop it in a drop
16 box. From what I understand, there was a concern that there
17 would be bias because, you know, people were in the process of
18 going through municipal court, and I pushed back on that idea
19 because just because you're getting a ticket doesn't mean that
20 you had a negative experience with a police officer, and
21 that's one place that we do know where community and police
22 have at some point engaged with one another. So it would be
23 really interesting to have that, and so I don't think that it
24 actually tilts the data. I think it would actually support
25 it. So I just wanted to make notice of that. Let me see.

1 Municipal court.

2 THE COURT: Yeah, so your time is up, but if you have
3 one more point, we can --

4 MS. FRAN GRIFFIN: That's pretty much it for now.

5 THE COURT: Okay. Thank you.

6 MS. FRAN GRIFFIN: Thank you.

7 THE COURT: All right. Ms. Topps.

8 MS. KATURAH TOPPS: Actually, I won't be speaking
9 today.

10 THE COURT: Okay. Thank you.

11 And so then the next person is -- that signed up
12 late -- yes, sir. If you'll step forward, Mr. Ashby.

13 MR. BLAKE ASHBY: Hi. My name is Blake Ashby. I'm a
14 resident of Ferguson. I am here to request that the Court
15 suspend monitoring of the Consent Decree for one year. Not
16 suspend the Consent Decree. Just suspend the Monitor. From
17 the start, the monitoring has been one of the challenges of
18 this Consent Decree. I understand that what happened in
19 Ferguson was really more of a national event than just a
20 Ferguson event, and I understand that this has caused
21 attention from around the world, around the United States to
22 be focused on what's happening in Ferguson, but at some
23 sight -- at some point, we have lost sight of the fact that
24 there are actually people that live in Ferguson and have to
25 continue to live in Ferguson.

1 And just to give you one example of what I'm talking
2 about, we recently completed our community policing vision
3 document, and it's -- nothing wrong it; right? The document
4 was written by an art teacher, art professor, from Portland,
5 Oregon, who relocated to University City, Missouri, to work
6 for Washington University. Is there any credible reason why
7 we have somebody from Oregon writing about what's happening in
8 Ferguson, Missouri?

9 The fact of the matter is that we are trying to move
10 forward as a city but the cost of the Monitor is overwhelming
11 us. Our City spent \$300,000 last year not on improving the
12 city, just on paying the Monitor for the quarterly reports and
13 also paying, you know, so our attorney. But so the problem we
14 have is that is two percent of our budget. Two percent of our
15 budget. If you were to take two percent of Chicago's budget,
16 that would be \$7 million. And so we have slipped into this
17 crazy loop where we don't have enough money to pay police
18 officers to build up the police force to implement community
19 policing. That --

20 THE COURT: So if we didn't have a Monitor, then how
21 would I know whether the Consent Decree was being followed?
22 We'd wait for the Department of Justice to file motions for
23 contempt of court and the City to pay more money to the
24 lawyers to come and litigate and fight over it? Is that what
25 you're suggesting?

1 MR. BLAKE ASHBY: No, no. Let the City self-report
2 to the DOJ for just one year. The fact of the matter is that
3 the City actually collects most of the information and
4 provides it to the Monitor already, provides it to the DOJ.
5 If we had an extra \$300,000, we could give every police
6 officer a \$5,000 raise. And, you know, I have to say, as a
7 resident of Ferguson, there is some frustration with this.
8 When we started this process, we were told that it was the
9 Monitor's responsibility to analyze data. I actually took the
10 time to find a computer program being used in
11 Dallas/Fort Worth that is just an amazing transparency
12 platform. We would have had better ongoing transparency than
13 any police department in the United States of America. I
14 presented that to the Monitor. The Monitor said, "Sorry.
15 That's something we're going to do." Now we're being told the
16 Monitor is not doing that; the City is going to have to pay an
17 extra \$75,000 for it.

