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1 ***(Proceedings convened in open court at 10:03 a.m.)***

2 **THE COURT:** Good morning. We are here in the case of
3 *United States of America vs. The City of Ferguson.* This is
4 Case No. 4:16-CV-180, and we are here for the quarterly
5 public hearing that we have.

6 We are again, thankfully, able to do this live in the
7 courtroom instead of having to do this by other means.
8 during the pandemic. This proceeding is being livestreamed,
9 the audio is being livestreamed. And the people -- I want
10 to just remind everyone who might be listening on the
11 livestream that any recording of this is -- or broadcast,
12 recording or broadcast, is strictly forbidden by the rules
13 of the court system, and so it's essential that you follow
14 that. But I am glad that we're able to do this and hopeful
15 that some members of the public who might not have been able
16 to be here today are able to listen on the livestream.

17 So, with that said, I would ask counsel for the
18 parties to please identify yourselves for the record,
19 starting with the Department of Justice.

20 **MS. SENIER:** Good morning, Your Honor. Amy Senier for
21 the Department of Justice.

22 **THE COURT:** All right. And then for the City of
23 Ferguson?

24 **MR. CAREY:** Good morning, Your Honor. Apollo Carey
25 for the City of Ferguson, Missouri.

1 **THE COURT:** And for the Monitoring Team?

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

3 Natashia Tidwell for the Monitoring Team.

4 **THE COURT:** All right. Thank you all for being here,
5 and we are going to hear reports. I do -- as discussed, as
6 I've mentioned before, we do have monthly telephone calls
7 with the counsel, and it's a very good opportunity for the
8 Court to just hear directly from the lawyers and only the
9 lawyers what's going on and any problems or concerns they
10 have. It's not unusual for a Court to have telephone
11 conferences with the attorneys only, without the clients
12 there. In fact, we do it all the time because that's why
13 you have lawyers. And so I just wanted to mention that.

14 So I have talked with them so I know some of the
15 things that are going on but I'm looking forward to hearing
16 the reports from the parties as to everything.

17 So, Mr. Carey, even though you're not -- you could go
18 first because you may have things to report, so -- and then
19 after you speak, I'll hear from the Department of Justice
20 and then from the Monitor.

21 **MR. CAREY:** Thank you, Your Honor.

22 I know for the past couple years, since 2019, you've
23 been used to seeing Ms. Barton here in front of you, and I
24 know I'm probably not as physically pleasing to look at, my
25 voice is a little different and my skill set is probably a

1 little different, but I'll do my best to try to give as much
2 of a comprehensive report from where we were last time we
3 met to where we are here today.

4 I have about, I think maybe nine or ten things,
5 Your Honor, that I'd like to sort of update the Court and
6 the public on with regard to the City's progress with
7 Consent Decree compliance.

8 The first category of those things I'll start with is
9 the policy updates, the implementation of policies and
10 training and that kind of thing. And, you know, what maybe
11 the public doesn't necessarily know is, we do meet, you
12 know, via telephone conference with the Court on a monthly
13 basis, so a lot of this, Your Honor, you may have just heard
14 recently, but for the benefit of the public we want to, you
15 know, just allow them to know where the City is with regard
16 to these items.

17 So the first one I'll touch on is the PTO policy that
18 we have, which is our Train the Trainer. And "PTO" stands
19 for Police Training Officer. Essentially, this program was
20 designed to sort of bring in-house the training function so
21 that FPD would be able to train some of its officers to
22 train other officers within the department, which makes
23 training more of an ongoing and consistent thing and a lot
24 more convenient for FPD.

25 So we have recently finished our PowerPoint for our

1 Train the Trainer program, and our Training Committee, which
2 we have put together within, I'd say, maybe the last year or
3 two we've had a Training Committee, which includes folks
4 from the public as well as FPD officers, to sort of review
5 that PowerPoint and that curriculum to make sure that the --
6 you know, the PTO program is consistent with the
7 Consent Decree requirements as well as best practices when
8 it comes to training officers. So that PowerPoint was
9 recently finished and is in the hands of our Training
10 Committee for review.

