



INDEX

Statement by the Court . . . . . Page 3  
Statement by Ms. Tidwell . . . . . Page 5  
Statement by Mr. Hart . . . . . Page 14  
Statement by Mr. Carey . . . . . Page 22

Public Comments:

    James Knowles III. . . . . Page 27  
    Heather Robinett . . . . . Page 31  
    Ella Jones . . . . . Page 32  
    Laverne Mitchom . . . . . Page 34  
    Felicia Pulliam . . . . . Page 36  
    John Chasnoff . . . . . Page 39  
    Mildred Clines . . . . . Page 42  
    Keith Rose . . . . . Page 46  
    Cassandra Butler . . . . . Page 50  
    Jeffrey Blume . . . . . Page 53  
    J. Toni Burrow . . . . . Page 57  
    Fran Griffin . . . . . Page 60

Statement by Mr. Carey . . . . . Page 64  
Statement by Mr. Hart . . . . . Page 71  
Statement by the Court . . . . . Page 76

1 (Proceedings commenced at 10:11 a.m.)

2 THE COURT: All right. Good morning. We are here in  
3 the case of United States versus City of Ferguson, Case No.  
4 4:16-CV-180. We're here as part of the regularly scheduled  
5 hearing dates, a status hearing to hear from the parties and  
6 the Monitor and also to hear from members of the public about  
7 whatever you all wish to report at this time.

8 I do have the sign-up list, and so everyone who  
9 signed up, even those who came a couple minutes late, will be  
10 able to speak.

11 And so I want to welcome you, and I appreciate seeing  
12 so many people here. It's good to see the people are  
13 concerned and show up for these hearings.

14 I do want to tell you one thing that several people  
15 ask, and this is personal, but just so you know because it has  
16 been -- people have asked me about it. You may have heard  
17 that I took senior status. Senior status is a thing we have  
18 in the federal judiciary where I can take -- I can reduce my  
19 caseload, and it's a benefit to the court because another  
20 judge comes on to take my place but I am still working. I'm  
21 working with a reduced caseload, and I'm keeping this case.  
22 I'm not transferring it to anyone else. So you've still got  
23 me, and, you know, I just want to make sure everybody knows  
24 that, and people ask it about other cases too, but generally,  
25 we keep our own cases. We just cut back the number of new

1 ones that we're getting. So I'll be supposedly semiretired,  
2 but I haven't really noticed that yet.

3 So that's what we're doing, and so we'll -- as we've  
4 done in the past, we'll start with the Monitor and hear any  
5 report from the Monitor.

6 First, I'll ask everyone to introduce themselves --  
7 the lawyers -- but then we'll call on the members of the  
8 public to speak. So I'll ask; starting with the United  
9 States, would you all introduce who from your team is here?

10 MR. HART: Charles Hart from the United States, Your  
11 Honor.

12 MS. GLASS: Nancy Glass from the United States, Your  
13 Honor.

14 THE COURT: All right. And welcome to the group,  
15 Ms. Glass. I saw you entered your appearance recently.

16 All right.

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

18 THE COURT: Ms. Senior.

19 MS. MARKS: Megan Marks for the United States.

20 THE COURT: All right. Thank you. And for the City?

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

22 THE COURT: Mr. Carey.

23 And for the Monitor?

24 MS. TIDWELL: Good morning, Your Honor. Natasha  
25 Tidwell for the Monitoring Team.

1 THE COURT: All right. Thank you.

2 Okay. Well, Ms. Tidwell, I would ask you to give us  
3 your report first, and as we've done in the past, starting  
4 with you, and then we'll move to the parties.

5 MS. TIDWELL: Thank you, Your Honor.

6 So, Your Honor, I'll keep -- I'll try to keep my  
7 comments relatively brief because I know we have quite a few  
8 people from the community who are here to talk today. Just to  
9 update you on some of the things that we've spoken about but  
10 just to give you a sense of where we are, on Monday, the  
11 Monitoring Team submitted a draft semiannual report to the  
12 parties for their review. That reporting period is April 2019  
13 through September. As you know, the Consent Decree requires a  
14 15-day period of review by the parties. They get their  
15 comments and edits to the -- to my team, and then we file it  
16 with the Court and with the public. So we look forward to  
17 receiving input from the parties on -- on that.

18 I'd like to thank my colleague, Courtney Caruso, who  
19 took the lead on drafting the semiannual report and the work  
20 plan that accompanies it and who worked collaboratively with  
21 the City's Consent Decree Coordinator, Ms. Barton, to get it  
22 done. The difference in process between the compilation of  
23 last year's work plan and this year's work plan can't be  
24 overstated. There was true collaboration, engagement, and  
25 ownership by the City, as represented by Ms. Barton. The City

1 has committed to instituting a protocol for missed deadlines  
2 to include a reporting of detailed plans as to what wasn't met  
3 in year four and the reasons why and how, what the plan  
4 forward is to meet those objectives. This was not feasible to  
5 do after the close of last year because of the number of items  
6 missed and the absence of a Consent Decree Coordinator to  
7 obtain clear answers on the ongoing status of outstanding  
8 items. We remain optimistic that Ms. Barton will help focus  
9 the City's resources to ensure better results for the year  
10 four action items.

11 Some of the highlights or themes from the semiannual  
12 report. As you would expect, a great deal of the report is --  
13 relates to the personnel transitions that happened during the  
14 reporting period and the anticipation of new hires during that  
15 time. So things were put -- there was a bit of a holding  
16 pattern in some areas during the reporting period, but we  
17 appear now to have propelled forward progress.

18 The municipal court implementation continues to move  
19 forward. My colleague, Ms. Karla Aghedo, was here in November  
20 to complete the fall audit, the main focus being the  
21 comprehensive amnesty program, which is near completion. I  
22 think Ms. Marks will have or Mr. Hart will have some updates  
23 for you. On that, I think when last we met the City was  
24 sending out letters to the folks, the available -- the victims  
25 in the good-cause criteria two cases. They collected some

1 responses. There was some confusion where a person had a lot  
2 of open cases, one of which fell within good-cause criteria,  
3 and sort of the mechanism for what to keep open and what to  
4 close and how to do that, but I think in the past couple of  
5 months, Ms. Herron from the court has done a great deal of  
6 work to move that forward, and I think we are nearing  
7 completion on that, and we'll report out on that when it's  
8 done.

9 In terms of policy development, I'll leave to the  
10 parties to provide a detailed update of the policy development  
11 process, but I will note that with the Court's permission and  
12 pursuant to paragraph 459 of the Consent Decree, the parties  
13 and the Monitoring Team will suspend their work related to the  
14 School Resource Officer Program until further notice. I  
15 believe it was mentioned in the last court hearing that  
16 Ferguson is no longer working with the school district, will  
17 not have a school resource officer in the school. So we'll  
18 suspend work on those particular provisions until that  
19 changes.

20 THE COURT: Right. Because it was the school  
21 district's determination; correct?

22 MS. TIDWELL: That's correct.

23 THE COURT: Yeah.

24 MS. TIDWELL: And my understanding, it was a money  
25 issue, not related to anything, anything else.

1           In other policy areas, the parties continue to work  
2 collaboratively in preparing drafts, overseeing the public  
3 comment period, and finalizing policies in various subject  
4 areas. The implementation of these policies leads directly to  
5 training, and it's largely dependent -- the rollout of these  
6 policies and putting them into practice is largely dependent  
7 on roll call training. I'd first like to extend the  
8 Monitoring Team's congratulations to newly promoted Captain  
9 Dilworth, who spearheads the City's roll call training  
10 efforts. He's got a lot on his plate in terms of the  
11 finalized policies that are ready for rollout and for roll  
12 call training. The Monitoring Team renews its suggestion that  
13 FPD revamp its approach to roll call training by including  
14 first-line supervisors in the training process. It will  
15 improve the supervisors' ability to evaluate their  
16 subordinates. It would give the supervisors ownership of the  
17 new policies, and, you know, almost more importantly, it would  
18 lighten Captain Dilworth's load a bit. Without some change in  
19 its approach, FPD will face a serious backlog moving forward  
20 where we have these policies that have gone through public  
21 comment and have been finalized but were waiting to -- waiting  
22 for implementation after roll call training.

23           In terms of the year four work plan, some of the  
24 things that are on tap for year four are policy development,  
25 and a few areas are on tap for completion in year four,

1 including bias-free policing. I believe some community input  
2 has already been solicited. So the -- I think the Monitoring  
3 Team is waiting for or may have just gotten drafts of those.  
4 The DOJ will correct me if I'm wrong. There is a second suite  
5 of stop, search, and arrest policies and policies related to  
6 First Amendment activity. That will be circulated during year  
7 four. We also note that the recruitment plan is still  
8 pending. We're awaiting further update from the City on that.

9 In regards to training, the City provided a draft  
10 training plan that Assistant Chief McCall has been working on.  
11 We met last month -- the Monitoring Team and the parties -- to  
12 discuss that. We have some revision and suggested work, and  
13 there is some areas that need some follow-up, but we're  
14 working on that with the City to get that done in year four.

15 The most pressing item or priority for year four  
16 needs to be community policing and engagement, which is  
17 lagging behind other areas of the Consent Decree. As  
18 Mr. Carey has suggested in previous hearings, FPD officers do  
19 a great deal of community outreach in the form of sponsoring  
20 events and attending meetings and similar activities.  
21 However, unless and until FPD can consolidate, document, and  
22 streamline those efforts into a cohesive plan for fostering  
23 and maintaining collaborative relationships with the community  
24 as part of an overall community engagement strategy, the  
25 Monitoring Team can't measure it or give them credit for their

1 efforts. Relatedly, it impacts the Monitoring Team's ability  
2 to do its work surrounding assessing outcomes. Considering  
3 how important these provisions are to the Consent Decree, in  
4 short, the Consent Decree can't be successful unless there's  
5 community buy-in and the community feels as if the goals of  
6 the Consent Decree have been met. It's time for the City to  
7 really focus its energy and its resources, to the extent that  
8 it can, on its community engagement efforts. The Monitoring  
9 Team recommends again that the City engage an outreach  
10 coordinator to help them lead those efforts and build  
11 sustainable community policing practices.

12           The community policing and engagement is still in the  
13 midst of policy development. The community engagement plan,  
14 the neighborhood policing plan, the crime prevention plan, and  
15 a policy for responding to recommendations from the NPSC.  
16 When the community policing policy was submitted to the  
17 Monitoring Team for review, I think it was just finalized in  
18 May of this year, but when we initially reviewed it or  
19 reviewed it after the public comment period, we approved it  
20 with the understanding that there needed to be much more  
21 structural thinking around how to develop and incorporate  
22 these policies into FPD's practices. So the community  
23 policing policy just couldn't stand on its own and needed to  
24 be part of an overall vision and mission of the department.  
25 Year four is the time for this visionary and structural

1 thinking to take place.

2 As previously discussed, development of the community  
3 engagement plan is dependent on the staffing shift sequencing  
4 and employment plans. We are heartened by the news that  
5 Mr. Horwitz, the City's data consultant, has prioritized  
6 updating the data from the City's 2016 staffing study. The  
7 parties will, I think, detail that progress further. Once  
8 Mr. Horwitz's work is done, the work of analyzing the data to  
9 determine how to deploy officers to fulfill the City's vision  
10 for community policing will begin. This is a serious and  
11 deliberative process that we urge the City to take seriously.  
12 Rather than viewing each of the provisions in the community  
13 engagement section as items to tick off a checklist, the City  
14 needs to outline and articulate its vision, work with its  
15 partners in the community to refine it, and then get to the  
16 hard work of implementation. The Monitoring Team is committed  
17 to providing whatever assistance or resources, whatever  
18 resources permit. To that end, we have begun discussions of a  
19 kickoff meeting on community engagement with the parties and  
20 the Monitoring Team once Mr. Horwitz's staffing study is  
21 complete, most likely in early February.