18 You know, if you look at the issue of the surveys,
19 the surveys should have been done three years ago. At one
20 point, we had a lot of residents that were working on this.
21 We did a series of events in Canfield and Nesbit-Newton, and
22 we collected over 200 surveys. The surveys were designed by
23 an academic, in part by an academic at UMSL. They were
24 credible. Two hundred surveys. The problem with the surveys
25 was they uniformly said the residents in that neighborhood

1 want more policing, not less, and so the whole thing just kind
2 of went away. You know, for whatever reason, people didn't
3 want to hear from residents that liked the police department
4 or wanted more policing; right? You know, and so all these
5 things are just really frustrating. We've got this issue. We
6 don't have enough money to hire police officers. We are
7 having a hard time keeping anybody hired.

8 The reason we hired Jeffrey Blume is because there's
9 almost nobody left with institutional knowledge in the City.
10 It's just killing us; right? And when we first did this
11 process, every Ferguson City Council member, black and white,
12 voted not to accept the Consent Decree because of the cost,
13 and the Department of Justice did a side letter that said, "We
14 are not trying to bankrupt your city. If this is overwhelming
15 you down the road, we will deal with it. We will figure
16 something out."

17 We did a side letter because you said you weren't
18 trying to wipe Ferguson off the map.

19 THE COURT: You're speaking to me here, sir.

20 MR. BLAKE ASHBY: Sorry. My apologies.

21 But we were -- you know, we did that side letter,
22 right, and every City of Ferguson City Council member, white
23 or black, signed that side letter because we were worried
24 about the cost of all this stuff. And now we're in the
25 situation where everybody in this room knows that we will only

1 make nominal progress on the Consent Decree for the next year.
2 We're going to get our City Council or City Police Chief. You
3 know, lots of things will happen this year. It will be
4 nominal progress for the Consent Decree, and we're still going
5 to pay \$300,000 toward that Consent Decree monitoring.

6 When this all was going on, there was a protester
7 whose favorite phrase was, "What is the cost of racism?"

8 And I will be over very soon. I apologize.

9 "What is the cost of racism?"

10 And we always had to chuckle, right, because Ferguson
11 is a mostly African-American city, and, you know, we used to
12 laugh that Ferguson was an opportunity for progressives that
13 lived outside of St. -- out of Ferguson to make themselves
14 feel better by increasing the taxes on African-Americans in
15 Ferguson, and that's it; right? This is a financial penalty.

16 The question we need to ask ourselves is what is the
17 cost of revenge, and part of this feels like revenge. Part of
18 this feels like they want to keep on tearing things down in
19 the city and making it so we can't meet the Consent Decree and
20 the only option is for us to dissolve as a city.

21 So that is my request to you. If you look at the
22 hard math --

23 THE COURT: Thank you. Your time is up.

24 MR. BLAKE ASHBY: Thank you.

25 THE COURT: I understand your point.

1 Ms. Pulliam.

2 MS. FELICIA PULLIAM: Good afternoon, Your Honor.
3 Thank you for this opportunity.

4 First, I'd like to say that we are deeply
5 appreciative to Ms. Tidwell and the Monitoring Team as well as
6 the DOJ for sticking in here and doing this good work with us,
7 providing resource and leadership. I know that you've heard a
8 lot this afternoon about the lack of leadership in the City,
9 but I have a few more things that I'd like to share.

10 Jeffrey Blume being appointed as Interim City Manager
11 is actually a targeted, intentional insult to the community.
12 As we approach the fifth anniversary of the murder of Michael
13 Brown, having the architect of the black body ATM who
14 structured, advocated, and sustained the extraction of scarce
15 resources from a community of color to support a
16 long-understood, an identified structural default in the
17 budget is beyond an insult. It's actually a threat. I
18 received it as a threat that "We will do exactly what we
19 intend to do the way that we've always done it, and we're
20 going to put Mr. Blume in charge."

21 Since the time that he's been there, he's cleaned
22 house. We were making some progress. The previous city
23 manager hired some folks, diversified the expertise,
24 ethnicity, and perspectives of the appointed officials and
25 administrators, employees in the City. Since Mr. Blume has

1 been there, people have been running away. That's because
2 he's not interested, obviously, in implementing the Consent
3 Decree or providing resources for the work to get done.