11 Another sort of piece of information I think it's
12 important for the Court and the public to know is that we
13 recently -- had officers, I think six to seven certified
14 training officers in various different disciplines, whether
15 it be use of force or implicit bias, whatever those
16 disciplines are. So we are making progress in terms of
17 creating sort of a training -- you know, officers within FPD
18 that are certified to train in specific law enforcement
19 areas.

20 And sort of relating to that, it's important to know
21 that the implicit bias training that is offered for
22 officers, we have several, I think two or three officers now
23 certified in implicit bias training. And so what FPD is
24 looking to do is to provide some of that implicit bias
25 training to our Civilian Review Board. If you will recall,

1 our Civilian Review Board has sort of a list of continual
2 training that they're supposed to undergo in order to stay
3 up to snuff with best practices and policing, and just give
4 them the skill set they need to make sure that they're
5 reviewing complaints in an adequate manner, and implicit
6 bias training is one of those, one of those -- one of
7 several training components. And so FPD officers are in the
8 process of setting up a program to aid the CRB in that
9 particular portion of their training.

10 Another sort of policy update I wanted to let the
11 Court know and the public know about was, our First
12 Amendment and protest policies were recently posted on
13 our -- on the city's website for public comment. I believe
14 that timeframe is 45 days, but -- I could be off on the
15 timeframe, but I know just recently that the timeframe has
16 expired. And so what FPD is in the process of doing is
17 evaluating those public comments that they received on the
18 First Amendment and protest policies, and then we'll
19 determine, in conjunction with the Department of Justice,
20 whether or not that policy needs to be updated or changed
21 or -- pursuant or consistent with the public comments.

22 The other policy update I wanted to inform the Court
23 and the public about was the revision of our community
24 policing/engagement policy as well as our crime prevention
25 plans. Essentially our community policing and community

1 engagement plan will work hand-in-hand with each other, you
2 know, sort of transforming FPD's previous mode of policing
3 into more of a community-based, more community-friendly
4 approach, thereby implementing strategies to not just
5 address crime when it happens but also to prevent crime
6 because if officers are more present in the community and
7 they have the connections and they have sort of, you know,
8 the investment in the community that we're looking for under
9 our new sort of structure, we hope that that will, you know,
10 cause officers to be more present, to care more about the
11 citizens, which will then result in reducing, you know, or
12 preventing crime. Of course, there are strategies that go
13 along with that that will be in the plan and those will all
14 piggyback off of the community engagement and the community
15 policing policies. So we just wanted to let you know.

16 Do you have a question about that, Your Honor? Okay.

17 All right. The last sort of policy update I wanted to
18 give had to do with our Use of Force and Force Investigation
19 reports. I believe sometime this month or sometime soon the
20 Department of Justice is planning to sort of come to the FPD
21 and visit the FPD to go through our Use of Force reports and
22 our Use of Force investigations. As you will recall, there
23 was a recent audit that we had that the Monitor did, and
24 there were some questions or issues about the Use of Force
25 reports, and so we got with Benchmark, which is one of our

1 vendors, to sort of make some changes there and pull some
2 information and data. And I believe -- and the Department
3 of Justice will correct me if I'm wrong -- but there is, in
4 the works, a plan for the Department of Justice to sort of
5 come to the City and sort of walk through some of those
6 reports and some of those investigations that we recently
7 had.

8 So, Your Honor, that's it for -- as it relates to the
9 policy and training updates.

10 So, I'd like to sort of switch to some more general
11 updates about the City and its Consent Decree compliance,
12 one of which happens to do -- happens to involve me
13 directly. So one of the -- one of my tasks for the City is
14 to train the CRB in the legal portion of their training.
15 And, historically, as you know, maybe in the last three
16 months or so the CRB had been without a quorum because we
17 had some folks sort of term off of the board, and we then
18 started the process of soliciting applications to replace
19 those folks.

20 In the last maybe two months or so the Ferguson City
21 Council has replaced those missing -- two of those missing
22 CRB members, so we do now have a quorum. And I just wanted
23 to let the Court and the public know the names of those two
24 members. One is Mr. Vaughn Smith and one is Ms. That I on a
25 care Is. And so one of the things I do is, when there are

1 new members of the CRB, I immediately try to get them up to
2 speed on the legal training. The legal training involves
3 subjects such as, you know, preponderance of the evidence;
4 understanding how FPD conducts their internal
5 investigations; understanding sort of, you know, the
6 documents and the paperwork that is supposed to go with
7 those investigations; understanding their duty of
8 confidentiality, privacy, because they will be coming into
9 contact with personnel information. Of course, under
10 Missouri law there's a right of -- a reasonable expectation
11 of privacy in that kind of information.

