

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
) No. 4:16-CV-00180 CDP
)
 CITY OF FERGUSON, MISSOURI,)
)
 Defendant.)

STATUS HEARING

BEFORE THE HONORABLE CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

JULY 13, 2023

APPEARANCES:

Independent Monitor: Natashia Tidwell, Esq.
 Courtney Caruso, Esq.

For Plaintiff: Charles Wesley Hart, Jr., Esq.
 Jorge Castillo, Esq.
 Amy Senier, Esq.
 Nancy Glass, Esq.
 DEPARTMENT OF JUSTICE

For Defendant: Aarnarian (Apollo) D. Carey, Esq.
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1 (PROCEEDINGS STARTED AT 10:02.)

2 THE COURT: Good morning. We are here in the case of
3 4:16-CV-180, the United States v. The City of Ferguson,
4 Missouri. We are here for a quarterly status hearing, and we
5 will have public comment today.

6 I want to start by thanking you all for being here.
7 I see we have a large number of people here in the courtroom,
8 and I appreciate having everyone and that you're showing your
9 interest by being here. And we do have a number of people who
10 have signed up to speak.

11 Before we begin, I do want to remind any members of
12 the public who may be listening to this phone call that in
13 general -- well, first of all, in the past couple of hearings,
14 we've been able to have this audio on YouTube. It's now a
15 call-in audio because we no longer have that availability.
16 But the rules are the same: Any broadcasting or recording or
17 photographing, if anyone was here, of this proceeding is
18 strictly prohibited.

19 This is a rule that is a rule of the court, and I am
20 not -- you know, it's not one I made up, but it's one that we
21 follow. So it's very important, if anyone is listening in,
22 that they are not recording, as well as, of course, the people
23 here in the room, and they're not broadcasting or recording.

24 Violation of these prohibitions could result in
25 sanctions, including either removal of court-issued media

1 credentials or restricted entry to future hearings or any
2 other sanctions deemed necessary by the Court; so that, I
3 needed to tell you.

4 Now, one more announcement, which is, if there's
5 anybody on the phone, please mute your phones because we don't
6 want to hear from you, and we aren't able to mute the input
7 without muting the output. So anyhow, thank you. If you'll
8 just please make sure you mute your phones.

9 All right. Now we're ready to begin, and I would ask
10 Counsel for the Department of Justice, the Plaintiff in the
11 case, to please announce yourselves for the record.

12 MR. HART: Charles Hart for the United States, Your
13 Honor. Good morning.

14 THE COURT: All right, Mr. Hart.

15 MS. GLASS: Good morning, Your Honor. Nancy Glass
16 for the United States.

17 THE COURT: Ms. Glass.

18 MR. CASTILLO: Jorge Castillo for the United States.

19 THE COURT: Mr. Castillo.

20 MS. SENIER: Morning, Your Honor. Amy Senier for the
21 United States.

22 THE COURT: All right. Good morning.

23 And I would ask Counsel for the City to please
24 introduce yourself.

25 MR. CAREY: Morning, Your Honor. Apollo Carey for

1 the City of Ferguson.

2 MR. HARDING: Good morning, Your Honor. Ryan Harding
3 for the City of Ferguson.

4 THE COURT: All right. And the third person?

5 MR. CAREY: That's our Consent Decree Coordinator,
6 Chris Crabel.

7 THE COURT: Okay. That's great since I hadn't met
8 you in person, Mr. Crabel.

9 All right. And then for the Master, I will ask you
10 all to introduce yourselves for the record.

11 MS. TIDWELL: Good morning, Your Honor.
12 Natasha Tidwell on behalf of the Monitoring Team.

13 MS. CARUSO: And Courtney Caruso with the Monitoring
14 Team.

15 THE COURT: All right. Thank you, all. Okay.

16 So we are going to proceed here today with the public
17 comment portion of the meeting first. The way we're going to
18 do this is the members of the public who have signed up can
19 come up and speak. We're limiting each person to five
20 minutes. There is a -- there's a button sign that will show
21 you green means talk; yellow means you've got another minute;
22 and red means stop.