4 So -- and the lack of leadership -- Mr. Blume
5 understands the structural deficit that was in the budget, how
6 they filled the budget, how he created this community and
7 culture of oppressive, predatory policing and unconstitutional
8 municipal courts, and he's back in place to do the same thing
9 as we approach the fifth anniversary. Your Honor, this isn't
10 an insult. It isn't an oversight. It's a threat, and I
11 believe that something needs to be done.

12 I appreciate Mr. Rose talking about the First
13 Amendment training, the forum and policy, but I don't think
14 this administration has given any consideration to what might
15 occur next month, nor are they prepared. What I think they're
16 prepared to do is to -- is to go back to the practices that we
17 saw in 2015. We don't have training. We don't have
18 consistency of leadership. They will not allocate resources
19 to any of the commissions. The policies still are not in
20 place. The city's voice has not been polled other than by the
21 DOJ to any consideration of policies. And, Your Honor, I'm so
22 disturbed, I'm so disturbed that the City would take this
23 action, structure themselves again against the will of the
24 people, and I view this as a threat. We don't have anything
25 in place to assure that it won't happen again, nothing in

1 place to assure that it won't happen again. So, for me, it's
2 beyond an insult, and it's actually a threat.

3 I also would like to say that while they talk about
4 the inability to afford implementation of the Consent Decree,
5 with having -- with having Mr. Blume there, he has obviously
6 no interest in implementing the Consent Decree. It's moved
7 over to Mr. Carey, who is a competent person, but everyone
8 working on it is stretched so thin, and what we need is from
9 the top to the bottom, a grass roots meeting grass tops with a
10 transformation of understanding of the legacy and history of
11 racism and what it has done to the community. When you put
12 him back in place, what you're saying to the community is "Do
13 not come to the forum. Do not come and participate. We're
14 not willing to change. You're not welcome here. In fact, you
15 may not be safe here."

16 So with all of this effort that's going on, when we
17 look around and we see 15 or 20 people gathered to do this
18 very good work, it's because they've been disenfranchised and
19 marginalized for so long and they don't believe that we can do
20 this transformative thing. I happen to think that we can do
21 it. I happen to think that we can do it.

22 And so, Your Honor, why is it that elected and
23 appointed officials not only in St. Louis but in the St. Louis
24 metropolitan area believe that black people are the only
25 people that must bear the cost and burden of racism? We

1 didn't structure the institutions. We don't advocate for them
2 nor sustain them, but when it comes time for a very specific
3 intervention to bring systems that have been out of balance
4 historically and done tremendous harm, they want to cry and
5 whine about the cost of intervention, transformation, and
6 correction. This is the cost of racism. This time we're
7 sharing the cross -- the costs against the population, and I
8 think that they have the responsibility and the duty to pay
9 their due portion.

10 THE COURT: All right. I have your point,
11 Ms. Pulliam. Thank you.

12 All right. I do -- I'm going to ask Mr. Carey to
13 respond to some things, but I do -- I mean I -- I appreciate
14 hearing what you all have said, and obviously, I've heard a
15 lot of really passionate things, and I -- and I do -- I wanted
16 to try to come up with a -- make a few general comments, and I
17 don't want this to sound like I'm not hearing what you're
18 saying because I am, but I -- I understand how disappointed
19 many of the people who spoke here today and, I suspect, many
20 other people were that Interim Chief McCall was not selected
21 as your chief, and I think Ms. Tidwell mentioned and I can say
22 too that he's done great work since he's been there, and I'm
23 aware of that, but this Court isn't going to select the new
24 police chief, and this Court can't select the city manager.
25 That's not my -- you know, I don't have the jurisdiction to do

1 that, frankly, and I also wouldn't anyway because the people
2 of Ferguson need to do that. You don't like the way it's
3 done, and I understand that, but I hope that your political
4 process can -- can help the next time around if you think
5 that's not the right way. I -- you know, that's up to the
6 people of Ferguson, but I do -- and I do -- I do hear what
7 you're saying.