12 And we talk a little bit with the CRB about where they
13 derive their power from, the difference between a review
14 board and an oversight board, and so we just sort of, you
15 know, drill in so that they sort of understand what their
16 charge is and what they're supposed to be doing in the
17 position.

18 And, so, we've done that. And that training was
19 completed as of September the 12th, and so the two new
20 members are up to speed on the legal portion of the
21 training; however, there are several other pieces of
22 training that they are going to go through. And I think --
23 I know in the past what we've offered is -- you know, CRB
24 members have had the opportunity to do ride-alongs with FPD
25 officers to, you know, kind of see a day in the life of an

1 officer.

2 We also offer, and I mentioned this earlier, the
3 implicit bias training that they need to go through in order
4 to sort of understand the implications and the effect of
5 implicit bias on looking at a -- you know, at a file, a
6 complaint file as it relates to officers and those kinds of
7 things. So they still have a little bit more training to
8 do, but they are -- at this point, since they've completed
9 the legal training, they are allowed to sort of participate
10 in activities with the rest of the Board. So the Court and
11 the public will be happy to know that.

12 The other general subject I wanted to talk about -- I
13 have several more actually. I want to talk about officer
14 hiring. So we -- right now FPD has a total of 34
15 commissioned officers. That's everybody, including the
16 white shirts, the command staff, and the patrol officers.
17 We, this year, have hired seven new officers since January
18 of this year. It's not quite one per month but we are
19 certainly excited about the fact that we have, at least
20 pretty consistent with the hiring. We have one officer who
21 is currently in the current police academy at St. Louis
22 County, and we have two or three officers who are sort of in
23 the hopper so to speak, and if their paperwork and the
24 evaluations pan out correctly, then we have two or three
25 that we hope will be in the upcoming St. Louis County Police

1 Academy as well. So recruitment efforts are still ongoing.
2 We'd like to continue to build our numbers so that we have
3 enough police officers to effectuate the policies and the
4 procedures and the plans that we're implementing under the
5 Consent Decree, so want to let the Court and the public know
6 about those as well.

7 One of the things that -- another subject I wanted to
8 touch on was, recently we had a hearing where the public
9 spoke, and there were some comments made about the cost of
10 monitoring and the monitoring fees and what's been spent
11 versus what hasn't been spent and, you know, how much the
12 City has overspent on monitoring and these types of things.
13 And I wanted to -- you know, as a result of those comments,
14 you know, the City and the Monitor, in particular
15 Ms. Tidwell, you know, got together and we wanted to make
16 sure that we sort of addressed those things at this
17 particular hearing; not fully address them but at the very
18 least to address, you know, some of the general narrative
19 that was put out there about those things because some of it
20 was not necessarily accurate.

21 And, so, what we did was, we asked the Monitor to sort
22 of gather independently her invoices that she had sent to
23 the City since the time that she had started with the --
24 became the head Monitor, and I think that was sometime in
25 2017. And then the City went back and looked at its

1 invoices or payments that it had made from -- since
2 beginning of monitorship actually, which would include
3 Mr. Clark Ervin's portion of, you know, being the Monitor
4 for the City of Ferguson. And what we did sort of discover,
5 our preliminary findings and the research that we've done so
6 far, is that, you know, and we're happy to report this
7 actually, is that we are actually under budget, and we're in
8 the sixth year of our Consent Decree.

9 **THE COURT:** You're saying you're under the five-year
10 budget?

11 **MR. CAREY:** We're under the five-year budget.

12 **THE COURT:** Even though we're in the sixth year?

13 **MR. CAREY:** That's right. In particular, what we came
14 up with and what we have seen is the Monitors' invoices
15 total were somewhere around \$970,000 since implementation of
16 the monitoring function. And, you know, I think our budget
17 or our agreement, our five-year agreement, was 1.25 million,
18 so we were what I would consider substantially under budget.

