

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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

STATUS CONFERENCE

BEFORE THE HONORABLE CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

MAY 11, 2022

APPEARANCES:

Independent Monitor: Natashia Tidwell, Esq.
 SAUL EWING ARNSTEIN & LEHR LLP

For Plaintiff: Nancy Glass, Esq.
 Charles Wesley Hart, Jr., Esq.
 UNITED STATES DEPARTMENT OF JUSTICE

For Defendant: Aarnarian (Apollo) D. Carey, Esq.
 LEWIS RICE LLC

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* * *

1 for the City of Ferguson.

2 **THE COURT:** All right. And you have with you at
3 counsel table -- would you go ahead and introduce her?

4 **MR. CAREY:** Absolutely. We have Ms. Nicolle Barton,
5 who is our consent decree coordinator, who will be making part
6 of our presentation today.

7 **THE COURT:** Right. You will be hearing -- there
8 will be other people speaking, too, but you will be hearing
9 from her.

10 And for the monitor, Ms. Tidwell.

11 **MS. TIDWELL:** Good morning, Your Honor. Natasha
12 Tidwell for the monitoring team.

13 **THE COURT:** All right. Thank you.

14 We also have members of the monitoring team who are
15 sitting here in the jury box, some of them very new -- one of
16 them at least, so very new. And so that's -- actually two of
17 them are very new. So that's very good. We are pleased to
18 have them here with us.

19 We do have a process where we are going to allow
20 public comment. I know there are three people who did sign up
21 to speak. We had a little confusion about our sign-up sheet
22 order, but if there's other people who wish to speak after
23 these three speak, we will allow them to do that.

24 What you want to do is we will have this light
25 system. And so when the green light is on, you can start

1 talking. And then it's five minutes per person. So when
2 there's one minute left, the yellow light will come on. When
3 your five minutes is up, the red light will come on.

4 We don't usually use this system in district court.
5 It's usually something they use in the Court of Appeals. So
6 if we mess it up, please bear with us.

7 All right. So with that said, I will say that even
8 though we haven't had any in-person meetings, as you all know,
9 we have had virtual status hearings where we did have members
10 of the public listening.

11 Also, today's proceeding is available on our YouTube
12 channel. It's been streamed live. I would remind anyone who
13 is streaming the YouTube channel that any recording -- and
14 also those of you here in public -- that any recording of any
15 sort, no photography or recording of any court proceedings are
16 allowed under rules set by the United States court system.

17 So but it is -- I welcome anyone who may be
18 listening on the YouTube channel as well.

19 So even though we haven't had a personal meeting,
20 there's been a lot happening. I hope you have seen the report
21 that was filed by the monitor in February, I guess, that was
22 pretty comprehensive about some things that have been going
23 on. And I do have a regular telephone conference with the
24 lawyers and the monitor once a month so that I keep informed
25 of issues that are coming up in between these hearings.

1 I'm pleased that progress is being made. There are
2 a lot of challenges. We are going to hear about some of those
3 here today, but I also think there's been a lot of progress
4 and I just want everyone to know that even though we've had
5 the pandemic, we've had trouble meeting in person, that things
6 were able to still continue.

7 And, frankly, I think the city came up with some
8 innovative ways to be able to still reach out to people even
9 though they didn't have the ability of having some of the live
10 events that they had planned.

11 So with that said, we will hear from the members of
12 the public first and then we will hear from the parties to the
13 case. So the first person I have is Ms. Burrow who is --
14 let's see if I get this right. I actually wrote it down so I
15 wouldn't forget -- Ward 2 council member. Right?

16 So if you'll step up to the lectern, we will hear
17 anything you wish to say. I appreciate your speaking.

18 **MS. TONI BURROW:** Good morning, Judge Perry. I'm
19 glad to be here.

20 You are retired now; correct?

21 **THE COURT:** I'm not -- well, actually, this is a
22 weird thing about being a federal judge. Technically I'm
23 retired, but that doesn't really mean I'm not working. So I
24 tell people I'm semiretired because I am working part time,
25 and I will continue doing that as long as I am physically and

1 mentally able, which I hope will be a few more years.

2 **MS. TONI BURROW:** Well, very good.

3 **THE COURT:** And I will keep this case as long as I'm
4 here.

5 **MS. TONI BURROW:** Well, thank you so much. I just
6 have this one thing to ask you and I've asked before.

7 I'm interested in being allowed to be present on
8 those monthly meetings. I do think that I'm capable of
9 understanding what is being said. I kind of think that there
10 should be somebody from the council in those meetings, and I
11 have not really gotten a clear understanding of why I have not
12 been allowed to be on those phone calls.

13 Can I get an answer back from you on that?

14 **THE COURT:** Yeah. I will talk to the parties and
15 everyone about it and we'll see. That's the only answer I can
16 give you at this time.

17 **MS. TONI BURROW:** That's okay.

18 **THE COURT:** But I appreciate your requesting it and
19 we can see what we do. We have various people come on from
20 time to time, depending on what we are going to talk about.
21 So I will talk to everyone. At our next time we have our
22 meeting, I will talk to the lawyers and the monitor and then
23 we will see what we can do.

24 **MS. TONI BURROW:** I would appreciate that.

25 I do want to let you know from the very beginning I

1 was on the task force for the CRB. I am the liaison for the
2 CRB; so therefore I have the knowledge of everything from the
3 very beginning to up to yesterday when we spoke with that. So
4 if that gives you some more information about my
5 qualifications.

6 I appreciate that. I'm a retiree myself so you
7 enjoy.

8 **THE COURT:** Yeah. And so you were at the meetings
9 yesterday that were with the monitor -- or with the city and
10 the Department of Justice, I think, and the monitor?

11 **MS. TONI BURROW:** No.

12 **THE COURT:** I don't know who was at the meeting
13 yesterday entirely. The CRB meeting?

14 **MS. TONI BURROW:** No. I was speaking with those to
15 let them know, the board members, that I was going to make
16 this request.

17 **THE COURT:** Oh, okay. I understand now.

18 **MS. TONI BURROW:** Yes. So they are very interested
19 in my being at those phone calls as well. So I'm making sure
20 I talked with the chairman, the president of the CRB, to see
21 if they were still wanting me to do that and they do.

22 **THE COURT:** Okay. Well, I will talk to them. I
23 know one of the concerns we have had in the past is everybody
24 keeping their own hats on in various areas. And since you are
25 a council member, that's one hat, you know, doing different

1 things. But I will talk to everyone and we will see what we
2 can do.

3 **MS. TONI BURROW:** I sure appreciate that. Thank
4 you. Have the rest of a wonderful day.

5 **THE COURT:** Thank you.