23 And if you'll -- I have the list of names here on the
24 list, but if you would please state your name when you begin
25 speaking, and I'd be very happy to hear from you.

1 So I believe the first one is Naquittia Noah.

2 Ms. Noah?

3 MS. NAQUITTIA NOAH: I'm Naquittia Noah. Good day,
4 Judge Perry, Department of Justice, representatives of the
5 court, Consent Decree Monitor, my Ferguson officials, staff,
6 and guests.

7 In reference to U.S. v. The City of Ferguson, this
8 letter is to bring light to the present policing measures that
9 have been taken to ensure the public health and safety of the
10 Ferguson community under our current Ferguson Chief of Police,
11 Troy Doyle. Chief Doyle's professional demeanor and community
12 engagement has ensured the residents of their attendance and
13 neighborhood meetings, annual events such as the 14th Annual
14 Ferguson Twilight Run/Walk 2023, and upcoming celebrations and
15 events.

16 FPD has initiated #TempTagTuesday. This initiative
17 is geared to educate drivers with expired license plate tags
18 on road safety compliance and the legal responsibilities that
19 come with automobile ownership and responsible driver
20 accountability.

21 Chief Doyle has continuously expressed to the
22 Ferguson community that Temp Tag Tuesday isn't only pursued on
23 Tuesdays and this initiative isn't a revenue driver; however,
24 drivers can be issued warnings and citations for expired
25 license plate tags.

1 I continue to notice a mild increase in FPD presence
2 on Ferguson streets, which is essential to proactive public
3 safety measurements. During a recent Council meeting,
4 Chief Doyle educated the community on E-, "enhanced," -911.
5 E911 pinpoints the exact location of the caller's cell phone
6 and immediately dispatches the police. Also, he has been
7 consistent with his PowerPoint presentations, updates on FPD
8 crime and traffic statistics.

9 Chief Doyle's leadership is appreciated, and I look
10 forward to more FPD initiatives that promote traffic safety,
11 traffic calming, and a reduction in crime as we work towards
12 compliance and completion of the Ferguson Consent Decree.

13 Respectfully submitted, Ferguson Ward 3 Councilwoman
14 Naquittia Noah. Thank you.

15 THE COURT: Thank you, Ms. Noah, Councilwoman Noah.

16 And the next person on the list is -- I'm sorry. I'm
17 not going to be able to read this correctly, but I think
18 you've been here before. Elder Annett -- and I don't know
19 your last name. I'm sorry.

20 MS. ELDER JENKENS: Jenkins.

21 THE COURT: Jenkins, okay. Thank you. If you will
22 state it again when you get up there, ma'am, that would be
23 great.

24 MS. ELDER JENKENS: Good morning, everyone. My name
25 is Elder Annett Jenkins. I have been a resident of Ferguson

1 for 30 years. Ever since the Mike Brown Jr. killing, things
2 have not been getting done with the Consent Decree. It's been
3 seven years. We have had eight Chiefs, three Decree
4 Coordinators, three City Managers. The Council and the
5 community and the staff has no idea where we're at with the
6 Consent Decree. That's a problem.

7 I understand that the DOJ and the Monitors have been
8 working with the City for a long time, but need some
9 information to show us where we are.

10 The Monitor stated in the last hearing that she would
11 be able to provide an up-to-date once the Smartsheet is
12 updated. I don't know what that is. I personally don't know.
13 I've heard that before. It's been seven years, and if there's
14 a Smartsheet, we should be provided with that information.
15 The citizens here know nothing about this. Right now it seems
16 like yet another excuse for lack of producing. The Council,
17 the City attorney, the PD, the DOJ, the Monitors need to get
18 on the same page and be held accountable.

19 The City has been spending a lot of money, and we
20 don't have any answers. The DOJ has done a lot of work with
21 the Ferguson; however, also caused roadblock as well. It's
22 been a part -- as been a part of the NPSC and the Training
23 Committee, the citizens have not been given an update on
24 policies, and still claiming to be undone.

25 We completed a lot of work in the past that the

1 Department of Justice made us scrap. We've been doing the
2 same work over, over again, and we're made -- have made a lot
3 of updates to the POT training; yet we're still not complete.
4 What's the problem?