19 Now, I think where maybe the -- maybe sort of
20 confusion came from, which I think was -- you know, some of
21 the source of the confusion may have been legitimate, which
22 is, we are right at about 1.2 million in Consent Decree
23 expenditures. And so I think the difference or the
24 confusion might sort of stem from the idea of what the City
25 thought they were going to be, you know, when they first

1 engaged Mr. Ervin, and thought that, you know, certain
2 things were going to be part of the monitoring function and
3 they weren't, and we end up having to pay for those as well.
4 And so I think there may have been some sort of confusion
5 and sort of mixing those two concepts or ideas of, you know,
6 actual monitoring costs and then implementation or
7 compliance costs. And so --

8 **THE COURT:** I mean complying with the Consent Decree
9 obviously costs you something --

10 **MR. CAREY:** Right, over and above.

11 **THE COURT:** -- aside from the Monitor?

12 **MR. CAREY:** Over and above the services that are being
13 provided by the Monitor. So I wanted to make sure we
14 cleared the record for that because I know that was, you
15 know, a subject that, you know, sort of touched a nerve with
16 a lot of the folks who are hard at work doing this work, in
17 particular the Monitor and some of the other folks who are
18 working hand-in-hand with the Monitor. So we wanted to make
19 sure that that was put out there on the record.

20 And, lastly, Your Honor, my sort of last update that I
21 have for the Court and the public is our Consent Decree
22 Coordinator position. Again, I mentioned when I started,
23 you know, I am not as good as our prior Consent Decree
24 Coordinator in doing these updates; however, when she
25 resigned the City started a process, it was a nationwide

1 process. We ended up getting some really good candidates to
2 replace Ms. Barton. And then through the interviews and the
3 panels that the candidates went through, and the other
4 screening as well, we settled on a candidate. Her name is
5 Ms. Betty Johnson. Ms. Betty Johnson will be coming to the
6 City of Ferguson in either the second or third week of
7 October. She has accepted the offer from the City to be the
8 next Consent Decree Coordinator.

9 She comes to us with 15 years of experience, law
10 enforcement experience, most of which were at the New
11 Orleans Police Department as well as the Louisville, Texas
12 Police Department. And her current position is -- the title
13 of her current position is Law Enforcement Performance
14 Auditor. Law Enforcement Performance Auditor for the New
15 Orleans Police Department. So that is a position -- I'm not
16 quite sure if it was created by the Consent Decree, but I
17 can tell you that that is a position that is integral to
18 Consent Decree compliance for the New Orleans Police
19 Department. And so we're super excited about having someone
20 with, you know, 15 years of law enforcement experience but
21 also someone who has Consent Decree compliance experience as
22 well.

23 So those are the substantive updates, Your Honor. I
24 wanted to -- just because we were kind of short on people
25 when I first started, so I didn't want to like introduce --

1 but just so that you know, as we always do, you know, we
2 just like to make sure that the Court and the public knows
3 that we are engaged in this process. And there are --
4 leadership is certainly interested and engaged and they take
5 time out of their days and off of work to come and be
6 present.

7 So we have our mayor, Ms. Ella Jones, is here. Our
8 City Manager, Mr. Eric Osterberg. And then we also have
9 Lieutenant Harris. We have Frank McCall, our Police Chief,
10 and then his assistant, Shahidah Sirraaj, is here today. And
11 then our councilwoman, Naquittia Noah, is here, and former
12 council, Laverne Mitchum, is here as well. So, you know --
13 and then we also have members of our public who have come in
14 and spoken before you when we have our public comments.

15 And so I know it's 10:00 in the morning on a Tuesday,
16 so we -- you know, the crowd may not be as big as it has
17 been in the past, but as you can see, you know, there's
18 still interest, there's still passion, and there's still,
19 you know, a dedication on the part of the City to make sure
20 we see this through.

21 **THE COURT:** Well, I do appreciate the City officials
22 and people who I know have busy jobs being here. Thank you.

23 **MR. CAREY:** And that's it for my update, unless
24 Your Honor has any questions.

25 **THE COURT:** I don't at this time, Mr. Carey. Thank

1 you.