8 On the other hand, Ms. Pulliam just said we can do
9 this, and I believe that the city of Ferguson can do this and
10 can achieve it, and I believe you're making those steps.
11 There's a lot that needs to be done, but, you know, I -- I
12 guess I just need to say one thing, and I am not -- I'm not
13 disagreeing with anything anybody said except for one thing,
14 and that is that the way these municipal courts throughout the
15 region have been run and the way that cities have enforced
16 ordinances to generate revenue is -- wasn't invented by
17 Mr. Blume. It was invented by lots of other people, and it
18 was also -- maybe he had -- I read the report, believe me. I
19 understand your points, but it's -- it's a -- it's been an
20 issue, frankly, in this country as long as -- as long as we've
21 had municipalities and municipal courts, I think, but I think
22 that the State of Missouri, in some of the reforms they've put
23 in for municipal courts as well as what's happening in this
24 city, has -- there's great progress being made, and the one
25 area of the Consent Decree that I think the parties involved,

1 the Monitor and the Department of Justice and the City, agree
2 where there has been huge progress made is in the municipal
3 court system. That's the part that I'm the most pleased with.
4 We're still working hard on the police policies, but I think
5 that in Ferguson the municipal court system as it operates
6 now -- and I know there have been more changes with the clerk
7 and the judge and all those things, but I believe that the
8 progress that's been made is very substantial. So I just want
9 to say that, and I'm not -- I'm not trying to minimize what
10 you're saying.

11 The other issue that I had not really focused on --
12 and I appreciate your bringing this up -- is the issue of the
13 anniversary once again coming up and having the concerns
14 raised by the community when the anniversary does come up and
15 whether there will be unrest and whether the City is prepared
16 to deal with it. So I hope very much that the City is putting
17 into practice and use the things I hope the City has
18 learned -- and I believe they have -- about, you know,
19 de-escalation and appropriate policing in protest situations
20 and First Amendment rights. I am very hopeful, based on
21 things, discussions with Mr. Carey, that that is something
22 that's going on and that the City is very well aware of this
23 and will be working hard to do it, but I had not focused on
24 that before today, and I just want to appreciate -- tell you
25 all I appreciate your bringing that up as an issue for this

1 moment.

2 But, Mr. Carey, let me just ask you if you wish to
3 make any comments with regard to these things, and I'm not
4 asking you to defend the hiring of your new police chief or
5 your interim city manager because, frankly, that's not what
6 this Consent Decree -- you know, I'm not in charge. I'm not a
7 personnel department, but I would hear any other response
8 you'd like to make with regard to any of the other issues, and
9 you don't need to cover them all because --

10 MR. CAREY: Right.

11 THE COURT: -- that would take all day.

12 MR. CAREY: Yeah. No, Your Honor. You know, I
13 appreciate what you just said to the public. You know, I, for
14 one, certainly have respect and appreciate folks who take
15 their time out of their day -- I mean this is like work hour
16 time right now -- to come here and participate and talk to you
17 about how they feel about, you know, the City of Ferguson and
18 where we're at and what we're doing. You know, it's --
19 there's a lot to be done. You know, one of the things that
20 you kind of see here today is that, you know, if you're a --
21 if you're in the City of Ferguson and you're a City official,
22 you face a lot of scrutiny, right, a lot of scrutiny and a lot
23 of negativity. Those are the types of things that affect
24 morale, you know, employee morale, and it affects folks, you
25 know, who -- you know, whether or not they want to stay, you

1 know, in the City of Ferguson. As you know, we've had a lot
2 of turnover recently. You know, folks, rightfully so, are
3 angry about things that have happened in the City in the past,
4 and we've turned over a lot of employees. We've turned over,
5 you know, 80 percent of our police force. We've turned over
6 city managers. We've turned over leadership in the police
7 department, but we're still facing the demons from the past,
8 and, you know, it's just a tough job. So I don't envy folks.
9 I respect any -- even though I -- whether or not I agree or
10 disagree with what folks have to say, I certainly respect
11 their right to get up here and say it.