22 One last item from the semiannual report that is  
23 impacted by the City's progress towards completion of the  
24 community engagement and community policing provisions is the  
25 community survey, the results of which will be an appendix to

1 the semiannual report that will be filed in the next few  
2 weeks. Last month, Ms. Caruso and I previewed the results  
3 during a public meeting at the Ferguson Community Center. To  
4 recap, we had about 125 respondents, 75 percent of them  
5 identified as white, and more than 50 percent of them were  
6 from Ward 2. A majority -- a plurality, I guess, reported  
7 income over \$100,000, and the majority of the respondents had  
8 positive experiences with the Ferguson Police Department.

9           Obviously, as I've stated before, we would like to  
10 hear from more people. We'd like to have a more  
11 representative sample of Ferguson's entire demographics. The  
12 Monitoring Team cannot do that alone, though, Your Honor. The  
13 Consent Decree tasked the Monitoring Team with conducting  
14 annual surveys. The first was to begin at the end of year  
15 one. Prior to the end of year one, the Consent Decree  
16 provides timelines for the City's implementation of several  
17 items that provide opportunities for direct engagement with  
18 the community. Ideally, implementation of those tasks would  
19 be well underway by the time the Monitoring Team conducted a  
20 survey to obtain an assessment of the community's reaction to  
21 the City's implementation efforts in year one. So the -- and  
22 based on these relationships or these opportunities in these  
23 other provisions, the Monitoring Team could then harness and  
24 leverage the relationships, networks, and systems that the  
25 City had already put in place.

1           The surveys are resource intensive, and the  
2 Monitoring Team is mindful about using its limited resources  
3 to do community engagement that under the Consent Decree the  
4 City has to do. For instance, paragraph 19, which calls for  
5 the City to host and participate in a series of small-group  
6 structured dialogues led by a qualified neutral facilitator  
7 is -- the Consent Decree says that that would be completed  
8 within the first 180 days. Now, we know that the parties have  
9 been moving and the progress has been steady and they've been  
10 working in all of these areas, but the City is now close to  
11 executing a contract with Community Mediation Services of  
12 St. Louis to lead this effort and facilitate these small-group  
13 discussions. So I could envision that once that's on the  
14 ground and we have a schedule of those meetings and those  
15 dialogues, the Monitoring Team could not only view those and  
16 sit in on those and evaluate the level of compliance with  
17 those but also leverage and harness the relationships that are  
18 being built through that for the Monitoring Team's own  
19 engagement efforts.

20           Paragraph 20 of the Consent Decree, also for  
21 completion within 180 days, is the community engagement plan,  
22 which I've spoken about before, which relies on the completion  
23 and the updating of the staffing study.

24           Paragraph 25, within 180 days -- establish  
25 neighborhood associations in each of the housing complexes.

1 My understanding is that outreach to those associations, to  
2 the associations that exist is underway, that Ms. Barton is  
3 doing that. So I think that that's going to be another great  
4 help to the Monitoring Team and building off of and leveraging  
5 the relationships that the police department is able to foster  
6 with those groups.

7 Sorry. Again, the Consent Decree is about the City  
8 building transparency, trust, and accountability with the  
9 community, and the Monitoring Team cannot do that on the  
10 City's behalf. Sustained, consistent community outreach and  
11 community engagement should outlive the Consent Decree. The  
12 Consent Decree is designed to help the City, to guide the City  
13 in building its capacity to foster and nurture those  
14 relationships long after the Monitoring Team and DOJ are gone,  
15 and my hope is that year four will be the time for the City to  
16 really commit to improving those areas.

17 And that's it for me, Your Honor, unless you have  
18 questions.

19 THE COURT: All right. I don't think so at this  
20 time. Thank you.

21 And so, Mr. Hart or whoever wishes to speak on behalf  
22 of the Department of Justice.

23 MR. HART: Thank you, Your Honor. And thank you,  
24 Ms. Tidwell.

25 As Ms. Tidwell has just spoke, there has been --

1 we've noticed some improved momentum in the progress recently.  
2 You know, a few months ago or several months ago, a lot of the  
3 responsibilities for compliance with the Consent Decree fell  
4 upon just a couple of people at the -- at the police  
5 department, and those people were not only handling  
6 responsibilities for compliance with the decree but also a lot  
7 of other -- were wearing a lot of other hats within the  
8 department, and recently, the department and the City have  
9 brought on new people to the team, and those new people have  
10 brought on some skill sets that have been very helpful in the  
11 compliance process, and we have seen some new momentum, and we  
12 are hopeful that this momentum will continue in the coming  
13 months. We've already seen some -- it's made some -- made a  
14 difference in the past few months, and we think that it will  
15 make a difference moving forward.

16 I'm also going to keep my remarks rather brief today  
17 given that this is a public comment; this hearing has a public  
18 comment portion.

19 We continue to work with the City on developing the  
20 policies. That's an ongoing process, and I will mention a few  
21 of the different areas where we -- where policies have been --  
22 have been finalized and policies are currently in development,  
23 but first, I want to kind of talk about the community  
24 engagement portion that Ms. Tidwell has stressed is very  
25 important to the City's compliance with this agreement. Now,

1 the City -- the community engagement and policing part of the  
2 agreement comes at the very beginning, and the parties did  
3 that for a reason because we recognize that it's something  
4 that's foundational to the success of the department in coming  
5 into compliance not only with the requirements of this Consent  
6 Decree but also with making FPD a better law enforcement  
7 agency overall. I think the authority for law enforcement  
8 agencies come from the people, and that's something that's  
9 recognized in the community policing policy, and it's  
10 something that is recognized by the Consent Decree. So we  
11 echo Ms. Tidwell's comments that we think that there are some  
12 things that have taken a little bit too long and need to  
13 happen in the near term in order to facilitate a lot of other  
14 parts of the agreement coming into compliance.

15 I think that Apollo will have a number of updates  
16 with regard to the City's activities regarding the community  
17 policing provisions, but a few of the things of note are that  
18 the structured group dialogues are finally going to happen,  
19 and I think that that's going to happen within the next two to  
20 three months. They have a contract or are in the process of  
21 finalizing a contract with Community Mediation Service to help  
22 not only with that but also to get their community mediation  
23 program up and running. So that is good progress, and that  
24 progress has pretty much happened within the last few months.  
25 It's really -- it's really picked up in the last few months,

1 and I think that the community engagement plan and the  
2 community policing plans are going to be developed  
3 simultaneous with the structured dialogues. I think that one  
4 of the plans is for Ms. Barton to use the structured dialogues  
5 as a feedback loop to kind of inform the community the  
6 development of those engagement plans. So we look forward to  
7 seeing the progress on that front.

8           With regard to the bias-free policing section, that  
9 policy did go out for public comment. The public comment  
10 period closed on Monday. We did receive some comments. We  
11 will start the process of looking at those comments with the  
12 City and incorporating them into the policy to make revisions  
13 to the policy. One thing that we did want to note is that  
14 when we had our public policy forums for the community for the  
15 bias-free policing policy last fall, there was not that much  
16 representation from youth and young adults, which is a  
17 demographic that we think is important to hear from with  
18 regard to this policy in particular. So we have had  
19 discussions with the City about creating some -- some way to  
20 facilitate feedback from youth and young adults within the  
21 next couple of months, and I think that Ms. Barton has some  
22 plans to have some engagement activities where youth can  
23 provide that feedback. So that's something that we want to  
24 see happen very soon.

25           Now I just want to talk about the Civilian Review

1 Board has started to become more active. I think that the --  
2 before, there was -- there were some issues with the  
3 communication between FPD and CRB and with regard to the  
4 exchange of information between FPD and CRB. I think that the  
5 City has done a lot of work to try to resolve those issues,  
6 and the CRB has been more active recently, and Ms. Barton  
7 actually was the Executive Director of the St. Louis  
8 Metropolitan Police Civilian Oversight Board, I think, from  
9 2016 through 2019. She could probably correct me, but it's  
10 been good to have her there as a resource that the CRB can --  
11 can consult. I think that prior to her even becoming the  
12 Compliance Coordinator, people from the CRB were already  
13 talking to her, and I think that it has been helpful for her  
14 to be there and provide some, I guess, technical assistance in  
15 the operations of the CRB.

16 We do want to stress that we think that it is  
17 important or it is important for the CRB to remain an  
18 independent body. That is a basic tenet of civilian oversight  
19 bodies. It's the national association or the council of  
20 oversight of law enforcement. It's one of their basic -- it's  
21 in their foundational ethics, and it's something that is  
22 required by the Consent Decree. Paragraph 407 clearly states  
23 that the independence of the CRB -- that the City shall take  
24 appropriate steps to guarantee the independence of the CRB  
25 from the City and FPD, and that's something that we are paying

1 particular attention to. We will be paying more attention to  
2 that in the coming months.

3           And now for some more specific policy updates, Your  
4 Honor, the -- with regard to stops, searches, and arrests  
5 policies, those have been through public comment periods and  
6 feedback from officers, and we've provided -- we've integrated  
7 that feedback into the policies. We had -- we provided that.  
8 Those were the revised policies to the Monitoring Team. We've  
9 received some comments from the Monitoring Team, and we're in  
10 the process of incorporating those comments from the  
11 Monitoring Team now. So then, you know, once the policies  
12 are -- we incorporate those comments from the Monitoring Team,  
13 they'll go back to the Monitoring Team for approval, and that  
14 should result in the finalization of those policies, and the  
15 next step would be to start the roll call trainings on those  
16 policies.

17           With regard to First Amendment protected activity,  
18 the parties are very close on getting a draft to the  
19 Monitoring Team. Those -- we did have some public forums on  
20 the First Amendment policies, and we are now crafting our  
21 final -- our initial draft of that, and that should reach the  
22 Monitoring Team by the end of January. That's our -- that's  
23 our hope.

24           Body-worn/use of force: The City will have an update  
25 probably on where they are in the roll call trainings. Those

1 policies were -- that suite of policies was finalized, and  
2 some roll call trainings have occurred on some of the policies  
3 within that suite, and the City should have an update on the  
4 plan for the next roll call trainings and when those roll call  
5 trainings will be finished. On the body-worn and in-car  
6 cameras, the parties are in the process of reviewing and  
7 incorporating the monitoring comments from the finalized  
8 policies.

9 Recruitment: As Ms. Tidwell said, we're awaiting the  
10 results of FPD's salary study in order to move forward to the  
11 next steps in that process.

12 Accountability: We -- those policies were finalized.  
13 They are posted on FPD's website. The next step with regard  
14 to those policies is to begin the roll call trainings. So  
15 after the use-of-force roll call trainings are finished, the  
16 next suite of policies to undergo roll call trainings will be  
17 the accountability policies.

18 Also, with regard to data, it's -- it has been a very  
19 big help to -- and I think that the City will agree -- they --  
20 Ben Horwitz was retained as a consultant, and he has begun the  
21 process of doing a gap analysis, looking at the needs of the  
22 department, not just pursuant to the Consent Decree but just  
23 overall needs with particular focus on the requirements of the  
24 Consent Decree, and he's looking at what the requirements are,  
25 what their current systems are, where they might not meet --

1 meet the needs of the department, and we had a good meeting  
2 yesterday where we kind of walked through all the different  
3 sections of the -- of the agreement, and it seems like they're  
4 well on their way to making some significant progress in the  
5 coming weeks with regard to selecting or modifying their  
6 current data systems or selecting some other data providers'  
7 data records management or data collection vendors' systems  
8 that would meet their needs.

9           On court reform, we are awaiting the results of the  
10 audit from -- from the Monitoring Team. A couple of things  
11 that we just wanted to note is that our -- our initial review  
12 shows that of the 7,932 pre-2014 charges that we started with  
13 under the amnesty program, less than 1,000 charges remain open  
14 today, and with regard specifically to the good-cause criteria  
15 number two, of the 563 cases that were open under that  
16 criteria, there are only nine of them that remain open. So a  
17 vast majority of those were closed.

18           Your Honor, I think that sums up our -- our comments  
19 at this point, and we'll -- I don't know if there are any  
20 other questions that you had for us at this time.