5 We're getting older, and we don't want to keep
6 wasting our times in working with someone that don't care. At
7 the last Training Committee meeting, we met with our newly
8 appointed coordinator, but now we have not heard anything
9 since.

10 At the meeting Ms. Glass not only disrespected me but
11 offensive to the Officer Richardson and short with Ms.
12 Johnson. I witnessed this myself. Although apologies were
13 made, I don't understand why the unprofessional is tolerated.

14 Ms. Johnson is the only person the City hired that
15 has years of experience working with the Consent Decree.
16 She's not here, and she seem to be doing more than others.
17 She attended our meetings, listened to our concerns, and
18 provided updates to us in a timely manner. Now she's gone.
19 She even lost her hair. What is going on?

20 We need to know: Is anyone paying attention? Is
21 it -- everybody have their own agenda. What's going on?
22 We're moving the Consent Decree forward. We did -- why did we
23 hire Training Coordinators that's not doing the job? Do you
24 have the right people in leadership making decisions? The
25 only constant in this Consent Decree is not moving, and the

1 people can't keep up. Why don't we have any updates on where
2 and -- where we are?

3 Judge, I am meeting with them to find out what's
4 going on. This seems to be a repetitive and systematic
5 problem. Everyone's tired of the excuses. We don't believe
6 any of them after seven years. The City should be held
7 accountable. That's a waste of money for the citizens.

8 Thank you.

9 THE COURT: Thank you, ma'am.

10 All right. Then Ms. Butler, Cassandra Butler.

11 MS. CASSANDRA BUTLER: Good morning, Judge.

12 THE COURT: Good morning.

13 MS. CASSANDRA BUTLER: I just want to make two major
14 points. The first one is -- because I've made them before,
15 and so I'm just reiterating concerns I've had that I still
16 have.

17 One is that it's difficult for the community to know
18 the status of the progress, or lack of progress, on the
19 Consent Decree. And it hasn't gotten easier. I think it's
20 gotten harder. So really the main reason to come to the
21 status hearing is to get an update because we, the residents,
22 really don't know what's going on. And often after the status
23 hearing we might have more questions than answers.

24 So I'm still hoping that -- I mean, there was a time
25 when the Monitor would come to town right before quarterly

1 meetings and give the community updates and things like that.

2 THE COURT: Ma'am, can you pull the mic over so
3 that -- this part should be pointing at your mouth. Thank
4 you.

5 MS. CASSANDRA BUTLER: And particularly with --

6 THE COURT: And can I remind people who are listening
7 in to please mute your phones. All right.

8 Sorry to do that. Go ahead, Ms. Butler. Sorry for
9 that feedback interference.

10 MS. CASSANDRA BUTLER: So basically I urge that the
11 community is better kept informed about the status of what's
12 going on by the City. By the City and by the Monitor would be
13 helpful. I know that the Monitor's page has suffered from
14 malware, and that makes it even more difficult.

15 And even the community engagement person that was
16 working with the Monitor is not there. We just have few
17 people that we can call up to see what's going on.

18 So the other thing I wanted to mention is I mentioned
19 in a letter to you last time, which my concerns about the
20 underlying issue of the Council. And I mentioned to you that
21 the Council is an issue that often interferes with the amount
22 of progress, or lack thereof, toward completion of the Consent
23 Decree. And I know that the behavior of the Council is not
24 specifically under your authorization, but I think it's
25 important to know the impact that they have on the

1 implementation of this decree.

2 I mentioned that the Council often -- there's been
3 fits and starts, more resistance or less resistance based on
4 the composition of the Council. And right now we're back in
5 that mode where I think the Council is set up to have a quiet
6 resistance. There is a quiet resistance on the part of the
7 majority, and they work by relying on finding the boundaries
8 of the Consent Decree, preferring to operate in the area of
9 technical compliance versus my preference of morally
10 compliant. And I believe that is shared by the Court and the
11 Department of Justice.