12 One of the concerns I would maybe address with the
13 Court is just, you know, I'm not quite sure if we've gotten to
14 a place here where, you know, this public comment session is
15 just kind of a free-for-all bash the City type situation. A
16 lot of comments are being made that are not relevant to the
17 Consent Decree and Consent Decree compliance. And just out of
18 respect for the folks that are coming here to, you know,
19 express their support for the City, elected folks, you know,
20 people that are, you know, kind of sitting here, you know,
21 being bashed about things that are not, you know, relevant to
22 the Consent Decree, you know, I don't know if we -- you know,
23 do we need to -- do we need to address the topics that are
24 going to be spoken about here in court? And, again, I
25 don't -- you know, freedom of speech is a thing, right, but

1 this is more of a time, manner, and place type thing because
2 we do -- what I'm hearing here is pretty much the same thing I
3 hear at almost every council meeting that we have, and so the
4 citizens definitely have an avenue with which to -- to voice
5 this kind of thing, but, you know, it just -- it gets to a
6 point to where, you know, I'm just kind of wondering, you
7 know, how productive we're being with our --

8 THE COURT: Let me just say this, Mr. Carey.

9 MR. CAREY: Yeah.

10 THE COURT: I think that everything that's been
11 said -- although many of it does have to do with things that,
12 as I said, are not part of my jurisdiction under the Consent
13 Decree, I understand how they are related to the Consent
14 Decree process, and I don't think it's inappropriate, and so I
15 understand that it may be difficult and that some of it may be
16 venting, but I think that, you know, I intend to continue the
17 process of every six months having the citizens speak, and I'm
18 not going to tell them the topics ahead of time. I hope it
19 will be relevant to the Consent Decree, and I'll keep with the
20 five-minute rule, but I will -- I'm still going to hear what
21 they say. I understand your -- what you're expressing about
22 this.

23 MR. CAREY: Yeah.

24 THE COURT: I also will say that, you know, today was
25 a little tough because there are people in the court waiting

1 for my 3:00 docket, but we'll -- they'll wait. So keep going
2 and --

3 MR. CAREY: No. I figured, Your Honor, you'd say
4 that, but I'm, of course, paid to ask.

5 THE COURT: Yeah, I understand. I understand what
6 you mean.

7 MR. CAREY: So I have to ask, right, but, you know,
8 at the same time, you know, some of the comments about Consent
9 Decree compliance -- you know, that stuff, I think, is fair
10 game. You know, folks have a right to -- to feel however they
11 feel about that. You know, again, there are areas where the
12 City, you know, is -- is falling behind and out of compliance,
13 and there are areas where the City, you know, is exceeding the
14 expectations.

15 So, you know, at the end of the day, you know, I
16 don't want to stand here and reply to individual comments. I
17 mean, you know, again, I don't begrudge people the way they
18 feel about the City of Ferguson. All I can say to you is
19 that, you know, I'm happy to answer whatever questions you
20 might have. I know some of the folks might have raised some
21 overarching concerns that you might have, and so if you have
22 any specific questions of me based on what the folks from the
23 audience said, I'm happy to answer them.

24 THE COURT: I don't. I will have some comments when
25 we're concluded, but I don't think I -- I just wanted you to

1 have a chance to say what you wanted.

2 Mr. Volek, do you wish to make any statements at this
3 time before we conclude the -- or Ms. Senier?

4 MR. VOLEK: The Department of Justice just wants to
5 thank people for coming out to speak today. You know, the
6 very first line of the Consent Decree says that the parties
7 recognize that the ability of the police department to protect
8 the community and serve is only as strong as the relationship
9 it has with that community, and I think that the best way to
10 build that relationship is to continue to hear from the
11 community, both concerns and positives, and we certainly
12 welcome the comments and look forward to addressing the
13 specific concerns going forward in cooperation with the City.

14 THE COURT: And, Ms. Tidwell, do you wish to make any
15 comments at this time? And I -- obviously, I want you to feel
16 free to do that if you wish to.