21           THE COURT: I don't at this time.

22           MR. HART: Okay.

23           THE COURT: I'll hear from Mr. Carey on behalf of the  
24 City. Thank you.

25           MR. HART: Thank you, Your Honor.

1 MR. CAREY: Good morning, Your Honor. Thank you for  
2 the opportunity to speak. Well, so as is customary, I'm going  
3 to tell you who's here from the City. There's a lot of people  
4 here today, so just bear with me. We have -- from our City  
5 Council, we have our mayor, James Knowles. We have  
6 Councilwoman Heather Robinett. Behind those two, we have  
7 Councilwoman J. Toni Burrow and Councilwoman Ella Jones. And  
8 then on this side, we have former Councilwoman Laverne  
9 Mitchom. I saw that Councilwoman Fran Griffin had signed up,  
10 but I don't see Councilwoman Fran Griffin in the chambers;  
11 however, she may be around somewhere. But also I think it's  
12 important to note some of our -- actually, the majority of our  
13 City administration is also present. Of course, you recognize  
14 our City Manager, Jeff Blume; our Judge, Judge Will Goldstein.  
15 We have, next to Mr. Blume, Alexis Miller, who is our City  
16 Finance Director. Next to her, we have Ms. Veta Crosswhite,  
17 who is our HR Director. Next to Ms. Veta Crosswhite, we have  
18 Octavia Pittman, who is the City Clerk. Next to Octavia  
19 Pittman, we have Mr. Dave Musgrave, who is our Parks Director.  
20 We also then have -- let me switch over here -- Courtney  
21 Herron, our Court Administrator. Ms. Nicolle Barton, as you  
22 know, is our Consent Decree Coordinator. Next to Ms. Barton  
23 is our new Chief of Police, Chief Jason Armstrong, and then  
24 behind those folks, as you know, our tried and true Assistant  
25 Chief Frank McCall.

1           So, Your Honor, this is -- when we -- when the City  
2 dedicates this kind of resources to be present here at this,  
3 at this hearing, it's not just something that we do for show.  
4 I think the new City Manager has made it a point to request of  
5 his administrators to be present so that they are in tune with  
6 what's going on with the Consent Decree, and to the extent  
7 that anything from the Consent Decree would touch their  
8 departments, at the very least, they're here. They're here to  
9 show not just support but to gain information and to let the  
10 Department of Justice, the public, and the Judge know that the  
11 City is committed to this process.

12           One of the things I -- I mean you heard a lot about  
13 the updates from the policy perspective and what we're doing  
14 from the Monitor and the Department of Justice, and so I  
15 don't -- I don't make it a custom to address those things  
16 unless you have particular questions about them once I'm --  
17 once I'm done, but I did want to talk a little bit about I  
18 think it's worth mentioning and discussing this issue of the  
19 deadlines and the dates that have been missed in the past with  
20 the City. As you know, the City has -- you know, just  
21 recently, after the Consent Decree was signed, the City lost  
22 its City Attorney; right? So then, you know, there were  
23 months until I was then hired as the City Attorney to -- you  
24 know, to represent the City and kind of pick the ball up where  
25 it was left off. You know, I think it's important to note

1 that I don't -- we have no factual -- I don't think the City  
2 has any factual issue with what was said by the Monitor in  
3 terms of the City missing dates and deadlines, and I've stood  
4 up here before and said, yes, from a factual perspective, we  
5 missed those, but I think it's important to reiterate that  
6 soon after the signing of the Consent Decree, I think it was  
7 recognized by the parties that we had a document that required  
8 a whole bunch of infrastructure in a city that did not have a  
9 whole bunch of infrastructure. So the decision to sort of not  
10 necessarily abandon the dates but to kind of reorganize how we  
11 went through prioritizing things was a joint decision made by  
12 the parties, the Department of Justice, and the City, and so I  
13 just want to reiterate that because the optics of having that  
14 on the transcript that, you know, the City's missed these  
15 deadlines and it's caused these issues, I have no factual  
16 issue with, I have no factual -- I don't take factual issue  
17 with that, but at the same time, I just want it to be known  
18 that this was a joint decision by the parties to deal with the  
19 Consent Decree based on the infrastructure that we had at the  
20 time. And so that required some things to be prioritized  
21 differently than the way they were in the document, and so we  
22 have been working since then to, I guess -- you know, I  
23 don't -- you know, "play catch-up" is the wrong term kind of  
24 based on, you know, how I just put this, but we've been  
25 working to get through what it is we need to get through based

1 on the new priorities that the parties have, and admittedly,  
2 some of those have been missed. We've had, as you know,  
3 personnel issues. We've had people quit. We've had long  
4 lengths of time where we didn't have people in key positions,  
5 and all of that stuff plays into the issue. Some of that  
6 stuff was where the City probably could have done a better job  
7 to expediate things, but then some of the stuff that happened  
8 in terms of turnover and personnel was out of the City's  
9 control.

10 And so I think, by and large, what you heard from  
11 both the Department of Justice and the Monitor is that we're  
12 here today with renewed vigor. We're here today with renewed  
13 momentum. We're here today with a continued commitment. I  
14 don't even want to say a renewed commitment because I'm  
15 confident that the City Council as well as the current  
16 administration have been committed to the process all along.  
17 There have been some challenges, of course, but I'm confident  
18 that the council has been committed to this process all along.

19 So you heard the words "collaboration, ownership, and  
20 cooperation," and I think all those words to describe the  
21 City, I think, starts with our council. You know, we -- we  
22 recently had a meeting last year with the council and the  
23 Department of Justice because I know the Department of Justice  
24 wanted to, I guess, you know, reconfirm the council's  
25 commitment to what it was we were doing. That meeting went

1 very well. The council then went into action. There was an  
2 ask from the Department of Justice to show us that we're  
3 committed. The council went into action. They took steps to  
4 hire a City Manager, an Interim City Manager; however, the  
5 fact of it is, you know, the Interim City Manager, the  
6 decision to hire Mr. Blume as the Interim City Manager was an  
7 unpopular decision amongst some groups in the community, but  
8 the fact of the matter is since his hire, since the council  
9 saw fit to hire him, we've gotten stability and we've gotten  
10 leadership that we didn't have before in terms of Consent  
11 Decree compliance, which is -- which contributes, I think,  
12 substantially to the momentum that the parties and the Monitor  
13 are feeling.

14 Not only that, with the hire of the Consent Decree  
15 Coordinator by Mr. Blume, the hire of the Chief of Police by  
16 Mr. Blume, the hire of the new Judge by Mr. Blume, the new  
17 Court Administrator by Mr. Blume, the hire of the data  
18 collection expert, Ben Horwitz, which I don't know if I -- I  
19 didn't introduce you, but that's him right there.

20 THE COURT: Ah, that's Mr. Horwitz. Okay.

21 MR. CAREY: All these key --

22 THE COURT: I've heard your name a lot.

23 MR. CAREY: Right. All these key positions as it  
24 relates to Consent Decree implementation have been put in  
25 place by our council and our new City Manager, and these

1 things have put us in the position where we can  
2 demonstratively show the Department of Justice, the Judge, and  
3 the public that we are collaborating, we do take ownership,  
4 and we are cooperating with the Government to put in place the  
5 reforms necessary under the Consent Decree. So, you know, I  
6 just -- I know we have a lot of folks here who are going to  
7 speak today, some of whom are our council folks. I know  
8 you're going to hear from them some of what I'm saying here  
9 today, and so unless you have any specific questions about  
10 something that you heard from the Monitor or the Department of  
11 Justice or something I said, then I'll sit down and allow the  
12 next phase to . . .

13 THE COURT: That's fine. I'll hear from the people  
14 who have signed up to speak, and then we'll hear -- you know,  
15 obviously, you all will have chance to come back, and there  
16 may be some questions raised. So that will be fine.

17 All right. The first person who is listed to speak  
18 is James Knowles, the Mayor, and so I think you know the  
19 routine. Come on up to the lectern, state your name, and then  
20 the lights will come on, and it's a five-minute limit, and the  
21 yellow light goes on after four, and then the red light means  
22 you're done. That's true for everybody here.

23 MR. JAMES KNOWLES III: Thank you, Your Honor. I  
24 want to begin by thanking you for the opportunity to speak  
25 this morning. As Mayor of the City of Ferguson, I felt it was

1 important to convey to you on behalf of the city, its  
2 government, and its elected officials that we have always been  
3 and remain fervently committed to the reforms of our city  
4 government, our courts, and our police department as outlined  
5 in the Consent Decree of 2016.

6 Over the past four years, the City of Ferguson has  
7 delicately balanced the important task of maintaining the  
8 basic and necessary functions and services of the city  
9 government with the added burden of instituting reforms  
10 outlined in the Consent Decree. For a fully staffed and  
11 well-funded city, this would be a herculean task. Ferguson is  
12 neither.

13 Much has been made over the past several years about  
14 the City's inability to meet the subjective deadlines of  
15 implementation of the reforms imposed on the City by the  
16 decree. Time and time again, the same parade of familiar  
17 faces and names have graced this podium and the pages of news  
18 outlets, spewing frustration and an endless stream of  
19 accusations against the City, some claiming surreptitious  
20 efforts to undermine these reforms. Whether the City staff or  
21 officials were old guard, new guard, black, white, male or  
22 female, the inability of the City to meet the decree's  
23 deadlines have consistently been attributed to a lack of  
24 commitment when it has simply been a lack of capability.

25 While some continue to lob accusations that the City

1 is undermining reforms, the fact is that our City has led on  
2 serious reform efforts while other communities have resisted.  
3 Our efforts to adopt reforms in our courts and in our police  
4 department even predate this agreement. After the events of  
5 2014 and the ensuing unrest, I along with our council and  
6 staff engaged in an introspective look at our city government  
7 and operations, with a strong focus on our police and courts.  
8 After engaging countless activists and reviewing critiques of  
9 our city from community members and scholars and news  
10 organizations, I asked the council to consider several  
11 significant reforms to our court system and our police  
12 department, all of which were later included in this Consent  
13 Decree and many of which were adopted by the Missouri state  
14 legislature and the Missouri Supreme Court as part of their  
15 comprehensive statewide reform on municipal courts and  
16 policing. These reforms I speak of were proposed by the  
17 Ferguson City Council in September of 2014, a full six months  
18 before the Department of Justice even issued a report accusing  
19 the City of unconstitutional policing and court practices and  
20 a full 18 months before this Consent Decree was signed.

21 In 2015, when the DOJ released the report on the  
22 police and court practices in the City of Ferguson, the City  
23 Council had to consider an important yet -- excuse me --  
24 difficult choice. Do we have our day in court to test the  
25 veracity of the statements and accusations made by the

1 Department of Justice, which was certain to divide this  
2 community further, or do we focus on continued reform efforts,  
3 which would build a stronger city and a stronger relationship  
4 with those members of our community who feel disaffected? I  
5 advocated then and I have fought ever since to heal the wounds  
6 of our community through a comprehensive reform effort. That  
7 effort was eventually memorialized in this Consent Decree.

8           Four years later, I can assuredly tell you that I'm  
9 not satisfied with the progress that we have made. A mix of  
10 budgetary and staffing crises have created chaotic conditions  
11 which have hindered reform efforts. The revolving door of  
12 senior staff at all levels of city government have created a  
13 start and stop effect on implementing many aspects of the  
14 decree. Every turnover created and every understandable delay  
15 and staffing shortage has focused -- forced the City to focus  
16 on sometimes its most basic functions at the sacrifice of  
17 progress in our reform efforts.

18           Failures of the past were failures of resources,  
19 staffing constraints, and stable professional leadership.  
20 While we continue to suffer staffing shortages and limited  
21 resources, we have solved the problem of stability in our  
22 organization's professional leadership by naming our longtime  
23 Finance Director, Mr. Blume, as Interim City Manager. This  
24 move has improved morale and ensured continuity in our senior  
25 staff, which has significantly improved the functioning of our

1 government.

2 We recognize we still have work to do and the road  
3 ahead is still fraught with obstacles seen and unforeseen, but  
4 our commitment to healing our community through this  
5 comprehensive reform effort has remained unchanged, and the  
6 leadership on our council whose legitimacy has been  
7 democratically tested by five election cycles since the unrest  
8 of 2014 will continue to move us forward in serving the  
9 interests of all of our citizens. Thank you.