6 See, she didn't get close to her five minutes.
7 That's good.

8 Okay. Shirley Emerson. You may proceed.

9 **MS. SHIRLEY EMERSON:** Good morning, Judge Perry.
10 I'm Shirley Emerson, and I'm a field instructor for Washington
11 University, Brown School of Social Work. I supervise
12 practicum students in Ferguson, and I also live in Ferguson in
13 the first ward.

14 And so what I'm here this morning for is to give you
15 an update on where the school is in terms of our initiative
16 with the City of Ferguson with working with the residents in
17 the City of Ferguson.

18 And so when we were here before, we talked about the
19 funding of a social worker and that funding would be in
20 thirds, where the school would pay a third, the City of
21 Ferguson would pay a third and then there would be a third
22 paid from a grant. That was proposed several years ago under
23 Dean Mary McKay.

24 But since then, Dean McKay has moved on and been
25 promoted to another position. So as of today, the current,

1 the interim dean I should say, is reviewing that proposal, but
2 a decision on it as to whether the school will be able to
3 continue with the promise of paying is still pending.

4 Regarding the initiative that we have started in
5 terms of working with the various apartment complexes, this
6 period since the last meeting, we have expanded that
7 initiative, and so we are now working with Adopt-a-Block in
8 Ferguson. And we are looking to be in the Oakmont Apartments
9 with the same initiative that we had started with the former
10 Canfield Green Apartments.

11 And so to remind you, this is an initiative where
12 students will live, ultimately they will live rent free in
13 exchange for providing direct consultation -- consulting as
14 well as community organizing in the community. Right now we
15 are working to put the pieces together and are hoping that we
16 will be able to start this project in the fall.

17 Thank you.

18 **THE COURT:** So in the -- so you are hoping in the
19 fall that you will have students in each of the complexes?
20 You hope?

21 **MS. SHIRLEY EMERSON:** Yes, uh-huh.

22 **THE COURT:** Those two at least?

23 **MS. SHIRLEY EMERSON:** Yes. And I should say that we
24 were delayed somewhat because of COVID.

25 **THE COURT:** Right.

1 **MS. SHIRLEY EMERSON:** And that a lot of the students
2 in the previous semesters were staying at home and doing
3 online, but we expect that more of them will return to school
4 in the fall.

5 And so it's a process, in terms of getting the
6 students into those facilities to actually live there. So
7 initially it starts out where the students are working in the
8 community. And as that community relationship between them
9 and the residents builds and then, you know, they will be
10 moved into the community to actually live there.

11 And in exchange, as I said, they will be providing
12 those services. They will also be working in tandem with
13 other practicum students that are assigned to Ferguson. They
14 will be working with the city government leaders, as well as
15 other organizations.

16 **THE COURT:** Yeah. And so these -- these students
17 are doing this as part of their social work, their MSW degree.
18 And part of what's required is a certain number of hours of
19 practicum; correct?

20 **MS. SHIRLEY EMERSON:** Yes. The practicum students,
21 yes.

22 The students that will move into the community will
23 not necessarily be practicum students, but they will be
24 graduate students from the Brown School working on social and
25 economic development.

1 **THE COURT:** All right. Thank you very much. I
2 appreciate that update.

3 **MS. SHIRLEY EMERSON:** Thank you.

4 **THE COURT:** All right. And then Ms. Lipka, Council
5 Member Lipka.

6 **MS. LINDA LIPKA:** Good morning. This is the first
7 time I've ever taken the opportunity to speak before you, and
8 so I am just going to go from my gut.

9 I have been a citizen of Ferguson for over 55 years.
10 And I have been on city council for six years. And I have
11 just been re-elected to my final three-year term. That being
12 said, I was part of the interview process when we interviewed
13 the various monitor teams.

14 When we hired a monitor team, the gentleman who was
15 in charge had a full staff. That staff promised us many
16 things as a community. That staff promised us door-to-door
17 surveys, multiple town halls, mailings that went out,
18 opportunities for office time each and every month. None of
19 those things happened. None. In the first year.

20 Not only did that not happen, that particular lead
21 of the monitor team did not pay his monitor team but still
22 accepted the finances from us. So in my vernacular, that's
23 embezzlement. It's a strong word and some people may
24 disagree, but when you pay \$350,000 for services you do not
25 receive, something is wrong.

1 When they then sat down, redesigned themselves and
2 put Ms. Tidwell in charge, all of the -- we were assured that
3 all of the original promises were still intact. Again, they
4 were not.

5 We have, from the outside looking in, seen
6 absolutely nothing that has truly moved us forward, in my
7 opinion strictly only, from the monitor team. In the last six
8 years, we have paid a little over \$2 million. We have gotten
9 about, generously speaking, a year's worth of service. So if
10 you want to take the 350 we lost and the 350 for a year's
11 worth of service, we are owed a refund.

12 And right now one of the main components of us
13 moving forward in the consent decree is to have a competitive
14 salary base for our staff in the police department. Chief
15 McCall has done everything in his power, with his resources
16 and his staffing, to answer the demands of this consent decree
17 over the last six years.

18 Not only that, but in the last six years, we have
19 also had a situation where there was no assistance whatsoever
20 and Chief McCall, who was at the time a captain, Captain
21 Dilworth and others on our team were self-teaching themselves
22 how to answer the call of this consent decree, until we had
23 the God blessing of Nicolle Bartlett [sic] showing up.

24 Once she got onboard we were able to move forward
25 with a Mach speed in comparison to where we were. Again, none

1 of this was from the input from the monitor team. This was
2 the input from the team in Ferguson, Missouri. It was the
3 input from people like Shirley Emerson, who just presented her
4 program, the CRB, the NPSC. It was input from those people
5 who were committed to our community.

6 We are now in a position where our brand-new city
7 manager, who, by the way, is another godsend, has been working
8 diligently in negotiations with our police union and our fire
9 union. And these people deserve more pay. We all know that.

10 We would be able to do that properly and answer the
11 demands of the consent decree and the DOJ in regards to moving
12 our police officers' salaries into a competitive strategy if
13 we did not have a \$350,000 payment. Right now, if we did not
14 have that payment, we could legitimately answer the salary
15 call to our police officers.

16 My request to you, Judge, is that you take into
17 consideration the last six years the sincere dedication of
18 each and every person in city staff, each and every person on
19 the police department, and you look at what we have
20 contributed for the smallest city that has ever received a
21 consent decree from the DOJ in the history of their consent
22 decrees and the largest consent decree ever given to any city.

23 Take all of that into consideration. Give us some
24 credit for what we have accomplished with our very stringent
25 parameters and let's sit down and renegotiate this.