17 MS. TIDWELL: No, thank you, Your Honor. I just echo
18 what the department and Mr. Volek had to say. I thank the
19 community members who took the time to come out and talk. We
20 would like to just express on behalf of the Monitoring Team,
21 once again, our thanks to Interim Chief McCall for all of his
22 hard work, and we hope to see more of him in the future, and
23 that's it. Thank you.

24 THE COURT: All right. I -- I do -- so, you know,
25 and I appreciate that. I want to say that I do -- I think

1 everybody here should know that these lawyers in front of me
2 have been working very hard -- Mr. Carey; the Monitor,
3 Ms. Tidwell; Mr. Volek; and Ms. Senier; and the other
4 Monitoring Team members -- and are doing, in my opinion, a
5 good job at trying to move this process forward.

6 There's no doubt that there are limitations, and I
7 think we are, you know, sort of getting to the point where
8 the -- the City really does need to step up its game, and
9 you've got the new chief now, and I do hope that by the next
10 hearing in a quarter, you know, at the end of September, that
11 we can have some firm progress on the issues that are still
12 big concerns, such as, you know, having -- you know, the
13 issues of a dedicated consent decree coordinator, having a
14 robust training program. It sounds like what's been done so
15 far in the roll call training has been very good, but the rest
16 of it needs to be put into place and using the resources
17 available, including the training committee as well as the
18 others, to have a training coordinator and a plan.

19 The data collection process is really important
20 because until we can measure what's happening to know how the
21 City is complying, we're not going to get this done, and I do
22 want to -- I appreciate what one of the members of the public
23 said about maybe let's just stop monitoring this stuff, but
24 that's not what we're going to do. We're going to follow the
25 Consent Decree. It's the Court Order, and the parties have

1 agreed to it, and we're going to keep moving forward, but data
2 collection is important because without it there's no way to
3 know, you know, what is -- whether goals are being met.
4 That's true of everything.

5 So I know the City is working on, with the Department
6 of Justice, the recruitment plan and talking about the
7 staffing survey. So that's another one of the issues that I
8 hope we will have some concrete reports from the City by the
9 next issue. So training, the community engagement liaison,
10 and the transparency, how are you going to get these reports
11 put in as required, and these are things that I really do hope
12 the City can move forward on. I'm comfortable you can. I
13 think that it's been hard to get moving, but we do need -- we
14 need to keep moving on the work plan. The City needs to
15 really, I guess I would say, step up its game, although I
16 understand the personnel issues, but I think you're now at a
17 point where this ought to be moving forward, and I think that
18 the people who have been doing the work on this have been
19 doing -- have worked very hard, but the resources have to
20 be -- have to be there. We have to have people who -- who can
21 do this, and I hope that -- I believe -- and I'm not -- I
22 choose to believe that the City is intending fully to comply
23 with the Consent Decree that it agreed to, and that is the
24 Order of this Court. I mean even if the Department of Justice
25 and the City said, "Oh, we're just going to walk away from

1 it," I would have to be convinced. That's not going to happen
2 unless I'm convinced, and that's partly why we have the
3 Monitor. This is my Consent Decree. They agreed to it, but
4 it's my Court Order, and so I do expect these things to
5 happen, and I do -- I mean I think there have been a lot of
6 steps that we haven't discussed here today, although they're
7 in the Monitor's report, including things like amnesty and
8 others, that have taken a great deal of work on the City's
9 part, and developing these policies has not been an easy
10 process. I think that they're really moving well on their way
11 to get them developed, and obviously, we need the full
12 training to get them implemented, but just the use-of-force
13 policies alone were something that was really essential, and I
14 think the prioritization of the way they're developing these
15 policies has been the right way: To deal with the big issues
16 first, like use of force and working on stops, arrests, and
17 seizures.