10 THE COURT: Thank you.

11 All right. Ms. Robinett.

12 MS. HEATHER ROBINETT: Hello, Your Honor. My name is  
13 Heather Robinett, and I am a 15-year resident of Ferguson, and  
14 I am serving my fourth year on City Council, representing Ward  
15 2. I was elected about a month after the Consent Decree was  
16 signed into existence, and I knew that that was going to be a  
17 focus throughout my tenure on council, and I have been  
18 committed to making sure we are moving toward compliance the  
19 entire time I've been there. I just want to -- I can only  
20 speak from my perspective on council, but there has -- the  
21 council has, the entire time, been committed to the Consent  
22 Decree. There has been no intentional impedance. There has  
23 been no intentional feet-dragging. As many have mentioned, we  
24 did have setbacks. Our first Monitor. We had setbacks with  
25 key positions open within our City staff, and I just want to

1 reaffirm my commitment to the Consent Decree, and right now  
2 with the way that we are staffed right now, I have full  
3 confidence that we are on the right path forward and we will  
4 see a lot of momentum coming, coming soon. Thank you.

5 THE COURT: Thank you.

6 All right. Ms. Ella Jones.

7 MS. ELLA JONES: Good morning.

8 THE COURT: Good morning.

9 MS. ELLA JONES: I am one of Ferguson's councilwomen,  
10 Councilwoman from Ward 1, Ella Jones, a 40-year resident of  
11 Ferguson, and a two-term elected official. I was there when  
12 this Consent Decree began.

13 I want to share my thoughts and concerns referencing  
14 community engagement. What our experiences have taught us is  
15 that the City of Ferguson, not just the police department but  
16 the entire city, needs a robust community engagement strategy.  
17 The days bring about a host of complaints and concerns from  
18 the intrusion of petty crimes and speeding to the unsightly  
19 conditions of dilapidated homes, blight, and abandoned  
20 properties.

21 We work hard to address these problems, but a  
22 comprehensive strategy to address the underlying causes that  
23 helped to create these conditions has yet to develop. There  
24 is an unanswered need for a community engagement coordinator  
25 and that that position does not serve the same function as

1 Ferguson's community development coordinator. The community  
2 engagement coordinator would have a specific skill set similar  
3 to that of a social worker. They would work with the  
4 community engagement police officer and other community health  
5 and social service programs to identify, train, and equip the  
6 citizens of Ferguson to serve as volunteer community resource  
7 workers. This way, rather than merely fighting crime and  
8 placing a bandage on problems, we could focus more deeply,  
9 analyze to address root causes of our community problems, and  
10 provide a more insightful, better diagnosis but could also  
11 prescribe better approaches to these problems to prevent these  
12 challenges before they occur.

13 A pilot program should be developed for community  
14 resource workers to support the community engagement  
15 coordinator for Ferguson in the following ways: Number one,  
16 the community resource workers and the community engagement  
17 coordinator would visit the problem locations where there have  
18 been frequent police calls. Number two, visit neighborhoods  
19 without police radio calls. Number three, create a case file  
20 to collect and analyze data from the neighborhoods and home  
21 visits and analyze their finding to identify and coordinate  
22 the delivery of needed resources with the goal of improving  
23 the overall quality of life, reduce crime, and limit crime and  
24 the need of police calls. Number four, identify and work with  
25 local social service agencies to provide needed support for

1 the families and individuals in distress or facing challenges.

2 In summary, the importance of having a team approach  
3 with the community engagement coordinator, the community  
4 engagement police officer, community resource workers, and  
5 social service agency working collectively will better serve  
6 the well-being of those who call Ferguson home. There is a  
7 funding available for community engagement coordinator and a  
8 pilot program. As I stated before, this is my interpretation  
9 of community engagement. Thank you.

10 THE COURT: Thank you.

11 All right. Laverne Mitchom.

12 MS. LAVERNE MITCHOM: Good morning, Your Honor.

13 THE COURT: Good morning.

14 MS. LAVERNE MITCHOM: A blessed new year to you.

15 THE COURT: Thank you.

16 MS. LAVERNE MITCHOM: Thank you for this opportunity  
17 to express my concerns as a citizen of Ferguson.

18 Your Honor, I believe when we signed the Consent  
19 Decree there was sincere and good-faith effort. Now, though,  
20 in my opinion, we have a deeply divided council in which I  
21 believe personal, political agendas are overshadowing genuine  
22 effort to meet compliance. We all know the council and many  
23 of us will not always agree on everything. However, council  
24 must work together and be very intentional in meeting the  
25 compliances of the Consent Decree. Our city needs to move

1 forward so that we can be a city that works for all of its  
2 citizens.

3 Yes, there is a lot that can be done once we are no  
4 longer under the Consent Decree. There's so much that can be  
5 done with the \$300,000, I believe, that's being paid to the  
6 Monitor. However, because of this, the council needs to be  
7 not only intentional but they need to be laser-focused on  
8 meeting the compliances. I think personal and political  
9 agendas need to stop. The council needs to govern and lead  
10 with the best interests of all the people all the time. I  
11 believe staff turnovers, community engagement, public image of  
12 Ferguson, and the growth and prosperity of Ferguson depends on  
13 a leadership that always governs with the best interests of  
14 all the people.

15 Recently, I was informed that we have the data system  
16 in place. I would like to suggest that when the Monitor meets  
17 with the citizens that we are given a report of compliances  
18 that have been met and compliances that have not been met and  
19 why they have not been met.

20 Your Honor, there are wonderful, good people who are  
21 working every day on -- on groups, commissions and working  
22 hard every day to move Ferguson forward, and we all feel, as  
23 long as we live there -- and most of the people I talk to, we  
24 are invested in making our community one of the best it can  
25 be, but I do believe we've got to be more united rather than

1 divided, and I think that's holding us back.

2 Your Honor, I thank you for this opportunity to  
3 speak, and I hope we will continue to move forward in a  
4 positive way and in a more unified way.

5 THE COURT: Thank you.

6 Felicia Pulliam.

7 MS. FELICIA PULLIAM: Good morning, Your Honor.

8 First, I would like to say thank you so very much for making a  
9 public statement and relieving us all in committing to staying  
10 with us through -- through this process, and while we assumed  
11 that, it's so good to hear, to hear from you.

12 As citizens that have tried to stay engaged in this  
13 process and understand what's going on and be as useful and  
14 beneficial as we can, we thought it's year four; let's try and  
15 figure out where we are, what's happening, what's going on.  
16 So we've done some work. We've been working on it for such a  
17 long time to understand what's been accomplished and what  
18 needs to be done. And what we hoped -- and we do appreciate  
19 the opportunity for public comment and that you have allowed  
20 Ferguson Collaborative to submit documentation directly to the  
21 Court, and it was our hope to have our document, our  
22 independent citizens' audit of the Consent Decree process  
23 completed, but I have to tell you, Your Honor, it's not done  
24 today. It was surprising and a bit alarming for us as  
25 citizens that have been engaged to understand what hasn't been

1 accomplished. So we get reports and updates about what we're  
2 doing, but we had no idea the long, long road ahead of us. We  
3 have over 20 pages outlined of things we're just unsure about.  
4 We're trying to pay attention, but we just aren't sure. And  
5 an additional 20 plus pages of things that we know are  
6 incomplete. We know that they're incomplete.

7           And we've been working on it a long time, and the  
8 difficulty as a citizen of assessing the process and  
9 understanding what's going on is the lack of access to  
10 information. Navigating the City's website, which is  
11 inaccurate and difficult, is a nightmare, and it's really hard  
12 to get accurate information if the City's website isn't  
13 updated or if it's so hard to track where we are with the  
14 policies that we are participating in drafting.

15           So we would hope that there could be a process in  
16 place or maybe a table that could be completed where we have  
17 the Consent Decree item, who the accountable party is, when it  
18 started, you know, where it is at any given point when reports  
19 are provided, and then when it's actually complete because all  
20 the policies -- well, you'll hear more about policies.

21           And so, so far, it's just been really difficult for  
22 us to stay engaged and stay informed. It's -- and so it  
23 appears that people that aren't as directly, consistently  
24 working on this effort may not have interest, but I believe  
25 it's so hard to get accurate information, to navigate the

1 website, to know when the meetings are. It's just too hard  
2 for people that have full-time jobs and other life issues to  
3 participate, and I don't think that's by accident. I don't  
4 think that's by accident, but you've heard that the community  
5 engagement from the City needs to be improved.

6           There have been members of our elected officials in  
7 Ferguson that have said that we've got all of these personnel  
8 issues and a budget crisis and that's part of the reason they  
9 haven't been able to implement, but, Your Honor, if this was a  
10 priority for the City, the City would have realigned its  
11 budget priorities and expended money to invest in this Consent  
12 Decree. They haven't stopped any holiday celebrations.  
13 There's been no pause for concerts or the midnight runs or all  
14 of those things, and even if they were just scaled back a bit  
15 to provide some resources and some bandwidth and leadership in  
16 the community, I think we could have gotten further. They say  
17 that they're committed. As the community, you've heard from  
18 us over the course of these years that we don't believe that  
19 they're committed, and they talk about the leadership that is  
20 now in place and all the hires by the leadership that's now in  
21 place to provide some stability and direction, but Mr. Blume  
22 is cited in the DOJ report as the architect of the problem.  
23 That doesn't demonstrate any commitment from us, and everybody  
24 that he's put in place, we don't have any confidence that  
25 they're going to be working on our behalf.

1           And additionally, Your Honor, this roll call training  
2 to change the culture and practice of a police department --  
3 it's wholly insufficient. There's no way the police officers  
4 can understand and adopt these new policies and practice with  
5 roll call training. Thank you again.

6           THE COURT: Thank you, Ms. Pulliam.

7           John Chasnoff.

8           MR. JOHN CHASNOFF: Your Honor, I wanted to -- first,  
9 my name is John Chasnoff. I wanted to acknowledge the  
10 discussion that we've had today. I hear that there's  
11 increased momentum developing in the City's capacity and in  
12 their ability to operate under the Consent Decree, but I also  
13 want very much to reaffirm the remarks that Ms. Pulliam just  
14 made. It's possible for the glass to be both half empty and  
15 half full, and so when we hear the well intentions, we also  
16 hear, you know, reasons why things have been delayed, but  
17 there's also, I think, very good reason to be frustrated with  
18 the progress and to point out those frustrations and the need  
19 for things to move much more smoothly and quickly.

20           We are three and a half years into the Consent  
21 Decree, and it's alarming to us, as the Ferguson  
22 Collaborative, to see 40 plus pages of items in the Consent  
23 Decree that we think are -- that we know are not done or which  
24 we don't have the ability to even know whether or not those  
25 items are completed.

1 I wanted to focus on one of those areas, which is the  
2 policy writing and input that's been going on. First of all,  
3 I want to acknowledge that the DOJ has accommodated us by  
4 providing comment periods for the policies, but I still don't  
5 think we're at a place where the policy input and feedback is  
6 adequate to really engage the community and move this process  
7 forward with real community engagement. For one thing, we --  
8 the members of the NPSC get an email saying that there's a  
9 comment period beginning and what the policy is, but we don't  
10 think that the notification extends outside the NPSC. We  
11 think there needs to be much more engagement of the larger  
12 Ferguson community and even the larger St. Louis community to  
13 get really proper feedback on the policies.

14 The other thing is we realize that as much -- as  
15 diligently as we work to give input on those policies during  
16 every comment period, we have had no idea where the process  
17 stands after we shout those input ideas out into what often  
18 feels somewhat like a black hole. There has not been any  
19 process for us to understand what review is going on, where  
20 various policies are in the process, or really no process for  
21 us to understand what parts of our input have been  
22 incorporated into the final document.

23 I do appreciate the update that Mr. Hart gave today  
24 on where some of those policies stand, but we went to the  
25 website to try to answer our questions before the hearing

1 today, and what we found is that, first of all, the City has  
2 154 policies posted, but there's no search engine. So if you  
3 want to find anything or know what policies have actually been  
4 incorporated, you have to go through the list of 154, figure  
5 out what they represent and whether they -- you know, whether  
6 they have incorporated new information or not.