1 I think that with Nicolle and with the work we are
2 doing now, we can answer the DOJ's demands. We can answer the
3 consent decree and we can get to the end of it. And we can
4 pay our police officers and our staff that are working on this
5 the proper amounts to move us forward and make us the example
6 of the United States that we are intended to be in our
7 community policing if we would take out the middleman.
8 Because the middleman is bankrupting us and doing absolutely
9 nothing in return and they have not once met their contract
10 they originally signed with us.

11 Thank you.

12 **THE COURT:** All right. Thank you. I do think --
13 no, you can be seated. It's okay. Thank you very much for
14 your comments.

15 I do think it's important that people understand
16 there is a role of the monitor and a role of the city and
17 those are different roles. And to actually perform under the
18 consent decree is the job of the city. And the monitor is
19 there for other reasons, including assisting me and reporting
20 back to me on what's going on and also measuring progress and
21 providing assistance where required.

22 But they are not the ones who are doing the work.
23 You all are. And you are doing a lot of work. We understand
24 that. The request to -- I think what you are really saying is
25 let's not have a monitor anymore, just let us do it. That is

1 something that is a legal question that would have to come
2 from the lawyers and from the Department of Justice. There
3 would be debates over that. Okay. And that's something that
4 I will consider any reasonable request.

5 But I will say that I believe the monitor has
6 provided very real service. And I know you may not think so
7 because she's not doing the work you -- that the city needs to
8 do. But she's doing a lot of work. The team has done a great
9 deal. And they have provided a ton of assistance on a lot of
10 different topics, including all the policies and
11 understanding, you know, what is required under the law and
12 the consent decree that the city signed.

13 And I think everyone up here -- Mr. Carey, the
14 Department of Justice and Ms. Tidwell and her team -- have
15 done a very good job and have worked very hard on it.

16 But I understand your point. That's also something
17 I can talk to the parties about. And I will let them address
18 your points a little more directly.

19 So with that said, was there any member of the
20 public who did not have a chance to sign up who wishes to
21 speak?

22 All right. Thank you all for being here then.

23 Mr. Carey, I will ask you to -- and if you will
24 introduce your city officials, the way you normally do, who
25 are here as well as I know Ms. Barton is going to speak.

1 **MR. CAREY:** Sure. Thank you. Thank you, Your
2 Honor. I appreciate that.

3 Yeah, I feel like I have sort of the easiest job
4 amongst the parties now since Ms. Barton is here today. But I
5 will start off by introducing the city officials that are
6 here. And I also actually want to make a comment to sort of
7 follow up on what was just mentioned by Councilwoman Lipka.

8 Obviously you have seen -- you have heard from
9 Councilwoman Lipka. And you've heard from Burrow,
10 Councilwoman Burrow, who is here. Behind those two sitting is
11 Councilwoman Heather Robinett. And then behind Councilwoman
12 Heather Robinett is our newest councilman, Mr. Mike Palmer, in
13 the neon yellow shirt there.

14 And we also have, sort of to your left, Councilwoman
15 Naquittia Noah, who is in the back behind Ms. Shirley there.
16 And then our mayor, Ella Jones, is here with us.

17 Of course sitting next to her, you have met Eric
18 Osterberg, who is our city manager. And sitting next to
19 Mr. Osterberg is Frank McCall, our police chief. And next to
20 Councilwoman Burrow is Tanya Webber, our court administrator.
21 I know you didn't meet her back in chambers, but she was out
22 in the courtroom waiting for us to come out.

23 Next to Tanya Webber is Lieutenant Tim Harris, who
24 is a member of our command staff for FPD. And then also
25 Shahidah Siraaj, who is, I believe, the chief's assistant and

1 she's here as well.

2 So I don't think I missed anybody from the city.

3 **THE COURT:** All right. That's great. Well, I
4 appreciate that we have so many people from the city here.

5 **MR. CAREY:** Yeah. And so one thing I did want to
6 sort of just clarify before I turn the floor over to
7 Ms. Barton to give you the detailed update, following up on
8 Councilwoman Lipka's presentation here to you today.

9 You know, in defense of the city and the council in
10 general, you mentioned, Your Honor, that there are roles under
11 the consent decree. You know, the city has a role; the
12 Department of Justice has a role; and the monitoring team has
13 a role.

14 At the initial outset of the monitoring process, I
15 think what you're hearing, the passion that you hear from
16 Councilwoman Lipka is the fact that there were some confusion
17 as to what those roles were supposed to be. Right? In
18 particular, in negotiating the contract with the initial
19 monitoring team, there were promises made of technical
20 assistance and things of this nature that the city didn't have
21 that they thought by hiring the monitoring team that that work
22 had been done or that that work would be done by the
23 monitoring team.

24 And so some of the maybe misconceptions or some of
25 the -- well, I won't even say "misconceptions" but maybe some

1 of the perception of the council folks that come before you --
2 and I applaud Ms. Lipka for doing it because she's not the
3 only one who feels that way, but she is just the one brave
4 enough to come up and say it.

5 You know, some of the perceptions that the city has
6 now are in relation to the fact that there was simply
7 confusion about what the role -- and of course the city was
8 brand new to -- the city had never negotiated a consent decree
9 before so didn't really have much experience about that.

10 But I can tell you, you know, just recently as last
11 year there was sort of a follow-up done at the level of the
12 Attorney General's Office where folks from the Attorney
13 General's Office reached out to the city and other cities who
14 are in consent decrees to sort of get some follow-up and
15 feedback about the thoughts about entering into a consent
16 decree and what could have been done better and that, you
17 know, kind of thing.

18 And this issue of the monitoring team and the roles
19 of monitoring team, I know we brought that up to the
20 department -- to the Attorney General's Office to basically
21 echo the city's perspective about there being confusion as to
22 the roles and we thought we were getting this when we hired a
23 monitoring team and we didn't get it.

24 So I think the passion you are seeing and the
25 comments being made all stem from that interaction and maybe

1 that misunderstanding about what the roles were going to be.
2 The city thought one thing and maybe the monitoring team had
3 another thing.

4 And then the last point I will make is there's been
5 some talk, I think, about at least engaging in that process
6 with the United States Attorney General's Office. There had
7 been some talk about some evolution of the role of the
8 monitor. And I think in the AG's memo and opinion that they
9 issued after they, you know, had done the survey, there was
10 some talk about clarifying the role of the monitor so that
11 cities that do enter into consent decrees have a better
12 understanding of what their role is supposed to be versus what
13 the monitoring team's role is supposed to be.

14 So I just wanted to, you know, make sure that the
15 Court understood where those comments were coming from and
16 also to, you know, really, really applaud Ms. Lipka for
17 getting up and saying that because she's not the only one who
18 feels that way about that.

19 **THE COURT:** No, I appreciate that very much.

20 **MR. CAREY:** What I'll do now -- unless you have any
21 questions about what I just said.

22 **THE COURT:** I don't think so. Not now.