18 So I think that the policy development is proceeding,
19 and, you know, on the one hand, I still feel like we're moving
20 in the right direction. On the other hand -- and I say to --
21 I tell Mr. Carey this, but really, I'm telling his clients
22 this -- we're moving in the right direction, but you've got to
23 keep it up. This is the order you are living under, and, you
24 know, when we first had the very first hearing I had to see
25 whether to approve this Consent Decree, the members of the

1 public really -- there weren't really any comments saying,
2 "This is a horrible thing. You shouldn't approve it." Most
3 of the comments from people from Ferguson who were not just
4 saying, yes, approve this Consent Decree, were saying, you
5 know, there are other municipalities who have problems too;
6 we're not the only ones with problems, and we've all
7 recognized that forever, but I do think that the City needs to
8 know that it's really important that this continues to move
9 forward the way as set out in the order, and those are all --
10 you know, there's a lot of things that we need to see working,
11 and I hope they will.

12 And, obviously, I -- you know, because I'm not a law
13 enforcement officer and I'm not a protestor, I didn't think
14 about -- I don't anticipate when protests are going to happen,
15 and just so you know, I don't follow social media to figure
16 out when there's going to be a protest even here at the
17 courthouse. I don't -- it's like -- that's not -- I'm not a
18 law enforcement officer. I know that that's something the
19 City must be dealing with and planning, and I hope that it
20 is -- you know, that going forward, that even in the absence
21 of having our written policies about First Amendment
22 activities, that everyone has learned a lot of lessons from
23 what's been going on the last few years and that there will be
24 appropriate policing, as I believe there has been -- you know,
25 I think there's been a great deal of progress made, and also

1 that, you know, we all recognize that that doesn't mean
2 there's a free hand for anarchy in the streets; right? I mean
3 there's laws, and that's what everyone follows, but that
4 includes the law that First Amendment rights need to be
5 protected, and things like confiscating cameras and other
6 things is not -- you know, there's a right to film police.

7 I was in a totally unrelated municipality awhile back
8 and was reading in the paper that someone was arrested because
9 they were filming the police, and, you know, that's not
10 supposed to happen in today's world, and you would think that
11 people knew that by now, but I hope that Ferguson will be, you
12 know, preparing for what, if any, protests that -- you know,
13 obviously, the people have a right to First Amendment
14 expression on anniversary dates and things like that, and that
15 everyone is preparing that these things go peacefully and
16 appropriately so that people's voices can be heard.

17 And then beyond that, I will say we'll have another
18 hearing in approximately three months. This one was a little
19 delayed for some -- because of my schedule, but by the end of
20 September, I expect we'll have the next one scheduled, and --
21 and we'll hear reports, and in particular, I'll be looking
22 forward to hearing the City tell me -- you know, and meeting
23 the new police chief, I assume, and hearing how the City is
24 progressing on all of these issues.

25 I want to thank the citizens. I do -- as I said at

1 the beginning, I know the fact that you're here means you're
2 the ones who are concerned, and you're probably the ones
3 showing up at the forums and the meetings and the public
4 issues, but I would urge you to do what I suspect you've all
5 been doing all along, including the council people, which is
6 talking to your neighbors, talking to your friends, and
7 saying, "Go to this forum. Go talk about it. Don't just
8 complain to me over a cup of coffee. Go -- go tell the
9 Monitor; tell the Department of Justice; tell the City what
10 you want to have happen" because active involvement is how our
11 democracy works, and I know you all -- the fact you're here
12 means you believe that. So I hope you'll continue doing that,
13 and I do appreciate all the work everyone's done. So we've
14 got to keep moving. There's a lot of work still to be done.

15 Right, Mr. Carey?

16 MR. CAREY: Absolutely, Your Honor.

17 THE COURT: Okay. Thank you, all.

18 So court's in temporary recess. Thank you.

19 (Proceedings concluded at 3:20 p.m.)
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CERTIFICATE

I, Gayle D. Madden, Registered Diplomate Reporter and Certified Realtime Reporter, hereby certify that I am a duly appointed Official Court Reporter of the United States District Court for the Eastern District of Missouri.

I further certify that the foregoing is a true and accurate transcript of the proceedings held in the above-entitled case and that said transcript is a true and correct transcription of my stenographic notes.

I further certify that this transcript contains pages 1 through 93 inclusive.

Dated at St. Louis, Missouri, this 19th day of July, 2019.

/s/ Gayle D. Madden

GAYLE D. MADDEN, CSR, RDR, CRR

Official Court Reporter