7           The list of -- there's another category on the  
8 website of pending policies. There are 27 documents in that.  
9 So all -- basically, all of the policies that we have been  
10 having input on are listed there as pending policies. Most of  
11 them or some of them say "Final," but then when you look at  
12 the actual copy, it says "Draft." So we don't really -- you  
13 know, so it's confusing to understand where those policies are  
14 in the process. Other ones are marked "Final, awaiting  
15 training or pending training," which means to us since the  
16 training is only just beginning that none of the policies that  
17 we've been having input on for three and a half years now --  
18 none of those policies have actually been implemented. It's  
19 quite -- it's quite disheartening for a community to be this  
20 far into the process and see no actual signs on the street.

21           Many of us have been urging the community to have  
22 patience; it takes a long time for these policies to be  
23 written, but I think there is a window of opportunity for  
24 community engagement. Both the Monitor and the DOJ stressed  
25 today that that process was designed to be at the beginning of

1 the Consent Decree process. Now, three and a half years in,  
2 the window for community engagement is closing. It's not the  
3 lack of interest from the community. I think we demonstrated  
4 interest in 2014, and that interest is still there, but it's  
5 so hard to engage in the process that people become  
6 disheartened and disengaged. And as a community organizer, I  
7 know that once that happens, it's very hard to reengage people  
8 who have been promised and then let down.

9 So as we move forward through these very essential  
10 processes of implementing community policing and  
11 problem-solving policing, the delays have only made that  
12 process and implementation more difficult, and I think it's  
13 appropriate for the Monitor and the DOJ to stress the need for  
14 us to get on those community engagement issues right away.

15 Thank you.

16 THE COURT: All right. Thank you, Mr. Chasnoff.  
17 Mildred Clines.

18 MS. MILDRED CLINES: Hi, Your Honor. Thank you. My  
19 name is Mildred Clines. I am a member of the Ferguson  
20 Collaborative. I'm a member of the NPSC, which is the  
21 Neighborhood Policing Steering Committee. I was also on the  
22 task force, a group that developed the CRB. I'm a 40-year  
23 resident of Ferguson. I'm sorry. I'm a 32-year resident.  
24 Thirty-two years here in Ferguson. I thank you for this  
25 opportunity, Your Honor, and I'm happy to hear that you will

1 be keeping this case. You're taking senior retirement. I'm  
2 going to be retiring this year as well, so I'm happy about  
3 that. I'm happy you're going to still be here.

4 THE COURT: Yeah. Unfortunately, I'm pretty much  
5 still working full-time. So that's -- it's a retirement in  
6 pretty much name only, but that's okay. This case will remain  
7 even when I do cut back further.

8 MS. MILDRED CLINES: Wonderful. Wonderful.

9 So I'm going to stay in the box because I only have  
10 five minutes. So, like I say, I'm a part of the Ferguson  
11 Collaborative. So my piece here is what we call lack of  
12 plans, and a lot of times, when I'm up here, I kind of talk  
13 off the cuff and I miss some things. So I'm going to read  
14 most of mine today.

15 The Consent Decree requires the parties within two  
16 years of implementation to create a neighborhood policing  
17 plan, a crime prevention plan, a community engagement plan,  
18 community policing plan, a neighborhood mediation program,  
19 correctable violation plan, a public education plan, and  
20 that's with -- in regards to the Ferguson Municipal Court.  
21 Seven of these plans either have not been created or  
22 implemented. In fact, we have only heard about one of these  
23 plans, the community engagement plan, and even that one is not  
24 clear. We don't know when to expect it or what the plan will  
25 address. The Consent Decree Coordinator is working on the

1 community engagement plan but saying it will also include  
2 problem-solving policing, but the Consent Decree specifies the  
3 community engagement plan should only be police and community  
4 meetings, not problem-solving policing. So the Ferguson  
5 Police Department, the FPD, and the Consent Decree are saying  
6 different things. This is an example of the confusion  
7 surrounding the plans, their creation and their  
8 implementation.

9           Originally, we wanted to put our recommendations --  
10 because the NPSC provided recommendations, we wanted to put  
11 our recommendations in the community policing policy but was  
12 told our recommendations would go into the community  
13 engagement plan because the plans are more detailed and  
14 complex, but to date, all of the plans we discussed still  
15 remain incomplete and we don't have a timeline for when it  
16 will be implemented. Given all the information and lack of  
17 clear communication, we are still not sure which of the NPSC's  
18 recommendations will be incorporated in which plan.

19           These seven plans are not simply a small matter. The  
20 plans dictate and seek to change how the police interact with  
21 the community. For example, the correctable violation plan  
22 states that the FPD should allow residents to fix violations  
23 instead of just incessantly ticketing and fining them. If a  
24 resident has a vehicle equipment violation, a traffic  
25 violation involving failure to provide proof of a driver's

1 license, housing, zoning, or animal licensing, violating the  
2 occupancy permit or maintenance on a house, all of these  
3 violations that are enforced by the FPD and any additional  
4 violations the City sees appropriate, give them the  
5 opportunity to fix it instead of a citation. This is actually  
6 in the Consent Decree. This is an example of the relationship  
7 that the residents was hoping to build, and it shows the  
8 spirit of the Consent Decree, but without any of these plans  
9 being finalized four years into the Consent Decree, residents  
10 understandably feel that these are not a priority of the City.

11 So I've been here before many, many, many times, and,  
12 you know, it looks like it's the same people, but when I leave  
13 here, I hear from my neighbors, fellow residents, "What's  
14 happening? What are we doing? Has anything been done?" So  
15 we represent a lot of people in our community, and there are  
16 still a lot of people in our community that are not being  
17 reached. So the City could provide -- they could send  
18 postcards to that particular demographic of Ferguson. If you  
19 really want to reach them and get them engaged, there are ways  
20 that we can reach those people. Thank you.

21 THE COURT: Thank you. And, you know, I appreciate  
22 your making that point, ma'am, that you do talk to other  
23 people because I do -- I look out and I say it's -- you know,  
24 I've seen many of you here before, and so I had hoped that  
25 what you just said was what happened is that your neighbors

1 and friends do talk to you afterward and you talk to them, but  
2 to the extent you can encourage more people to come, I know  
3 many people are not able to come to court in the middle of  
4 day, but I do appreciate what you said.

5 All right. Keith Rose.

6 MR. KEITH ROSE: Good morning. Keith Rose. So when  
7 I was last able to speak here six months ago or just over six  
8 months ago, it was in anticipation of the five-year  
9 anniversary of the death of Michael Brown and the protests  
10 that ensued, and one of the things that I brought up was that  
11 I had hoped that we would expedite the training on First  
12 Amendment issues in anticipation of that event, and my  
13 understanding is that didn't happen. I wish the City were  
14 more open about what has happened so I would know for sure,  
15 but one of the things that we noticed on those nights is that  
16 some of the newer officers did not seem completely prepared  
17 for what happened, and I think we had four arrests, which  
18 seemed like they were pretty peaceable to me, but I was  
19 concerned that it seemed like the new chief didn't really take  
20 the idea of community engagement into these protests. It  
21 seems like he didn't really care, in my opinion as someone who  
22 was standing there, to be allowing the people to let off the  
23 steam that has been building up over the years. People who  
24 have been frustrated with these processes. People who have  
25 been frustrated for generations. And so that was really

1 disheartening to me.

2           But as we move forward and we try to implement more  
3 of these policies into training, I think it's very important  
4 that we have some idea of what that training is going to look  
5 like. We've heard that there's going to be roll call  
6 training, and from my experience looking at different police  
7 departments across the country, I know that roll call training  
8 can take many forms. It's important that the people be  
9 confident in the kind of training that the officers are  
10 receiving, and so we really hope that there's more  
11 transparency with how this training is going to happen. For  
12 example, I myself have sat in on a roll call training at a  
13 department in southern Illinois, and it was extremely quick.  
14 A lot of the officers were getting coffee and, you know, just  
15 talking while there was someone in the front reading a  
16 monotonous speech. Now, I know that's also not ubiquitous,  
17 not every department does that, but it's really important that  
18 we, as community members, have an idea of what this training  
19 is going to look like because so much has been invested in  
20 what will be roll call training; right? We've spent this  
21 whole time writing these policies, but none of us have seen  
22 them implemented, and we want to make sure that the training  
23 is actually effective. One of the ways to make sure that the  
24 training is effective that I've seen used in other departments  
25 is to make evaluations for officers dependent upon completion

1 of that training. So there are departments where an officer  
2 can only get an outstanding review if they have completed all  
3 of their trainings, and in that way, it would actually  
4 expedite the incentive for officers to attend the different  
5 trainings.

6 Now, one of the things we're concerned about is that  
7 the trainings are going to be conducted entirely by internal  
8 staff as opposed to bringing in outsiders. People in the  
9 community have reason to believe that there are many people in  
10 the department who just don't have the same values that they  
11 would like to see reflected through some of the training,  
12 especially on First Amendment issues, racial bias, class  
13 issues like that, and so it would be very helpful for  
14 community members to know who is being brought in, what have  
15 these departments done in the past. We saw in St. Louis  
16 County there was a company called Asymmetric Solutions that  
17 during their trainings they were using racial and homophobic  
18 epithets. We want to make sure that that's not taking place.  
19 So more transparency would increase confidence.

20 Another problem that we've seen is that the  
21 Neighborhood Policing Steering Committee's subcommittee  
22 created a training plan, but before it was sent to the overall  
23 Neighborhood Policing Steering Committee for approval, it was  
24 forwarded to one of the command staff in the department, and  
25 the NPSC was told that what was going to happen was a training

1 plan was already being worked out with the DOJ and that it  
2 would be sent back to the NPSC upon completion, but my  
3 understanding is no one in the NPSC has received that yet, and  
4 it's been months. So what's happening here is community  
5 members are putting forward effort and they feel like that's  
6 being wasting, which is, you know, going to be repeatedly  
7 lowering engagement rates.

8 We know that a lot of policies have been written, a  
9 lot of policies have been approved and discussed, but we're  
10 representing the community members here, and community members  
11 are seeing what's happening on the street, and they know that  
12 the officers have not received these trainings. So we want to  
13 make sure that this is something that's prioritized and  
14 expedited.

15 I was encouraged to hear Ms. Tidwell talk about the  
16 need to increase the number of trainers. We also believe that  
17 there's maybe just two or three, less than a handful of  
18 officers who are trained to be trainers, and we want to make  
19 sure that that number is grown so that this can happen  
20 quicker.

21 And one final thing about training: We want to make  
22 sure that -- we want to make sure that while these trainings  
23 are going forward, the community is getting an idea of what  
24 things people are being trained on and when. So, for example,  
25 we might hear that there is a training that has started on a

1 certain policy, but we know that the way departments work, not  
2 every officer will have received that. So we would like to  
3 know maybe what percentage of officers have been trained or  
4 just if all of the officers have been trained versus that it  
5 has occurred because we know that it's not something that all  
6 happens at once.

7 And, finally, I just want to remark on the fact that  
8 we heard from Mayor Knowles that the Consent Decree has been a  
9 burden on the City, and I just want to remind everyone that  
10 the Consent Decree is not a judgment imposed on the City by a  
11 court, but it is something that was drafted with the City and  
12 that the City unanimously agreed to adopt, and so these  
13 deadlines, this timeline is something that the City knew full  
14 and well going into it and accepted, and so just to point out  
15 to everyone that this is not something that's top-down but is  
16 something that the City agreed to do, and I really hope that  
17 they continue to fulfill that commitment.