23 **MR. CAREY:** I will turn it over to Ms. Barton for
24 the detailed update.

25 **MS. NICOLLE BARTON:** Good morning. Thank you, Your

1 Honor, for allowing me to give you a presentation and an
2 update on the progress of the consent decree during this
3 quarter.

4 First I want to give you an update about community
5 policing and engagement events and activities. We actually
6 had three events in the month of April. We attended a Youth
7 and Government Summit on Friday, April 22, in which our local
8 high schools attended by learning local government and the
9 importance of voting.

10 FPD also participated in a neighborhood cleanup in
11 Ward 3 on April 29th that was sponsored by Boys to Mentors.

12 We had a "Balling With a Cop" event on April 30th in
13 which FPD members and other members of other local police
14 departments participated by playing basketball with our youth.
15 And afterwards we had a monitoring event with our youth and
16 BBQ with the kids.

17 A BBQ is also planned for May 14th sponsored by
18 Adopt-a-Block. The FPD will attend and engage with members of
19 the community. Please join us this Saturday from noon to
20 3:00 p.m. at Northwinds Estates in Ferguson. Don't forget to
21 bring your mask.

22 In addition, the parties will be meeting this month
23 to discuss some potential new dates to begin our third series
24 of small group dialogues. We also plan to poll community
25 members that have already signed up to participate in these

1 dialogues to see if there's interest in meeting via in person
2 instead of a Zoom. So we want to poll those people that have
3 already signed up.

4 And any community members who wish to sign up, the
5 sign-up sheet is still located on the city's website. Please
6 feel free to log in and sign up. But we want to poll and see
7 if members of the community would like to start meeting back
8 in person. If not, we will continue those dialogues via Zoom.

9 Once we have completed the series of dialogues, we
10 will incorporate our community voices into our community
11 policing and engagement plan.

12 If you remember, both the MPSC and the CRB formed a
13 community engagement subcommittee so that we can work on this
14 plan together and COVID didn't stop us. We continued to meet
15 biweekly to work on this plan for eight months. And we did
16 turn in a draft plan to the parties, but when we started the
17 series of dialogues, we decided that we wanted to see what the
18 themes were that came out of the dialogues and see if we
19 wanted to roll in those themes into our community policing and
20 engagement plan.

21 So we will meet back with our volunteer community
22 engagement subcommittees from the NPSC and the CRB for any
23 additional input and then circulate the draft plan back to the
24 parties for a final version.

25 Next I wanted to provide you an update regarding

1 policies and training. During this quarter we finalized our
2 bias-free policing policy and we finalized the first draft of
3 our fair-and-impartial policing training. We were so happy to
4 work with students from our Ferguson-Florissant School
5 District to gain their feedback and input on both the policy
6 and the training.

7 This training incorporated community feedback from
8 our teach-back sessions in February of last year and was
9 shaped by input received for the policy including our youth
10 survey.

11 This will be a two-day training and we will begin
12 rolling this training out to the department in June. This
13 will be FPD's first in-service training. We plan to encourage
14 continued community participation and feedback into this
15 training program for the next year's annual training program.

16 We will open dates later in this year for community
17 members to participate in the teach-back sessions of this
18 training to gain their valuable input and suggestions.

19 You also might remember that we have been meeting
20 for several months via Zoom to work on our PTO training. In
21 March of this year we received permission for Rob Davis, who
22 is the subject matter expert from the DOJ, to come in person
23 to Ferguson for four days. And members of FPD, including
24 Lieutenant Harris, Officer Richardson, Officer Hank and
25 myself, worked diligently with Rob Davis on developing lesson

1 plans and training material for our Police Training Officer
2 program.

3 Pursuant to paragraph 52 of the consent decree, I am
4 now working with volunteer community members of the training
5 committee to review the lesson plans, the PowerPoint
6 presentations and curricula for consistency, quality and
7 compliance. Our group will meet this month again to follow up
8 on the work being reviewed. We hope to have this in-service
9 training ready for review and approval by the parties sometime
10 in June.

11 In addition, we are also working with Rob Davis on
12 our body-worn and in-car camera training since those policies
13 have been finalized as well. This training will be ready for
14 review for the parties by the end of this month.

15 During this quarter, we finalized the strip and
16 cavity search general order and the search form that
17 incorporated public comment.

18 And as you may recall, during the last quarter we
19 finalized our First Amendment policy right to observe and
20 record, and we are currently working on the roll call training
21 for this policy, and we hope to have this rolled out by the
22 end of May.

23 In addition, we are working with the parties on the
24 First Amendment public protest policy. This policy will go
25 back out for a second round of community input by the first

1 week of August.

2 Finally, we will begin our annual review of
3 policies. We will work with a team comprised of patrol staff
4 and command staff to review the policies along with best
5 practice standards in the relevant area and current law. We
6 will identify any deficiencies in those policies and revise
7 them as necessary.

8 As each policy is reviewed and revised, we will
9 notify the community, highlight any language changes and ask
10 for community input on those policies as well. We will
11 continue this process throughout the year.

12 I wanted to provide you an update on data with
13 Benchmark. During this quarter we have been working with
14 Benchmark Analytics on our accountability module. We are
15 working with them to customize our internal investigations and
16 our citizen complaint investigation tracking system. This is
17 an important module that will also include early intervention
18 systems and warnings as well as performance evaluations and
19 promotions.

20 I've actually had the opportunity to work directly
21 with our civilian review board on this process to gain their
22 feedback and suggestions as we are developing the citizen
23 complaint tracking system.

24 Regarding recruitment, since the last status update,
25 we have hired two additional FPD officers. In addition, FPD

1 staff recruiters have attended Lincoln University's police
2 academy to recruit new officers, and we are regularly
3 attending all regional police academies to recruit new staff
4 as well.

5 To give you an update on officer health and
6 wellness, during this quarter, myself and other staff attended
7 Critical Incident Stress Management training with the Greater
8 St. Louis Region CISM Association. This training was
9 developed in our region to provide education and a specific
10 form of crisis intervention. This team is comprised of our
11 local law enforcement agencies, EMS professionals,
12 firefighters, nurses and chaplains and other mental health
13 professionals.

14 We received an initial training on debriefing,
15 defusing, one-on-one interventions, on-scene support and
16 education and stress reactions and stress management
17 techniques. We plan to meet with this team in the near future
18 to look into the benefits of starting our own peer support
19 team at Ferguson PD. We will be utilizing this program for
20 critical incidents and stress in the meantime.

21 I just wanted to take this opportunity to also thank
22 all of our volunteer members in the community who work with us
23 on so many different levels -- members of the MPSC, members of
24 the Civilian Review Board, our training committee members and
25 our citizens who volunteer to sit in on our police hiring

1 panels. We couldn't do this work without our dedicated
2 members of our community.