2 **MR. CAREY:** Thank you so much.

3 **THE COURT:** All right. Ms. Senier, I'll hear from the
4 Department of Justice.

5 **MS. SENIER:** Good morning. The DOJ appreciates the
6 opportunity to brief the Court and the public on progress in
7 implementing the Consent Decree.

8 We want to start by acknowledging the challenges the
9 City's faced this past quarter, including the departure of
10 their Consent Decree Coordinator in June and the flooding of
11 July.

12 We're also appreciative of the fact that,
13 notwithstanding these challenges, the City has moved quite
14 swiftly on several aspects of implementation, including, as
15 Mr. Carey said, filling CRB vacancies, getting those new
16 members trained up so they can hit the ground running,
17 keeping its commitment to recruitment and hiring of
18 officers, and of course, quickly identifying and hiring a
19 new Consent Decree Coordinator. And we look forward to
20 working with Ms. Johnson when she arrives in October. We
21 anticipate that her arrival will significantly accelerate
22 the City's municipal courts implementation efforts.

23 To that end, I'd like to just highlight a number of
24 areas that Mr. Carey discussed that we think that the City
25 can kind of get over the finish line within the next

1 quarter.

2 The first area is training. And, you know, DOJ has
3 long said that FPD needs some robust in-service training to
4 fully operationalize the revised policies. And, to that
5 end, the bias-free training, we think, is complete and ready
6 to deliver. In February of 2021, DOJ arranged for trainers
7 from Suffolk County Police Department -- that's in
8 New York -- to travel to Ferguson and train some trainers
9 who can deliver this training. FPD then adopted that
10 training for the Ferguson context. We understand that it's
11 ready to go. FPD just needs to schedule it. So we think
12 that is achievable within the next quarter.

13 And the second training that Mr. Carey referenced is
14 the PTO training, the Police Training Officer training.
15 And, again, in March 2022, DOJ's policing subject matter
16 expert traveled to Ferguson and worked with his counterparts
17 within FPD to actually write this training. We believe that
18 that training, you know, is ready to go but for some review
19 by the Training Committee. FPD just needs to identify some
20 additional Police Training Officers to go through it. But
21 that's a critical step of Consent Decree implementation
22 because, not only will officers learn the ins and outs of
23 performing the job, but it's really an opportunity for FPD
24 to instill the mission and core values of the agency in its
25 new recruits. So we think that that is achievable by the

1 end of the year, and I should say that we're looking forward
2 to that getting up and running.

3 The last training is not an in-service training, it's
4 a roll call training, and it's on the revised strip search
5 and cavity search policy. This was a policy that the
6 Monitor reviewed and approved in March of this year. FPD
7 routinely designs and delivers roll call training, so we're
8 confident that they can quickly put together this training
9 and deliver it within this quarter. So those are three
10 trainings that we think are achievable within the next
11 quarter.

12 The last piece on training I'll mention is the
13 training coordinator. The Monitor and DOJ have long said
14 that FPD needs a dedicated person in-house who can develop
15 and deliver, not just Consent Decree training, but the
16 myriad other trainings that police have to go through to do
17 their jobs effectively. And while it's great that officers
18 are getting trained, you know, to deliver that training,
19 they really need someone overall to kind of steer the
20 training program.

21 DOJ and its policing subject matter expert worked
22 together with FPD to craft a position description for the
23 Training Coordinator. We understand it's ready to go.
24 We're hoping it's going to be posted within the week so that
25 FPD can identify, hire, and onboard someone by the end of

1 the year to fulfill that critical function.

2 On the policy front I want to underscore what
3 Mr. Carey said about the First Amendment protest policy. We
4 think that this is something that can be wrapped up within
5 the next quarter. As Mr. Carey said, it went out for public
6 comment. It's actually the second time this policy has gone
7 out for public comment. It went out for public comment in
8 early August, and Mr. Carey is correct that comments were
9 due this Friday, but FPD and DOJ have long accepted public
10 comments after the due date, so if people out there still
11 want to comment on the policy, we invite them to do so. And
12 as those comments come in, you know, FPD should be reviewing
13 them and incorporating them wherever possible. So we think
14 that this is achievable within the next quarter to finalize
15 that policy. It's an important policy.