18 THE COURT: Thank you.

19 Cassandra Butler.

20 MS. CASSANDRA BUTLER: Thank you, Judge. And I also  
21 want to thank you for keeping us in your wheelhouse.

22 So my talk has changed a little bit as a result of  
23 listening to other comments and the reports that we've had,  
24 but I do want to initially support some of the things that  
25 Felicia said, for instance, that as we went through the

1 process of reviewing the Consent Decree, it was very  
2 eye-opening as we realized the depth of information available  
3 to us as general residents to figure out where we were in the  
4 process was difficult because we simply didn't have enough  
5 information. So reflecting upon this, I gained a more  
6 critical or we gained a more critical understanding of the  
7 need for better communication of what progress or lack thereof  
8 has been made, and that really needs to be a two-way process  
9 where we can ask questions of things we don't know. The -- so  
10 at this point right -- well, let me say, initially, we thought  
11 that the Monitor would be coming to town once a month to  
12 update us, and of course, that didn't happen, and then for a  
13 while, we were getting reports before the status hearing, a  
14 day or two in advance, and that was quarterly, and then it  
15 sort of -- last year, we had two meetings where we met with  
16 the Monitor, and they really weren't -- one was to talk about  
17 the survey, community survey, and the other one was in  
18 December, and it seemed more about -- not about -- about --  
19 about reporting on the survey. So we really miss -- we  
20 realize that we really miss that two-way communication, and we  
21 need -- we would like to have that better two-way  
22 communication.

23 I also agree, but we do agree with the report the  
24 Monitor gave today that community buy-in is very important and  
25 also is a very integral function of the Consent Decree and

1 particularly important for developing trust and transparency  
2 in that process.

3 I want to mention, particularly, with the community  
4 survey, that we are very disappointed in the survey. I think  
5 one problem that we've noticed is trying to do community  
6 engagement on the cheap. So as a result, we don't feel that  
7 the survey of 128 responses are really representative,  
8 particularly, if you look at the demographics of maybe 12  
9 percent African-American. It doesn't really represent us, and  
10 we think it's inadequate, and we'd like to see better, more  
11 effort put into that community engagement and not so reliant  
12 upon the City to maybe put surveys out in the library or City  
13 Hall. It needs a more concerted local effort.

14 Oh, so I've got to talk fast. So I want to say real  
15 quickly that I'd like the Monitor to check with the school  
16 district about the SRO situation. I think that there's a  
17 misunderstanding there. We talked -- a couple of us talked to  
18 the superintendent, and he was really surprised that it was  
19 put on him that he declined, he declined us, and that's not  
20 what we were told, and it doesn't seem to be a money issue  
21 either because they're saying they're paying the same, if not  
22 more.

23 CRB -- I just want to mention quickly that the  
24 independence function is difficult, and I think part of that  
25 is the asymmetry of power based on lack of knowledge and

1 experience and also relying on the City for money in the  
2 budget.

3 So regarding the personnel issue, oh, man, that's a  
4 problem of the City's making, and people did not necessarily  
5 leave. I think a lot of people were fired. So I think -- and  
6 just even if you look at how the chief -- the police chief  
7 situation was done, that they didn't have to find a new person  
8 that had to get back up to speed.

9 But I also want to question having an Interim City  
10 Manager. We've had an Interim City Manager for a year now.  
11 They're poised to extend that contract for another year, and  
12 if you listen to all the people we had hired on an interim  
13 basis by interim -- I mean hired by -- on a permanent basis by  
14 Interim City Manager, you have to wonder why. It seems the  
15 most logical thing is to hire a permanent City Manager first  
16 to make all those appointments. So the transparency is really  
17 not there. It's not there, Your Honor.

18 THE COURT: Thank you, Ms. Pulliam.

19 MS. CASSANDRA BUTLER: Okay. Thank you.

20 THE COURT: I'm sorry. Ms. Butler.

21 Mr. Blume.

22 I apologize for the name.

23 MR. JEFFREY BLUME: Good morning, Judge. My name's  
24 Jeff Blume, and I'm the Interim City Manager for the City of  
25 Ferguson, and I thank the Court for the opportunity to speak.

1 We spend a lot of time talking about implementing the Consent  
2 Decree's 464 paragraphs, and that's as it should be.

3 Thank you.

4 But sometimes it seems like we lose sight of the fact  
5 that it is the citizens and their elected officials who should  
6 also be at the center of our considerations and our  
7 discussions.

8 You've heard a lot, and it is true. Lack of staffing  
9 and management turnover has been at the root of the City's  
10 inability to make greater progress. Let's start with the  
11 police department. In January of 2015, the department had  
12 sworn staff of 52, including seven command staff. A year  
13 earlier, 54 and eight. Today's authorized strength is 45 and  
14 seven. Unfortunately, in practice, we've never cracked 40.  
15 And today, we're at 36. Competent people want to be officers  
16 in Ferguson. They're just a very scarce resource today.

17 In talking about staffing, I mean I feel like the  
18 Pointer Sisters right now. I'm so excited I just can't hide  
19 it, and today, the City has the best management team in place  
20 in over five years. In the last six months, we've hired or  
21 promoted six of the City's 10 management team members and soon  
22 to be seven of 11, and every one of us has the same goal --  
23 work hard and make a difference.

24 In fiscal '13, the City's general fund collected  
25 \$12.8 million in revenue. Three years later, 10 and a half.

1 Today, with hard work and two tax increases, we anticipate  
2 12.9 million. The problem is in the interim we've added \$1.25  
3 million in nonoperational expenses. The City's expense  
4 structure is ambivalent to its resources. It takes X number  
5 of police officers, firefighters, grass cutters, code  
6 enforcement officers, maintenance workers, HR, IT, and finance  
7 people to provide city-wide services at a level its customers,  
8 residents and businesses, deem sufficient. If we fail,  
9 customers vote with their feet. In the mid seventies,  
10 Ferguson's population peaked at 29,000. Today, just over  
11 21,000.

12 Ferguson is a very rich city in many ways, but it is  
13 also economically challenged. A key indicator of economic  
14 health is median household income. At \$41,300, Ferguson  
15 trails St. Louis County's 64,800 by more than half. In  
16 practical terms, this means that there is over \$200 million  
17 less spendable income in the city of Ferguson households than  
18 in a like number of average St. Louis County households.  
19 Median property values are another key economic indicator.  
20 Ferguson's average of \$84,000 is just 43 percent of St. Louis  
21 County's \$197,300. And, finally, Ferguson's poverty rate is  
22 22 percent versus St. Louis County's 10 percent. The City's  
23 economic circumstances impact its salaries and wages. Most  
24 Ferguson employees' wage rates are in the fourth quartile. In  
25 other words, 75 percent of their peers in other municipalities

1 make more than they do.

2 To wrap up, the City has three major challenges  
3 immediately ahead of it. The first -- the census. In 2010,  
4 the city's population loss was five percent. The cost to the  
5 City wasn't very great compared to today because fewer  
6 dollars, fewer revenue dollars, were derived from per capita  
7 allocations. Today, a five percent population loss will cost  
8 the City \$300,000.

9 The second is lawsuits. The City is defendant to a  
10 class action seeking \$2 million. It's also subject to a  
11 second to be class action seeking \$9 million. The City's  
12 insurance company has declared that it has no -- no obligation  
13 to indemnify the City or defend it.

14 The third challenge is Consent Decree implementation  
15 costs. In the first three years, the City has spent \$1.1  
16 million. In the next three years, it anticipates \$1 million.  
17 The City has no more significant revenue sources available to  
18 it. It has no other positions it can eliminate without  
19 detrimentally impacting service levels, causing population and  
20 revenue losses. The City needs to successfully overcome all  
21 three of these financial challenges.

22 Succinctly, we need to run the table or we need to  
23 seriously consider dissolution. Thank you.

24 THE COURT: Thank you.

25 J. Toni Burrow.

1 MS. J. TONI BURROW: Good morning. And thank you so  
2 much for honoring my time. I was two minutes late, and I did  
3 not plan to speak this morning, but I noticed that two of my  
4 comrades from the council were not available, so I put my name  
5 on the list. So I appreciate you allowing me to speak.

6 I just want to say a couple of things and that  
7 there's nothing new up under the sun. I appreciate everybody  
8 that came out from the City and from the community and all of  
9 the -- everybody that's here today to represent to let you  
10 know that we are interested. I've got a stake in the ground  
11 in Ferguson. I was born and raised in Kinloch, just a stone's  
12 throw away from Ferguson. So I took 10 years and moved into  
13 Berkeley, and for the last 35 years, I've been in Ferguson. I  
14 understand what's going on there. I am also the Executive  
15 Director of a 55-year-old community service operation that we  
16 service. So I know what the needs are in Ferguson. Everybody  
17 that's gotten up here has said, "We've got this problem.  
18 We've got that problem." They're all right; we've got some  
19 problems, but it's not problems that cannot be fixed, and I  
20 appreciate the fact that right now we're headed in the right  
21 direction. I appreciate what Mr. Blume has been doing as far  
22 as getting the people hired that we need to have in place to  
23 move along on the Consent Decree. However, it's like the Book  
24 of Revelations. I have somewhat against some of those things  
25 as well. The main thing I have is the independence clause.

1 It is holding us back. I stand here today and implore you to  
2 stop some of the what I call the travesty because one of the  
3 main problems that we have is communication, and I have been  
4 assigned as the liaison to the CRB. However, we've got the  
5 Justice saying, "Oh, we can't have you interfering." Excuse  
6 me? How could I let any of my constituents know what's going  
7 on if I am there to support and carry the message but because  
8 there's this broad independence situation inside of the decree  
9 that says, oh, you can't mention that, you can't talk, it's  
10 almost like you are using -- not you -- but it's being used --  
11 that independence clause -- to stop information from going  
12 back and forth. Some of the things that have been --

13 THE COURT: That clause is in the Consent Decree, but  
14 it's also in the City ordinance, isn't it?

15 MS. J. TONI BURROW: Yes, ma'am.

16 THE COURT: Okay.

17 MS. J. TONI BURROW: Yes, ma'am. And it's being used  
18 as I would say a concerted effort. When we talk about being  
19 intentional, we're all very intentional. I -- when I applaud  
20 Mr. Blume for hiring Nicolle Barton with Jason Armstrong,  
21 these are people that we need. Still I have somewhat against  
22 you. If you're not sharing the information and then if I've  
23 got Mr. Jude saying I'm not in compliance because I don't  
24 agree because I want some questions answered, excuse me; I  
25 don't want to be muffled. I have people that I have to answer

1 to. I'm not going to undo us. I have a project that I call  
2 my listen to learn, and I asked the citizens, "What is it that  
3 you want me to do?" Half of the people that stood up here  
4 this morning, they have the same situation that I have. If I  
5 gather all this information, I know what's needed. How can I  
6 get it through if nobody -- if they're saying as the liaison  
7 for the -- and not to mention that just like Ms. Mildred, I  
8 was on the task force also of those years when we were  
9 volunteering, trying to get this CRB in place. So I would  
10 think that all the background, surely somebody should know we  
11 need to have the information. That's my main concern.

12 But my other concern is I would want for the people  
13 in the city to understand we are doing the best that we can on  
14 the council. When I came to the council, the situation that  
15 Ms. Mitchom mentioned about, that situation was there when I  
16 got there. Nothing has changed. However, we are working  
17 together to make sure that we can do all that we can do for  
18 the Consent Decree. We are working very hard, and I'm -- I'm  
19 not exaggerating, ma'am, when I say we work night and day.  
20 It's a 24/7 situation, and I just want people to know that we  
21 need to be able to speak; we need to be able to gather  
22 information. How can we help our citizens to understand what  
23 we're doing if we can't be involved?

24 Thank you so much. I appreciate it.

25 THE COURT: Thank you.

1 Fran Griffin. Ms. Griffin is here. Oh, yeah.

2 MS. TIDWELL: We have some -- a water -- a water main  
3 leak here.

4 THE COURT: Oh, yeah. Thank you. Do you need some  
5 paper towels?

6 MS. TIDWELL: Councilwoman Griffin has paper that --

7 THE COURT: Do we have any paper towels right there?

8 MS. TIDWELL: I'm using up your whole box of Kleenex.

9 THE COURT: Well, we've got more Kleenex. Do you  
10 have enough, or do you want us to go get some paper towels?

11 MS. TIDWELL: I think we have enough. There won't be  
12 any Kleenex left.

13 THE COURT: That's okay. We have plenty of Kleenex.  
14 Thank you, Ms. Griffin, for the cleanup duty as well  
15 as your comments.