3 And thank you again, Judge, for allowing me to
4 present to you this morning.

5 (Applause.)

6 **THE COURT:** Yeah. And I will say, I think everybody
7 here appreciates very much the work you have done, Ms. Barton.
8 It has made a huge difference. Ms. Lipka is applauding, but I
9 join her in that. You have done a great job, and I appreciate
10 it. And I appreciate -- and Mr. Carey has graciously let you
11 do the talking on these things instead of his -- although I
12 will tell you that he's -- I've had occasion when he has read
13 me the reports you left behind and he did okay. He did all
14 right.

15 Okay. From the Department of Justice, yes,
16 Ms. Glass.

17 **MS. GLASS:** Good morning, Your Honor. Thank you for
18 this opportunity to brief the Court and the public on progress
19 in implementing the consent decree. It was very helpful for
20 all of us to get together in person for the first time in more
21 than two years yesterday and talk about some big-picture
22 issues and progress, as well as discussing some of the smaller
23 details as well.

24 And as Ms. Barton's presentation made clear, and as
25 the Court has recognized, her involvement and leadership and

1 implementation has really been integral to the process --

2 **THE COURT:** Can you pull the microphone closer to
3 you?

4 **MS. GLASS:** Thank you, your Honor.

5 -- process that's being made.

6 She gave such a comprehensive overview that I only
7 have a few things to add. But I did want to thank council
8 members Lipka and Burrow and Ms. Emerson for their comments
9 and to try to address council member Lipka's comments, at
10 least in part.

11 And to say we thank all of those attending this
12 hearing and commenting on their engagement and their feedback,
13 and it really is so important to making sure we get this
14 right, and we do very much appreciate their perspectives.

15 I think, fundamentally, the issue with the
16 monitoring team is that their role is to monitor compliance.
17 They are not here as -- and I would agree with the way
18 Mr. Carey put this -- to do the work of implementation but to
19 monitor whether the city is doing it. They certainly can
20 offer technical assistance along the way.

21 And they -- as I go through my comments, I'm going
22 to try to highlight some of the work the monitoring team has
23 done. Some of it is behind the scenes and may not be as
24 apparent to the public, but they are leading us all and
25 playing a very important role in making sure that the city is

1 implementing the consent decree.

2 The areas I wanted to emphasize demonstrate the
3 progress that the city is making in moving toward the next
4 phase in compliance and they are training and auditing.

5 So on training, now that, for the most part, the
6 critical policies required by the consent decree have been
7 completed, the next task is to train the department and make
8 sure that these policies are brought to life and become part
9 of the everyday operations of the department.

10 The first stage in this is after a new policy is
11 completed and approved is to give a roll call training. As
12 the Court knows, this is a simple briefing that tells the
13 department what changes were made so that the policy can come
14 into effect and so that the department can be held responsible
15 and accountable under the new policy.

16 But the roll call trainings are not a replacement
17 for a comprehensive, in-service training program. That's
18 where we expect that officers will get scenario-based and
19 other hands-on learning activities to practice the skills
20 required by these policies to make sure they become part of
21 their day-to-day operations.

22 The DOJ recognizes what a heavy lift implementing an
23 in-service training program of the caliber required by the
24 consent decree is for any department but especially for a
25 smaller department with Ferguson with limited resources;

1 therefore, the DOJ has been really going the extra mile in
2 trying to support the city and bring resources to this project
3 of developing an in-service training program.

4 As Ms. Barton mentioned the bias-free policing
5 training, that was the initiative of DOJ through a connection
6 from our team to another jurisdiction under -- that had
7 developed a really strong training under a consent decree
8 process. And we wanted to have that jurisdiction share its
9 resources and suggested that they might do this with Ferguson.
10 They were happy to. And that was how the training was brought
11 to Ferguson.

12 Another example is the PTO training Ms. Barton
13 mentioned. And I wanted, for the public, to just say a word
14 about this training. It stands for the Police Training
15 Officer program. And some would say this is one of the most
16 important trainings that a police department does. When new
17 recruits come out of the academy, they're not just put on the
18 streets. They are put under one-on-one leadership of an
19 experienced officer called a "Police Training Officer."

20 And that person, over the course of many weeks,
21 supervises them, mentors them, evaluates them and teaches them
22 how to translate their lessons from the academy into the daily
23 work of being a patrol officer. So it's really a crucial set
24 of tasks, and it's important for a department to have enough
25 PTOs to fill this role and that the PTOs be the right people,

1 highly qualified and trained in their important
2 responsibilities.

3 So it was Ferguson that identified the need, the
4 urgent need for this training, given all the efforts they have
5 made in staffing and asked for our help. And given the
6 importance of this training and the department's need for
7 assistance, we offered our subject-matter expert to help them
8 write it.

9 During this process, as Ms. Barton mentioned, FPD
10 staff members were involved in sitting in the room and writing
11 out the lesson plans and PowerPoints that will make up this
12 training. We think this serves two purposes. We hope it
13 serves two purposes.

14 One is to get the work done and get the training
15 written, but another is to build the department's internal
16 capacity and to share technical assistance so that the FPD
17 training team can see the -- learn from our expert and see the
18 aspects of how a training is put together and hopefully apply
19 those skills to the next training that they develop.

20 Of course for these efforts to be sustainable and
21 for FPD to achieve the goal of implementing an in-service
22 training program, it needs to be not to Ms. Barton leading
23 these goals, leading these efforts. She is doing an admirable
24 job, but I think we would all agree this wasn't what she was
25 hired to do. And it is important for the city to hire a

1 supervisor who will have training development as part of their
2 responsibilities.

3 And we do want to underscore that when the city
4 makes that hire, it's very important for the person who comes
5 into the role to come to the position already with some
6 understanding of how a training is developed and delivered in
7 order to be able to fulfill this role. We think it would be
8 important and difficult for them to lead the training director
9 role unless they actually had experience in these areas.

10 As I said, I also wanted to talk about the audit
11 because I think it reflects the next level of -- next stage in
12 the city's compliance with the consent decree. And that is to
13 say the policies are in place now -- a third party needs to
14 take a look and see, evaluate the police department's
15 compliance with its new policies. And that's where
16 Ms. Tidwell and the monitoring team role really comes into
17 play.

18 Since we were last in front of this Court in a
19 status hearing, Ms. Tidwell completed the audit of the --
20 first phase of the audit of the use-of-force policy, and we
21 are grateful, again, to Ms. Barton for all her work in
22 gathering and coordinating that effort.

23 This was the first -- the monitor's first audit of
24 the police department's compliance under the consent decree.
25 So this was really a significant step.