16 On the Use of Force reporting, Mr. Carey mentioned DOJ
17 traveling to FPD and looking at the new Use of Force
18 reporting and investigation system. And I'm happy to report
19 that we were there yesterday and sat down with
20 Captain Dilworth, and it was very clear that he has a firm
21 grip on the system. He knows how to work with it and he is
22 in close contact with Benchmark about working out some of
23 the work flow kinks. But what was also clear is that
24 officers are using it, and that's to their credit because
25 it's a new system and there's a steep learning curve, but it

1 was very evident that the system is up and running, and
2 Captain Dilworth, in particular, has a firm grasp of it. So
3 we were very pleased to see that.

4 Lastly, we appreciate Mr. Carey clarifying that the
5 Monitoring Team's expenses have been well under budget, of
6 the five-year budget, but even though we're in year six.

7 We want to take this opportunity to reiterate the
8 tremendous value that Ms. Tidwell and her team of subject
9 matter experts bring to the table. Over the past six years
10 they have provided valuable insight on revised policies and
11 training, they've administered two community surveys,
12 they've helped the City design and administer a series of
13 small group dialogues, and they've completed two significant
14 audits. The fact that the Monitoring Team was able to
15 accomplish all of this while under budget is a testament to
16 Ms. Tidwell and her team's fidelity to the decree, their
17 commitment to the process, and their sensitivity to the
18 City's fiscal concerns.

19 Your Honor, that's all from DOJ today, but I'm happy
20 to answer questions.

21 **THE COURT:** I don't really have any. I'm very
22 encouraged by your report on the Benchmark system that I
23 know has taken a lot of tweaking to get up and running.
24 That's true of all sorts of computer systems, I know, but
25 this is something that, once the officers are fully using it

1 and trained in it, it will make auditing and understanding
2 what's really going on to actually know what is happening
3 much better, and it's a wonderful thing for openness and
4 transparency in law enforcement municipal actions. And so
5 I, you know, compliment everybody on getting that done,
6 getting it put together. So I know it was a lot of work.
7 Thank you.

8 All right. Ms. Tidwell?

9 **MS. TIDWELL:** Thank you, Judge. I'll be relatively
10 brief.

11 I think the parties have touched on many of the areas
12 that are sort of under the work in progress in a number of
13 areas. And prior to Ms. Barton's departure, the Monitoring
14 Team, along with the parties, met to sort of scope out some
15 of these anticipated projects and work flow for this
16 upcoming quarter and beyond. And, as the parties have said,
17 some of those are on pause for the moment as we await
18 Ms. Johnson's arrival and integration.

19 But, as you heard from Mr. Carey and Ms. Senier, the
20 parties have been working to lay the groundwork and made
21 important strides in a number of areas, and so I applaud
22 them, and especially FPD, given sort of some of the
23 circumstances that have happened over the summer that
24 they're not only to carry on without Ms. Barton, which is a
25 sizeable pair of shoes to fill, but also in the wake of the

1 flooding and other community public safety issues that have
2 arose over the past few months.

3 Some of the other areas that I think were touched on
4 briefly that I just wanted to talk about. Dr. Anderson, the
5 Monitoring Team's community outreach subject matter expert,
6 along with Mr. Hart from DOJ, have been still meeting with
7 Community Mediation Services around the small group
8 dialogues, the facilitated dialogues, and sort of getting
9 those, I think, near completion this year. And as we -- as
10 the Monitoring Team prepare for the next survey,
11 Dr. Anderson will hopefully be able to leverage some of
12 those relationships connections and connections from the
13 small group dialogues to increase participation for the
14 upcoming survey.

15 We've already reached --

16 **THE COURT:** Hold on a second. You're talking fast.
17 She's getting it all down, I promise. I just was -- I
18 wanted to make sure.

19 **MS. TIDWELL:** I apologize.

20 We have already connected with the police foundation,
21 which created the survey and posted on Host, the platform
22 for the survey results and reporting, and other than a few
23 modest tweaks to some of the questions and the possible
24 addition of others that touch on substantive areas of the
25 Consent Decree, like use of force and accountability, the

1 survey is pretty much ready to go. We hope to do a similar
2 type of mailing that we did the last time around, although
3 we're trying to make it a little bit more targeted and
4 hopefully be able to sort of follow it up with some
5 in-person promotion using existing community events.