16 MS. FRAN GRIFFIN: Sounds like what I do. Thank you.

17 So thank you for allowing us the opportunity to speak  
18 publicly. As you know, I was elected to the Third Ward City  
19 Council position in April, so -- but prior to that, I was very  
20 active as a -- just as a resident in the community, trying to  
21 see the Consent Decree process along and also add voices, such  
22 as mine, such as people that lived in my ward, to the process  
23 because that's what my understanding of the Consent Decree was  
24 in terms of community involvement in these specific policies.  
25 That's definitely a challenge. I know when I first got in the

1 seat, I had an opportunity to kind of learn things from a  
2 different perspective, not just -- as a resident, you only see  
3 certain things until you're in City Council, and then you get  
4 a better, clearer understanding, and to me, some of those  
5 things actually helped provide a light for me. It helped me  
6 get a better understanding of what my purpose was in the  
7 position as City Council. I met with some of the council  
8 members. I don't think there's a council member here that  
9 does not want to see the City of Ferguson thrive, and so  
10 that's not the question for me. The question is how do we go  
11 about doing that.

12 To me, the heart of the Consent Decree was about just  
13 respecting people's human rights, their constitutional rights  
14 as human beings who live in the United States of America. So  
15 to me, as I was able to transition into that City Council  
16 position, it became clear to me that a lot of the root causes  
17 was simply money, you know, lack to be able to -- lack of or  
18 even lack thereof. I had a conversation with the Mayor one  
19 day, and he was like, you know, telling me about how other  
20 cities, other municipalities had been able to generate this  
21 revenue in the same manner and it was unfair to the City of  
22 Ferguson to be able to -- to have to pay this money to make  
23 things right. Well, sometimes you've got to make racism  
24 expensive or at least systematic oppression. I mean I won't  
25 go there, but right after I was elected, we had to go on a

1 budget. Jeffrey Blume was very helpful in explaining to me --  
2 we actually met a couple days prior to going into the budget,  
3 and he wanted to show me a copy of the previous year's budget  
4 and compare it to the proposed budget, explain what the funds  
5 were, which funds had state statutes that -- that required  
6 them, the monies, to go into specific funds. We spent about  
7 literally four hours going through that. One thing I can say  
8 about Jeffrey Blume is that he understands his numbers. He  
9 definitely does. But in that, in that process, around hour  
10 three, he explained to me that there was a fund, a specific  
11 fund that had a state statute, and if we were ever to get  
12 audited, that money would just have to go to another more  
13 appropriate fund. To me, as a resident, as a City Council  
14 person, that concerned me because here we are as the City  
15 Council concerned about trying to do the right thing, trying  
16 to make things -- we've got Heather. Heather is on this  
17 budget all day long. She loves budget. She wants to make  
18 sure that the City is financially stable. A lot of us are,  
19 and we've got a person who has been in a position for years at  
20 this point who's been managing our funds, who is telling me as  
21 a new City Council person that if we ever got audited, you  
22 know, we'd just take these funds and move them to a different  
23 fund. Why? Why? That's a concern for me.

24 I was not on the council when they decided to make  
25 Jeffrey Blume an Interim City Manager, so I wasn't able to

1 vote, and from what I understand, everybody -- I was there  
2 when the vote was taken. Everybody took the vote, and the  
3 only person who voted against that was Ella Jones. I don't  
4 know who all knew what was happening within there. I did  
5 confide in a couple of my council people, but I definitely  
6 wanted to bring that to your attention today. I do see that  
7 there is at this point a campaign, a strong campaign, to -- in  
8 support of him getting put in this seat. This is not a  
9 political position. So it's literally not up to the people to  
10 make the change. I'm addressing it here in this space because  
11 I feel like it speaks to the heart of the Consent Decree. It  
12 speaks to when you have someone who determines how monies are  
13 spent, where monies are put in, how the function of the City  
14 manages with this type of mindset, it concerns me as a  
15 resident; it concerns me as a City Council; it concerns me for  
16 the rest of my team that is working very hard to try to  
17 implement this process, and I definitely am more than welcome  
18 to have any conversations with anyone in particular about  
19 that, but I definitely needed that to be known.

20 THE COURT: Thank you, Ms. Griffin.

21 Okay. Mr. Carey, I guess I'd like to have you  
22 respond to anything you feel is appropriate to respond to at  
23 this time.

24 We've been here almost two hours. Do you all need a  
25 break, or do you think we can wrap this up fairly quickly?

1 MR. CAREY: I won't take very long.

2 THE COURT: Okay. I don't want to keep people  
3 waiting, but I also don't want to --

4 MR. CAREY: Right.

5 THE COURT: The lawyers can't get up and leave. The  
6 audience can go take their break whenever they need to, but go  
7 ahead.

8 MR. CAREY: Your Honor, I did want to respond to a  
9 couple of points. You know, I think -- you know, I wish that,  
10 you know, I had been around. Obviously, you know, I wasn't  
11 around when the Consent Decree was negotiated, the document  
12 itself was formed. I wish I'd been around when that was the  
13 case. You know, it's certainly -- you know, I think what  
14 you're hearing from some of the residents and the concerned  
15 citizens, in particular, the folks from the Ferguson  
16 Collaborative and some other folks, is, you know, it's one  
17 thing to agree to something in writing, an idea that you think  
18 is a good idea, an idea that you may want to implement and  
19 have as part of your community and the future of your, you  
20 know, policing service and your community service. It's quite  
21 another, the practical implementation of those ideas, and  
22 certainly, you know, the City in negotiating the Consent  
23 Decree saw some things on paper that they obviously wanted to  
24 include and that they knew that they needed to include based  
25 on the events that led to the -- to the need for the Consent

1 Decree. But, you know, holding the City accountable obviously  
2 for signing it -- we signed it, and there's no -- there's no  
3 way around that, but I can't say that the City signed it with  
4 practical knowledge of all the things that it was going to  
5 take to actually implement these things in terms of the  
6 infrastructure and the shifting and the -- we didn't  
7 necessarily anticipate some of the challenges having to do  
8 with staff and these kinds of things, and so I think the  
9 psychological effect of having a document that says you're  
10 going to do X, Y, and Z by a particular date and then not  
11 being able to do that -- I think you're sort of seeing that  
12 because it has an effect on the community because they're  
13 engaging in their own analysis about what's been done, what  
14 hasn't been done, and, you know, that psychological effect  
15 has -- has kind of created, for those of us who are now  
16 here -- and one of the things that I will mention is that, you  
17 know, the folks -- most of the folks that negotiated the  
18 document are no longer here, right, and so the only folks that  
19 are actually dealing with the implementation are people like  
20 myself who came after the fact. So we're the ones -- you  
21 know, I'm feeling like on a daily basis that I'm doing a good  
22 job and making progress, but then hearing from the community  
23 that it's not so in everyone's mind, you know, it's a little  
24 bit disheartening for folks, but, you know, at the same time,  
25 if you're in this process, you're committed to it, and so, you

1 know, you just kind of move on and hope that things get  
2 better.

3           You heard a lot about or you heard a little bit about  
4 plans versus policy. I think that's linked to this discussion  
5 because a lot of our plans are premised on policies, and so  
6 one of the reasons why we reprioritized things from the  
7 deadlines that are in the document is because the Department  
8 of Justice and the City wanted to focus on policy development  
9 because we understood that to be sort of the foundation  
10 necessary to develop some of the plans that we have to  
11 develop, and so --

12           THE COURT: Let me stop you right there.

13           MR. CAREY: Yeah, yeah.

14           THE COURT: I had a question about policy  
15 development. There were several comments that -- I know the  
16 policies and the proposed policies are up on the website, but  
17 that it's hard to tell what the status of them or what's going  
18 on. Is -- can you respond to the concerns about the -- the  
19 transparency with regard to policy development that's going  
20 on?

21           MR. CAREY: Sure, sure. I'll respond specifically to  
22 the website one, but I was actually going to get to --

23           THE COURT: Okay.

24           MR. CAREY: -- to the transparency issue as a  
25 bigger --

1 THE COURT: Whenever you want to, that's fine, yeah.

2 MR. CAREY: -- as a bigger -- but in terms of the  
3 website, I don't disagree that it's difficult to navigate. I  
4 think I've said that here in open court. It's a difficult  
5 website to navigate. So I think the folks in the community  
6 who made that point are right on point, but I do know that  
7 what we have put up there now is much better than what it was  
8 when we first started. You can certainly -- there are  
9 certainly tabs about the old general orders, pre-Consent  
10 Decree general orders, and then post-Consent Decree general  
11 orders. Now, there may be a lot to look through. There may  
12 not be a search engine, but they're certainly -- they're  
13 labeled. They're categorized. You can click a label and  
14 then --

15 THE COURT: With regard to the ones that are under  
16 development, is there a possible way to update the website  
17 more to discuss or put in what -- you know, what the status is  
18 of where they are in the policy development stage?

19 MR. CAREY: Yeah, I think there's -- there's probably  
20 a way to do that more efficiently or -- yeah, so that it's  
21 even more clear to the folks who are having difficulty doing  
22 so. Again, I'm referencing how it used to be --

23 THE COURT: Right.

24 MR. CAREY: -- before we made changes. So in my  
25 brain, it's actually much more clear than it used to be, but,

1 you know, taking in the community input from folks today who  
2 have said, hey, it's still not where it needs to be, I think  
3 that's something that we certainly can -- can and should look  
4 at to make sure that it -- you know, it's where it needs to  
5 be, but --

6 THE COURT: All right. Thank you.

7 MR. CAREY: -- kind of back to the -- you know, the  
8 idea of plan versus policy, we -- you know, we've  
9 reprioritized the policy drafting in a way that there were  
10 certain policies we just needed to get done and get through  
11 before we could then reach the issue of the actual plan. So I  
12 think the reprioritizing of steps has kind of put us in that  
13 position where we have a lot of policies that we are, you  
14 know, finalizing, implementing training, and then creating our  
15 community engagement plan from there. So that's kind of the  
16 three-step process that we've had, and I know we haven't been,  
17 you know, the best at necessarily communicating, and I do want  
18 to make a point because I do think the Ferguson Collaborative  
19 does have a good point in that paragraph 415 of the Consent  
20 Decree requires an annual report from the City, and I think  
21 the Department of Justice, through Mr. Volek, has actually  
22 stood in front of you before in previous hearings and said  
23 that -- you know, that the City needs to kind of get on the  
24 ball as it relates to the annual reporting, and I think if you  
25 look at paragraph 415, it addresses most of the Ferguson

1 Collaborative's issues with the lack of transparency. We just  
2 have not done that because we didn't have the -- you know,  
3 last time it was addressed, we didn't have the Consent Decree  
4 Coordinator in place, and she's getting up and running, and I  
5 think that paragraph, what it does, it requires that within 60  
6 days after the term year, which is in April, within 60 days,  
7 the City is supposed to have an annual report that it  
8 publishes to the community saying this is what we've done, and  
9 we just didn't have the Consent Decree Coordinator in place.  
10 Now, obviously, during this term, once April hits, we'll have  
11 the year end, and we have a Consent Decree Coordinator in  
12 place. So it's our plan to make sure that we get up to speed  
13 in complying with paragraph 415. We just -- and I think the  
14 City's compliance with that particular paragraph would at  
15 least help address some of the concerns that you heard from  
16 the Ferguson Collaborative about transparency: "We don't know  
17 what's going on. We're trying our own organization, and we --  
18 it's hard to get information." And part of that is,  
19 admittedly, we just haven't done that reporting, so --

20 THE COURT: Thank you.

21 MR. CAREY: The other kind of piece I wanted to just  
22 make sure the Court and the public knew was there's this issue  
23 of roll call training. One of the things we've been  
24 discussing -- and you're aware, and I know the Department of  
25 Justice is aware -- is the issue of a robust training plan for

1 FPD officers. Roll call training is but one portion of that,  
2 and so I do want to reassure the community that roll call  
3 training, although it is a portion of that, is not where we  
4 stop. We are developing in-house training, you know,  
5 training, external training, and so we're developing a plan  
6 that addresses all of that. So rest assured for the public  
7 that we will in the coming year have this plan that addresses  
8 not just roll call training because I do agree that if we were  
9 only doing roll call training it would be wholly inadequate,  
10 but the parties are working diligently on creating this robust  
11 training plan.