1 After the audit was complete, we had a meeting with
2 the DOJ, the monitoring team and the police department to
3 discuss some training needs that we identified from some of
4 the incidents under review. Chief McCall was very receptive
5 to our feedback and we together talked about how some of the
6 issues could benefit from training.

7 These were in the areas of deescalation, compliance
8 with the Fourth Amendment and supervision. So we look forward
9 to working with the city to find resources and turn to those
10 trainings next. We also look forward to seeing the next phase
11 of the use-of-force audit.

12 The end goal here, of course, is for the police
13 department to operationalize community policing, make it part
14 of the everyday work of the department. To do that it needs
15 a -- it needs the leaders in the department, such as the
16 training director. It also needs, at a bare minimum, a number
17 of officers available on the street to do -- keep the city
18 safe and to engage in all the tasks that together comprise
19 community policing.

20 We are glad to hear about the efforts the city is
21 making in hiring. Of course offering competitive salaries is
22 part of that equation, and we continue to have a dialogue with
23 the city about how to meet that goal.

24 Hereto, as far as bringing community policing to
25 life and the department's work, the monitor and the monitoring

1 team experts have been very important -- Kim Norwood in giving
2 feedback on the bias-free policing policy and the training,
3 and Dr. Anderson in implementing the community dialogue and in
4 the community survey.

5 So that's all to say that while the monitor's main
6 role is to monitor compliance, we -- the monitor is also
7 sharing, in very important ways, technical expertise with the
8 department.

9 Unless the Court has any questions, those were all
10 my comments this morning.

11 **THE COURT:** I don't think I have any questions at
12 this time. Thank you, Ms. Glass.

13 **MS. GLASS:** Thank you, Your Honor.

14 **THE COURT:** All right. Ms. Tidwell, I will hear
15 from you with the monitor's report.

16 **MS. TIDWELL:** Good morning, Your Honor.

17 First, just let me say how good it feels to return
18 to some semblance of normalcy after more than two years of not
19 being here in person.

20 I just wanted to open by just saying I can't speak
21 to what was promised by my predecessor. And I appreciate Your
22 Honor and Ms. Glass speaking to the respective roles of the
23 monitor and the parties with regards to the consent decree.

24 I will say with regards to funding, as the Court
25 knows, the city and the Department of Justice agreed to a

1 five-year cap on monitoring fees in the amount of \$1.5 million
2 which the monitoring team did not exceed or even reach by the
3 end of year five. So I just want to make that clarification
4 for the record.

5 I want to thank the community members and council
6 members for their patience and support for the police
7 department's efforts during this time. Although, to its
8 credit, the city was able to make significant progress during
9 the pandemic and all of the virtual operations that stemmed
10 from it. There's no question that the pandemic had a
11 considerable impact on implementation of the consent decree
12 reforms.

13 Similarly, as we discussed before and has been
14 raised here, staffing levels and allocation of resources in
15 support of public safety generally and consent decree
16 implementation specifically will need to improve in order for
17 the city to establish both a robust community policing program
18 and to move through the other aspects of implementation as
19 Ms. Glass just laid out.

20 Hopefully with this additional technical assistance
21 from the Department of Justice and the efforts of Ms. Barton
22 and Chief McCall in hiring and recruiting, the city will begin
23 to move into substantial compliance, and the monitoring team
24 will be here to audit compliance and to provide technical
25 assistance to get them where they need to be.

1 Providing additional support for Ms. Barton's work
2 as consent decree coordinator, we've mentioned many times the
3 need for dedicated community engagement and training
4 coordinators and directors.

5 It was great to hear from Ms. Emerson about the
6 Brown School's work in the city's housing complexes, and we
7 look forward to hearing more about it and offering any support
8 that we can.

9 Yesterday the monitoring team and the parties were
10 able to resume our practice of site visit meetings. And the
11 energy, enthusiasm and free exchange of ideas could not be
12 duplicated in a virtual space, so I hope that we can build
13 upon this momentum and continue in-person activities in the
14 coming months.

15 Before I introduce our newest monitoring team
16 members who have joined us here today, I would like to thank
17 Bob Stewart, who led the monitoring team's efforts and the
18 use-of-force training and other key areas for more than three
19 years. His experience and insight were extremely valuable,
20 and we wish him well as he attends to other projects which
21 include, I understand, improving his golf game.

22 Before he rode off into the sunset, as reported in
23 the monitoring team's most recent semiannual report, and
24 touched upon by Ms. Glass, Mr. Stewart completed Phase I of
25 our first use-of-force reporting and investigations audit.

1 The results of the audit are detailed in the report, but I
2 thought it might be helpful to recap some of the process, the
3 highlights and anticipated next steps.

4 The monitoring team assessed the timeliness,
5 thoroughness and accuracy of FPD's use-of-force reports and
6 the quality of its investigations as is required under the
7 consent decree and FPD policy.

8 To do so, the monitoring team analyzed a randomly
9 selected representative sample of 17 use-of-force incidents
10 from 2019 and 2020, which was roughly half of the incidents in
11 the two most serious categories, use-of-force categories.

12 The review included body-worn camera/in-car video
13 recordings, officer and witness statements and the reports
14 themselves. Each incident was assigned a satisfactory or
15 unsatisfactory rating based on the monitoring team's
16 assessment of a number of preset categories, including
17 deescalation -- i.e., did the officer provide verbal warning
18 or otherwise take meaningful steps to stabilize the incident
19 to calm an agitated person? -- and documentation. Was the
20 report itself timely, accurate and complete?

21 The results of the monitoring team's report, 11
22 reports were found satisfactory, five were deemed
23 unsatisfactory and one was incomplete because the full-body
24 camera and footage was not available for a use-of-force that
25 took place at a local hospital.

1 The satisfactory reports were generally clearly
2 written, timely and thorough. The reports consisted of
3 detailed accounts of the incident itself, the type of force
4 used, and the officer's efforts to deescalate the situation or
5 to avoid or minimize the use of force altogether.

6 In each incident, the investigating supervisor
7 correctly judged whether the officer's use of force were
8 within policy or deficient in some respects. Where
9 deficiencies were identified, verbal counseling, training or
10 similar remediation was recommended and implemented.

11 While some reports or investigations were lacking in
12 some respects, the monitoring team noted a significant
13 improvement in the quality of reports and investigations from
14 2019 to 2020, which we hope will pertain [ph] well for next
15 year's audit.

16 Of the five reports or investigations that were
17 deemed unsatisfactory, one was due to timeliness. The report
18 itself, the investigation was completed two years after the
19 initial incident. The remaining unsatisfactory findings
20 included a 2019 incident of an officer escalating a
21 shoplifting incident and deficiencies in the responding
22 supervisor's investigation.

23 Similar deficiencies in response to a person who is
24 experiencing mental health crises or TASER deployment is an
25 area which the monitoring team will focus attention in later

1 audits as well as in training, as Ms. Glass alluded to.