6 Now that the world is starting to re-open a little
7 bit, we hope that, not only that we can pair with some of
8 the local colleges and universities to put boots on the
9 ground and have people out in the community, but also to
10 follow up with using the existing community engagement
11 activities that the City undertakes to try to gen up
12 participation. Although it was elevated last time around,
13 it still is well below what we'd like to see, particularly
14 in the areas most impacted by policing in Ferguson, and so
15 that's something that we are looking forward to in the next
16 quarter to get up and running.

17 **THE COURT:** Can you pull the mic a little bit closer
18 to you. I'm just having a little bit of trouble hearing
19 you. Thanks.

20 **MS. TIDWELL:** Our newest Monitoring Team members that
21 Your Honor met at the last hearing, Darryl Owens and
22 Lisa Holmes, continue their integration and preliminary work
23 on upcoming audits.

24 Chief McCall and Captain Dilworth have facilitated the
25 Monitoring Team's access to body-worn and in-car camera

1 footage to aid in the conduct of both Phase 2 of the Use of
2 Force audit as well as the upcoming accountability audit.
3 We have a demo for the Evidence.com, the body-worn camera
4 platform, a demo scheduled later for this week which will
5 help us to finalize sort of the scope and work flow for both
6 of those audits.

7 Based on Mr. Carey's remarks and what our
8 understanding is about Ms. Johnson's background, we hope
9 that her extensive experience in law enforcement auditing
10 will assist us both in our work as well as in setting up
11 further performance measures and audits for FPD going
12 forward after the Consent Decree is over. So we look
13 forward to connecting with her on that and on a number of
14 other fronts.

15 Last night I was able to observe a municipal court
16 session in person for the first time in a very long time,
17 and that was a very, very welcome sight for me. Judge
18 Goldstein sends his regards, by the way.

19 Ms. Weber, the court administrator, and I have been
20 working together to organize historical data in the record
21 system to finalize the Comprehensive Amnesty Program by the
22 end of this year. Hopefully we'll be reporting on its
23 successful completion by the end of this year.

24 There are still a couple of policy areas, one or two,
25 left to complete in the municipal court space. Ms. Barton

1 had sort of moved those forward towards completion prior to
2 her departure, so we look forward to Ms. Johnson sort of
3 picking up the ball and getting those done as well.

4 Just in closing, the Monitoring Team applauds the
5 parties for working together to keep things moving in
6 Ms. Barton's absence. In addition to shepherding the
7 policies through the public comment phase and thinking
8 outside the box in terms of training delivery and how to --
9 I know that the DOJ is planning to observe a crisis
10 intervention training later this year that hopefully can be
11 adapted, used by FPD for -- to comply with the
12 Consent Decree provisions in that area.

13 So it appears that the City, at least for the most
14 part, has avoided the type of backslide we feared might
15 happen with -- after the loss of Ms. Barton, given her
16 outsize role. And we look forward to our work with the
17 parties to assist in implementation because this -- on
18 behalf of our entire team, this project means a great deal
19 to us and we definitely want to see it to a successful end.

20 So, thank you, Your Honor. I'm happy to answer any
21 questions you might have.

22 **THE COURT:** I don't think I have any questions. This
23 is a pretty thorough report from all three of you.

24 I do really appreciate what you just said though about
25 the fact that it seems like things did move -- have moved

1 forward since June, even though we were all concerned, with
2 Ms. Barton leaving, that everything would just stop, but it
3 hasn't. The City has continued working hard, the police
4 department's continued working hard, and the DOJ and the
5 Monitor Team have been passing policies back and forth and
6 talking about audits and all the things you need to talk
7 about. So a lot has been going on.

8 I'm very glad to hear Ms. Johnson is coming on. She
9 sounds extremely qualified, much as we all hated to lose
10 Ms. Barton, of course. But I do -- you know, it looks like
11 we're getting close. You know, things are getting to a
12 point where the City is really complying with this and I
13 hope can set up systems, as you just mentioned, with
14 Ms. Johnson perhaps going forward in the future because
15 eventually -- and I have no prediction when because I'm not
16 into the job of predicting such things -- that there will be
17 a time when this will end, and I think the City's making
18 great progress towards that time.