12           Lastly, Your Honor, I just want to say, you know, the  
13 council, you know, at the City of Ferguson has not only the  
14 Consent Decree. You know, the council has a difficult job  
15 because they have to balance running a community with many  
16 other services, you know, many other opportunities that the  
17 City provides for -- for its residents, with the requirements  
18 of the Consent Decree. And so the situation you're faced with  
19 is, you know, do we become a police state where we take all  
20 our resources and give it all over to the police and, you  
21 know, stop doing tutoring for kids after school? Do we stop  
22 some of our social programs? Do we stop our trash service and  
23 start charging people for that versus, you know, just  
24 basically trying to balance being a whole community and being  
25 able to provide all of the services that a community wants to

1 see? So that balance has been somewhat of a challenge, and  
2 I'd like to encourage the community to not think that because  
3 we didn't cut money in our, you know, festivals or whatever,  
4 that that doesn't mean that it's not important to us to make  
5 sure that we have the resources to -- to implement the Consent  
6 Decree. There's just a balancing act, and we have to be a  
7 whole community. We have to address all the needs of the  
8 community. We do have several -- you know, we have a  
9 demographic of residents that need services that aren't  
10 related to policing or municipal courts, and so we have to be  
11 able to fund all of that, and so I just wanted to reassure the  
12 public that, you know, we're -- that is where the City Council  
13 is headed to try to achieve balance because we have more  
14 voices than just the ones that you hear here. You know, the  
15 council deals with their constituents on a daily basis. So  
16 outside of that, I didn't really want to -- you know, I'm done  
17 unless you have any other questions for me.

18 THE COURT: I think you've answered the ones that I  
19 did have.

20 MR. CAREY: Okay.

21 THE COURT: Thank you.

22 MR. CAREY: Okay.

23 THE COURT: Mr. Hart, do you wish to make any  
24 comments?

25 MR. HART: Your Honor, first of all, we'd like to

1 thank you for providing this opportunity for public comment.  
2 It -- it's apparent from the hearing today that this forum  
3 has -- it -- it serves an important purpose. I hope that some  
4 of the comments that came out of today's session were not  
5 things that were heard for the very first time in a district  
6 court hearing. As far as community -- it seems that there  
7 were a few themes that emerged from the comments, and kind of  
8 boiled down to me, the main ones were engagement,  
9 communication, and transparency. The community policing  
10 policy -- you know, the spirit of the community policing  
11 policy and the Consent Decree overall -- you know, it really  
12 focuses on -- on those things -- engagement, communication,  
13 and transparency.

14           When an officer is to go -- just for example, when an  
15 officer goes to a communication -- to a community engagement  
16 event or community activity and if that officer goes there and  
17 stands on the wall and does not speak with people who are  
18 present for the community engagement activity and doesn't  
19 really seek to obtain information from the folks who are  
20 there, to hear the voices of the people who are there that he  
21 or she could then use to go back to the department and help  
22 the department improve its overall operation, if an officer  
23 does not do that, if an officer just stands on the wall, then  
24 that's not community engagement. If there's no action taken  
25 on the information that is received from the people that are

1 served, then there's a question of whether or not there was  
2 any engagement at all.

3 I think that one measure of how the City -- how  
4 engaged the City is is from the comments that were made here  
5 today what is the City going to do about it. I mean those  
6 things -- I mean there are a lot of things that came out, and  
7 they should be taken down, studied. There should be some  
8 plans to kind of follow up on a lot of these things that --  
9 that were mentioned, and that will be the measure of  
10 engagement. You know, if there is some action taken on the  
11 comments that came from the community, I think that that will  
12 be a good place to kind of pick up the ball and accelerate the  
13 community engagement process.

14 I want to talk, just mention a few of the specific  
15 things. I think Apollo touched on a couple of things. The  
16 annual report. You know, that was the first thing that I  
17 wrote down, you know, in my notes on the public comments.  
18 That is something that is important for, you know,  
19 transparency. I think that with the -- with the hiring of  
20 Mr. Horwitz, the department will be able to access data more  
21 efficiently to kind of -- to create a report. So I'm hopeful  
22 that the City will be able to provide a -- a robust report  
23 soon that uses some of the data that they are now able to  
24 access in a -- access more effectively.

25 I think that -- with regard to the policies, I think

1 that something -- we've heard from the City, and we've also  
2 mentioned many times that it is -- the accessibility of  
3 information needs to be improved. It's not just on the City's  
4 website, but we have historically talked about in this forum  
5 some problems with the community -- I mean with the City  
6 actually getting information out, like for public -- public  
7 events, like getting the information out to folks so that they  
8 get notice to actually come and participate in the events that  
9 they are seeking participation in.

10 I think that the City should be able to do some more  
11 things with that website, and also if they -- we agree with  
12 Ms. Tidwell's recommendation that having a -- some kind of  
13 community outreach coordinator come on to help them to address  
14 some of these problems would be very helpful. So we hope that  
15 the City will -- will do that in the near future.

16 On trainings, there are a lot -- I wanted to kind of  
17 also clarify that roll call trainings are definitely not all  
18 the trainings. The Consent Decree requires -- I think there  
19 are a couple of provisions that talk about the hour  
20 requirements, and it's -- and it's either -- it's at least 50  
21 hours. There's one provision that talks about 65 hours, I  
22 think, during the first couple of years of the agreement.  
23 Another one talks about 50 hours, and then there are different  
24 sections about what those different in-service trainings  
25 should entail, and that's something that the training plan

1 should -- should address.

2 THE COURT: If -- as I understand it, and I -- so  
3 explain the relationship between the roll call training and  
4 the implementation of the new policies.

5 MR. HART: The roll call trainings -- in order for  
6 officers to be held accountable for the policy, then there  
7 needs to be -- they need to review the policy, sign off on the  
8 policy, and also receive an explanation from the department  
9 about what the contents of the policy is. That's basically  
10 what a roll call training is. Once a new policy is to take  
11 effect, it takes effect after the roll call -- once a roll  
12 call training is completed, it's effective and those officers  
13 are held accountable to the requirements in those policies.

14 THE COURT: Right. I mean that was the point I  
15 was -- when the roll call training is completed, that's when  
16 the policies become effective; correct?

17 MR. HART: Yes, Your Honor.

18 THE COURT: Yeah. But there's other training as  
19 well --

20 MR. HART: Yes, Your Honor.

21 THE COURT: -- is what you're saying?

22 Okay. Yeah.

23 MR. HART: And -- and I think that -- I think that's  
24 the vast majority of my comments. And also, with -- you know,  
25 with developing more of the community -- the community

1 engagement processes and bringing on an outreach coordinator,  
2 it might help the City -- it might help to make a survey more  
3 representative. I mean if there are -- there might be some  
4 things that are learned in that process that could help the  
5 survey, the administration of the survey where people would --  
6 you know, the people who take the survey would be more  
7 representative of the entire Ferguson community.

8 And I don't think I have -- I don't know if there are  
9 any other questions, Your Honor.

10 THE COURT: No. I think those were the questions I  
11 had, I had for you. Thank you.

12 MR. HART: Okay. Thank you so much.

13 THE COURT: Ms. Tidwell.

14 MS. TIDWELL: I have nothing to add, Your Honor,  
15 unless you have questions for me.

16 THE COURT: No. I think you covered it. I guess the  
17 one thing I would say -- well, I'll say a couple of things. I  
18 do think that the -- I appreciate the commitment that does  
19 seem -- and I'm not trying to split words here, but at this  
20 point, I feel and I have heard a lot of commitment from the  
21 City, from the council members, and I appreciate that, and I  
22 know from the police department as well. I think that the  
23 hiring of the Consent Decree Coordinator and getting the other  
24 positions filled has -- has helped a great deal, and I think  
25 that the Department of Justice has indicated that it -- you

1 know, it was -- and the council have indicated it was very  
2 productive for them to meet and, as somebody said, "ask us to  
3 make a commitment, and we did." You know, I mean that's, I  
4 think, important. So I appreciate that that really is going  
5 forward.

6 I know there's been a lot of challenges, both  
7 budgetary and through the personnel, you know, problems that  
8 have gone on, but I'm very encouraged at how those have been  
9 dealt with and how we're moving forward at this time.

10 I do -- I do think the community engagement piece is  
11 something that I hope will be worked on with more vigor.  
12 Several people noticed or referred to the problems with the  
13 survey. I mean Ms. Tidwell started her report by talking  
14 about the -- the way it is that responses were somewhat  
15 skewed, and I also know that there was a lot of work done to  
16 try to get more responses to the survey and get it out to the  
17 community. So I think more of a -- you know, once the  
18 community engagement plan or process -- if the City devotes  
19 more energy towards that, that may help in a great way towards  
20 having the surveys be more representative of the entire  
21 community, which I know everyone wants to have happen. So I  
22 hope -- and it's not just on the surveys, but on all these  
23 community engagement issues and activities, I'm hopeful that  
24 there would be progress in the -- in the next few months on  
25 that.

1           And, obviously, you know, I look at the website from  
2 time to time, and I spent some time on it yesterday, and, you  
3 know, I probably know a little more than the average person in  
4 looking at it, but it is -- it is better than it used to be.  
5 There's no doubt about that, and -- but there also are things  
6 where I'm like, oh, yeah, okay, that's how you find this, and  
7 it's -- you know, I can't say I'm the most technologically  
8 savvy person in the room. I assure you I'm not, but I do know  
9 it needs -- there's more that can be done, but it is a great  
10 improvement of where it was before.

11           So I think all of the issues that Mr. Hart just  
12 mentioned -- you know, community engagement, communications,  
13 transparency -- all of those things can continue to be worked  
14 on, but I'm very encouraged by the -- I would call it sort of  
15 renewed energy that has come on now that most of the personnel  
16 issues have been dealt with, and those were, obviously, big  
17 impediments, and it seems like things are moving along.

18           So I look forward to the -- the report that we'll be  
19 seeing in the near future, and I encourage everyone -- it will  
20 be -- you know, it will be on our court's -- it will be --  
21 once it's filed with the court, I'll have the court post it on  
22 the court website devoted to this case, but then I believe  
23 that it will also be posted on the other websites as well. So  
24 I look forward to getting that, and I will see you all again  
25 in six months for public comments, but in -- in three months,

1 we'll have another hearing without public comments.

2 I will also note that in the next public comment  
3 session, because there were some requests from people -- and  
4 these came late, so I didn't change the order -- who were not  
5 able to be here today but wanted to submit comments in  
6 writing -- the very first meeting we had, we did allow some  
7 written comments, and I'm going to add that back to the order  
8 setting the next hearing so that written comments can be  
9 submitted. I need to have them ahead of the hearing so I can  
10 read them and know what they are, but you should please share  
11 that with people you know who would like to comment and can't  
12 be here. So for our next public comment session, I will also,  
13 in addition to taking the live comments at the hearing, be  
14 happy to receive written comments as well.

15 Again, I do need them to be signed by human beings.  
16 That's an important thing. I can't just have it be, you know,  
17 "concerned citizens group" or whatever. So I need names to go  
18 with whatever I do consider because that's just -- that's just  
19 how the courts work. We can't take anonymous things, but I'll  
20 be glad to hear those as well.

21 So thank you all for showing your interest. I do  
22 appreciate the work that the City and the council members and  
23 the City officials have been doing, and I also appreciate the  
24 work that the community members have been doing by sticking  
25 with this process, showing up, making the comments, and also

1 sharing what goes on here with the people you know who were  
2 not able to attend. So thank you all for attending, and we  
3 will -- I'll see you at the next public hearing in three  
4 months with a status report, and before that time, of course,  
5 we'll have -- we'll have the report from the Monitor.

6 All right. So thank you, all. Court is in recess.

7 (Proceedings concluded at 12:12 p.m.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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 80 inclusive.

Dated at St. Louis, Missouri, this 5th day of February, 2020.

*/s/ Gayle D. Madden*

---

GAYLE D. MADDEN, CSR, RDR, CRR

Official Court Reporter