2 Some of the observations that were outside the scope
3 of the report but will be followed up on, an assessment of
4 other areas, included instances in which FPD officers directed
5 discourteous or profane language at detainees -- so-called
6 "trash talk" -- or engaged in similarly unprofessional
7 communications in public places. Again, this was not every
8 instance, but it was enough that we, in our conversation with
9 the parties at the conclusion of the audit, thought it was
10 important to bring up and to include in the report.

11 There were some deficiencies in FPD officer tactics
12 or decision-making and, as Ms. Glass alluded to, some Fourth
13 Amendment concerns around support for some charges where
14 resisting arrest happened but there's also a charge of assault
15 on a police officer and just sort of determining whether the
16 Fourth Amendment supports those and getting better
17 documentation around that.

18 As Ms. Glass alluded to, prior to reporting and
19 finalizing the results, the monitoring team met with the
20 parties for a candid discussion of our assessment.
21 Chief McCall and his staff were receptive to suggestions and
22 critiques and we look forward to continuing this important
23 work in Phase II.

24 The goal of Phase II is to identify and assess
25 instances in which force was used but not reported. The

1 consent decree and FPD policy require that all officers using
2 force above unresisted handcuffing document the use of force
3 in writing. So to identify and evaluate whether the absence
4 of a use-of-force report from a particular incident, evidence
5 that force was not employed or that force was employed but not
6 reported, the monitoring team requested that FPD provide a
7 list of 2019 and 2020 FPD arrests and incident reports for a
8 number of enumerated offenses that based on our collective
9 experience usually involve the application of force.

10 So some of these charges were assault on a law
11 enforcement officer, failure to comply, resisting arrest,
12 disorderly conduct. FPD reported that there were 107 such
13 charges in that two-year period comprising 59 different
14 arrests or incident reports.

15 So the monitoring team, Mr. Stewart particularly,
16 cross-referenced those reports with what we knew was reported,
17 where use of force was reported, and narrowed it down to
18 approximately 20 cases for which analysis of body-camera
19 footage and other materials will be needed to determine
20 whether force was actually employed and not reported. That's
21 what we hope to accomplish in Phase II.

22 Recently in a virtual meeting, Mr. Stewart handed
23 the baton to one of our new monitoring team members, Darryl
24 Owens, who will begin Phase II of the audit in the
25 coming months.

1 Darryl is a 30-year-plus veteran of the Boston
2 police and for the past 20 years has served as the lead use of
3 force and defensive tactics instructor at the Boston Police
4 Academy. In addition to training police at recruit and
5 in-service levels, Mr. Owens has provided training to various
6 community groups and elected officials. For the past year or
7 so, he has also served as a curriculum writer and instructor
8 on topics including deescalation, communications and
9 interactions with people in crisis.

10 As previously mentioned, we held a series of
11 meetings with the parties yesterday on a number of subjects
12 including the identification of priorities for the coming
13 year. Ms. Barton previewed some of those and the monitoring
14 team will continue to work with the parties to support those
15 efforts.

16 I believe that the addition of retired Police
17 Superintendent Lisa Holmes to the monitoring team will permit
18 us to lend additional technical assistance to the city in the
19 training and community engagement areas and allow us to
20 perform key audits in the accountability area to include
21 internal investigations, mediation and civilian oversight.

22 Superintendent Holmes has a wide range of police
23 leadership experience, including as the head of the police
24 department's Bureau of Professional Standards with oversight
25 responsibility for training and educational requirements and

1 the internal investigations function.

2 Since her retirement in 2018, she has run her own
3 consulting firm where she facilitates workshops and lectures
4 on community engagement and develops curricula and training in
5 anti-bias recognition.

6 Yesterday I also had the opportunity to meet with
7 the court administrator, Ms. Webber, and the Department of
8 Justice to discuss both the status of the comprehensive
9 amnesty program and the monitoring team's most recent court
10 audit which involves observations of virtual court sessions
11 and review of an identified set of case files for those
12 individuals who appeared in court during those sessions.

13 I have not had an opportunity to meet with the new
14 city prosecutor, Mr. Roberts, who we anticipate will continue
15 the work of his predecessor, Mr. Goodman, in finalizing the
16 comprehensive amnesty program, specifically the dismissal of
17 cases previously kept open under good-cause criteria No. 3
18 which includes driving after revocation and suspension.

19 As Your Honor may recall, that after application of
20 all of the agreed-upon good-cause criteria, there were roughly
21 800 or so pre-2014 cases left open under good-cause criteria
22 No. 3 and the city prosecutor, Mr. Goodman, agreed to dismiss
23 those charges. But it's a little complicated. You can't just
24 dismiss the cases altogether because sometimes the cases
25 involve more than just the driving while suspended charge or

1 the driving while revoked charge.

2 So someone has to go through and pull out, just
3 manually pull out the charge that is to be dismissed and to
4 leave the rest of the case open. So we are working with
5 Ms. Webber on bringing that to completion which should
6 hopefully mean the successful end of the comprehensive amnesty
7 program.

8 The return to in-person activities, as Ms. Barton
9 mentioned, has also led to an increase in the police
10 department's community engagement efforts. In this coming
11 year, Dr. Leigh Anderson, our lead community engagement
12 consultant and Ferguson area native, will continue her work
13 with the city on these efforts as she did throughout the
14 pandemic as Ms. Glass mentioned. Along with Superintendent
15 Holmes, she will also oversee administration of the next
16 community survey.

17 As Ms. Glass mentioned, Professor Kim Norwood
18 couldn't be here today, but she has been working closely with
19 Ms. Barton to get the police department's bias-free policing
20 policy and training curricula reviewed, approved and ready for
21 roll-out as the department's first in-service training session
22 this summer.

23 Our hope is that with the addition of these new
24 members, audits are going to run at a more regular cadence now
25 that, as Ms. Glass mentioned, the policy, most of the major

1 policies have been implemented and the initial roll call
2 briefing has happened.

3 So that third phase of implementation is now for the
4 officers to go out and act and comport with the policies and
5 then we, as the monitoring team, will audit compliance in that
6 space. We are looking forward to mobilizing the monitoring
7 team as the consent decree moves into this implementation
8 phase.

9 Lastly, I am sure that regular attendees at these
10 hearings, in person and virtually, have noticed the absence of
11 Courtney Caruso, the deputy monitor. Ms. Caruso couldn't
12 travel with us. She is on maternity leave. But she remains
13 an active and key member of the monitoring team, most
14 especially in generating and filing the latest semiannual
15 report that we produced in February.

16 I know that she is listening via YouTube now and so
17 I just would wish her best of luck in this exciting time for
18 her family and we look forward to her return.