19 And, so, there are always things that are setbacks. I
20 don't know. You know, when they're setbacks that are caused
21 by somebody making mistakes, those are always really
22 upsetting. When they're setbacks caused by things
23 completely out of your control, like a flood or other issues
24 that are going on, you know, it's -- there's nothing you can
25 do about it except deal with them well, and it looks to me

1 like everyone here has dealt with them very well, so I
2 appreciate that.

3 One thing about the Monitoring Team costs. And I'll
4 just say this -- Mr. Carey sort of touched on it: Not only
5 are the costs under budget, the law firms involved have
6 written off a significant amount of legal fees, so that
7 what -- they're not charging the amount they would normally
8 charge other people. So there is a big amount of, you know,
9 where they're giving a discounted rate, and Ms. Tidwell with
10 the other firm involved as well, and that's gone on for the
11 whole time. And I think -- I know that everybody thinks
12 that lawyers charge too much money, but they charge what
13 they need to charge in today's world. And the fact that
14 they're willing to do this work, which is an important
15 public service, and to charge a discounted fee, is very
16 important.

17 And I also want to just thank the lawyers. You know,
18 it's really important to a judge to have lawyers who are
19 professional and get along and always tell you the straight
20 things that are happening and are doing the work they need
21 to do. In this case we've had it throughout, and I really
22 do appreciate that from both the City and the Department of
23 Justice and from the Monitoring Team lawyers, as well as the
24 subject matter experts that you all have also had.

25 So I think that's all I have unless anyone --

1 Mr. Carey or Ms. Senier, do you have anything further?

2 **MR. CAREY:** Nothing further from the City, Your Honor.

3 **MS. SENIER:** No, Your Honor. Thank you.

4 **THE COURT:** All right. Well, thank you for being
5 here. I'm glad you were able to, as usual, pair your visit
6 here for this hearing -- thank you; I was going to forget
7 that -- pair this visit for this hearing with other
8 Consent Decree activities such as observing municipal court.

9 I know the pandemic has made all of us -- we just all
10 fell behind in being able to watch things and travel and do
11 the things we need to do, so I'm so glad that we're getting
12 back on speed and that, you know, the Monitor was able to
13 watch the municipal court, and the Department of Justice did
14 the meetings they did, and that's something that is always
15 being done, and I appreciate that.

16 Our next quarterly status hearing in the public is
17 going to be on Friday, December 9th, at 10 a.m. And I'm
18 going to send out an order, probably later today, setting
19 that hearing, but I wanted to announce it while we're on the
20 record and while people are here, and hopefully people may
21 be listening on the livestream.

22 So the next one will be Friday, December 9th, at
23 10 a.m. It will be here in this courtroom, 3 North, and
24 this will be an in-person hearing, obviously, unless things
25 change with the COVID pandemic, and it will also be a

1 hearing where members of the public will be allowed to speak
2 and address the Court using the same format we have used
3 before with public comments. And so I do always appreciate
4 hearing those public comments. So that will be when we do
5 that.

6 With that said, I would just thank you all for
7 continuing the work. Keep up the good work. Don't stop.
8 Everybody knows -- and I don't see any evidence that you
9 are.

10 I also will comment: I know there's been a lot of
11 support -- Mr. Osterberg has been very important on this.
12 Everybody's doing a great job, but I praised Chief McCall
13 before. I know Lieutenant Harris is working hard. And,
14 Mr. Osterberg, I think having you join was a great thing for
15 the City, to have a City Manager such as yourself on board.

16 So, thank you all, and court is in recess.

17 ***(Proceedings adjourned at 10:44 a.m.)***

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REPORTER'S CERTIFICATE

I, Laura A. Esposito, Registered Professional Reporter and Certified Realtime Reporter, hereby certify that I am a duly appointed Official Court Reporter for 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, that said transcript contains pages 1 through 30, inclusive, and was delivered electronically. 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 17th day of October 2022.

Laura A. Esposito

Laura A. Esposito, RPR, CRR, CRC
Official Court Reporter