19 That's all I have, Your Honor, unless the Court has
20 questions.

21 **THE COURT:** I do not believe I do at this time.

22 Mr. Carey, is there anything further that the
23 city -- that you on behalf of the city would like to add or
24 respond to?

25 **MR. CAREY:** No, ma'am. I don't have anything

1 further.

2 Did you have anything further?

3 **MS. NICOLLE BARTON:** No.

4 **MR. CAREY:** No. No, ma'am.

5 **THE COURT:** And Ms. Glass.

6 **MS. GLASS:** No, Your Honor. Thank you.

7 **THE COURT:** Okay. Well, I do think you all have
8 given some fairly thorough reports here and we have heard from
9 the people who spoke as well as the individuals.

10 You know, in following the case and watching what's
11 been going on, I know that on the one hand we are always
12 frustrated that it's not going faster and that it's not able
13 to be done less expensively or that there was enough money to
14 do everything we wish we could do. On the other hand, you
15 know, I think that there's been amazing progress.

16 And I'm -- the city, as well as everyone else the
17 last two years, has had incredible challenges because of the
18 pandemic. And the pandemic has affected the speed of
19 implementation of the consent decree policies, but it's
20 also -- there was a lot the city had to do. And I think the
21 fact is you have now accomplished a great deal and we are
22 moving in all of the right directions.

23 Everybody has had pandemic challenges the last
24 two years, and most people have had budget challenges of
25 various sorts. Every city I know of has had serious budget

1 problems because of the decrease in sales tax revenue, other
2 issues that have caused problems. And so I think the city has
3 done as well as -- well, I mean, I can't say as well as could
4 be hoped. We always hope for more. But I think they have
5 done a remarkable job under very difficult circumstances.

6 And I'm especially pleased with the way things are
7 going now with the personnel in place. It seems like you all
8 have a really good team who are ready to implement this and
9 get the rest of this wrapped up and in compliance with the
10 consent decree.

11 Especially with regard to the personnel issues and
12 the ability that the city has been able to recruit and have
13 had some very intense recruiting activities, I believe, that
14 you have all done, the police department have done, and I
15 think you deserve credit for that.

16 It's a very hard time. Police departments all over
17 the country for a whole host of reasons are struggling with
18 recruitment and retention of officers, and so I hope that all
19 of the things being implemented will assist on that.

20 I also think that the responsiveness of the city to
21 the citizens and to the kinds of issues that gave rise to the
22 consent decree has been a great improvement. So I want to
23 just thank you all for all the work you have done.

24 I do know that there's more to be done and we are
25 still here and we are going to keep working. But I think at

1 this point, especially with, you know, for a long time we've
2 been talking about in-service trainings. So to finally have
3 this one starting this summer and the others to follow, that's
4 very good.

5 So I think there's just a lot to be proud of in what
6 you all have accomplished. There's a lot of frustrations, as
7 expressed by some of the speakers here today. And I
8 understand that. But I also think that it's -- we are moving
9 in the right direction. And I think the new addition of
10 the -- the additional people in the monitoring team will be of
11 great assistance.

12 And, you know, this role of the monitoring issue has
13 been something that's come up off and on. And the bottom line
14 is: They aren't supposed to be doing all the work. They are
15 supposed to be monitoring it. But providing the assistance
16 and support and having these very qualified subject matter
17 experts is really important.

18 I'm hoping that what we will see going forward are
19 some great improvements in the next few months in community
20 engagement of various sorts as well as training. Those are
21 the big issues that seem to be facing us moving forward. And
22 we have some experts here to help us with that, as well as the
23 members of the city.

24 And again, I thanked Ms. Barton, and I want to thank
25 her again. Because I think that was a game changer,

1 Ms. Lipka, you are right, when she came onboard. And I also
2 want to thank the rest of the city, the council, the police
3 department, Chief McCall and others and Mr. Osterberg. It
4 sounds like you have hit the ground running and are really a
5 great asset to the city. So I am glad to see you there.

6 And I am very encouraged by the things that are
7 happening. And now that the pandemic seems to be waning --
8 although I realize there's always new variants -- that people
9 can get back to things we can make progress on. For example,
10 on the Brown School social work students assisting as well as
11 the new election and new members of the council can, you know,
12 get in there and work on all of this. I know it's not an easy
13 job you all have taken on, but I think you are doing a good
14 job.

15 And the Department of Justice is, as always -- you
16 know, this case is unusual, of course, because it's a consent
17 decree. And when we are involved in a consent decree maybe
18 everybody forgets, but most of what I deal with as a judge is
19 people fighting with each other. There's a plaintiff and
20 there are defendants. And they are always fighting with each
21 other and none of them are ever going to agree because that's
22 why they came to court.

23 You all came to court and promptly reached an
24 agreement. This is a very different thing. And for me it's
25 a -- I'm pleased to see it. I think partly it is the

1 professionalism of the lawyers on both sides, as well as the
2 clients. You all. The city. So I think that it's been --
3 the Department of Justice has been reasonable. It is a
4 difficult time. But I think that they have done a good job.

5 And I have been really pleased with Ms. Tidwell and
6 her team since we had the change in the monitor. I'm sorry
7 that we didn't get off to exactly the right start on that, but
8 I think we have done -- it's -- it's night and day, in my
9 opinion, as we are now. So I think I appreciate what you all
10 are doing.

11 I'm going to say thank you to you all and let's keep
12 going. And I will -- we will have another public hearing
13 in -- next -- in another approximately three months. I
14 haven't scheduled it yet. We are still really trying to
15 figure out what's going on in terms of having in-person court
16 and virtual court. We are finally having in-person
17 proceedings in some of our trials and criminal cases and I
18 hope that we can all continue to meet in person.

19 I think especially with what you all are trying to
20 accomplish in meeting the goals of the consent decree, being
21 able to sit down with one another as opposed to just doing it
22 over some virtual means is very important and will continue to
23 be important. I am encouraged by that.

24 So with that said, this concludes this hearing. And
25 once again, thank you for the good work. Keep up the good

1 work. Work harder next time. I always have to say that, but
2 I think you are doing -- I think you have done a remarkable
3 job so far and I want to keep going and understanding how
4 difficult this is for the city. Nobody thought it was easy.

5 So with that said, court is in recess. Thank you
6 all for your participation here.

7 (The proceedings concluded at 11:10 a.m.)

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CERTIFICATE

I, Reagan A. Fiorino, Registered Merit 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 50 inclusive and was delivered electronically and that this reporter takes no responsibility for missing or damaged pages of this transcript when same transcript is copied by any party other than this reporter.

Dated at St. Louis, Missouri, this 20th day of May, 2022.

/s/ Reagan A. Fiorino
Reagan A. Fiorino, RDR, CRR, CRC, CCR
Official Court Reporter