12 This quiet resistance of constantly consulting with
13 their city lawyer to discover the outer limits that they can
14 go and still be technically compliant is the way they like to
15 operate, and this really shows up in our lack of ability to
16 keep key people in the city management. The City Council
17 likes to micromanage the City Manager.

18 And so our last permanent City Manager felt he was
19 unable to do the job as intended, and he resigned. Then
20 Police Chief McCall finally resigned. Then Consent Decree
21 Coordinator -- this is all within the last six months.
22 City Manager Osterberg resigned. Police Chief McCall
23 resigned. The Consent Decree Coordinator resigned. And it is
24 my understanding that Officer Morrow, who was finally
25 appointed Training Coordinator for the Consent Decree, has

1 resigned -- all within the last six months.

2 So, again, the tendency for the Council to eschew all
3 -- *[call-in line interference]* -- to technical compliance is
4 aptly demonstrated by this Council in many ways, including, I
5 think I also mentioned, how they chose to abolish their ethics
6 ordinance.

7 So I'm here to learn what has happened since the last
8 time, besides not having an organization that stays in
9 constant turmoil, toward the Consent Decree. I think it's
10 because of people who are sincerely focused on getting the
11 Consent Decree in the spirit of the law are constantly
12 thwarted by the people who really want to be technically
13 correct.

14 Thank you, Judge.

15 THE COURT: Thank you, Ms. Butler.

16 We are going to take a pause here while I talk to the
17 staff and see if we can figure out what's going on with the
18 microphones.

19 **(OFF THE RECORD.)**

20 THE COURT: All right. We've had several moments of
21 very bad feedback in here, and I can hear some things coming
22 in -- I'm sure everyone can -- from the audience. So
23 everybody who's on the phone please mute your phones, and
24 we'll see if that will help us, because if it -- you know, if
25 we can't do this without feedback disturbing the hearing, we

1 may not be able to continue the audio feed. But I hope that
2 won't happen. So everybody please, please mute your phones.

3 All right. So the next person who signed in, Adrian
4 Shropshire.

5 MR. ADRIAN SHROPSHIRE: Hello, Judge. Good morning.

6 THE COURT: Hello. Good Morning.

7 MR. ADRIAN SHROPSHIRE: My name is Adrian Shropshire.
8 I'm a resident of 36 years in Ferguson. I'm retired, a
9 carpenter, and I serve on various positions in Ferguson as
10 volunteer with First Youth Initiative. I'm on the -- I'm the
11 chairperson of the Planning and Zoning Commission, and I'm on
12 the PTO and FTO Training Committee, and numerous other things
13 that I do to volunteer. I mainly -- I work with the youth
14 too, Ferguson Youth Initiative, a very good group.

15 Today I'm here to speak on the FTO and the PTO
16 training and the hiring. I want to start back when I became a
17 member of this organization -- the committee. And it was only
18 three of us, with Chief McCall. We worked very diligently for
19 about a year, two years together.

20 During that time, we were processing the hours,
21 comparing hours with the state, and how to be cert, the cert
22 hours, and the training hours with the comparing them to the
23 Consent Decree requests.

24 Moving on, we finally got a Consent Decree
25 Coordinator, and we were told to start over again; that what

1 we did was not acceptable. So we started over again with the
2 new Consent Decree Coordinator. Things were going well.
3 Chief McCall had things going. He had a great relationship
4 with the Monitors and the DOJ. Great relationship. We were
5 moving forward.

6 But then when our new Chief came in town, things got
7 derailed, and I mean they really got derailed. Because he
8 didn't understand the importancy of the Consent Decree. He
9 didn't understand the importancy of the training and the PTO
10 and the FTO training. So we got derailed when he came in, and
11 that threw us again. That threw us off again.

12 So when the Consent Decree Coordinator left, that
13 really put us in a bind because we found out that there were
14 things that weren't turned in. There were numerous
15 incompletions. There were times that we were in a meeting
16 that the Consent Decree Coordinator told us, "Oh, well, I'm
17 behind right now. I'll get caught up."

18 And you know, Judge, once you start getting behind,
19 you're never able to get caught up. There was so much --

20 *[CALL-IN LINE INTERFERENCE.]*

21 THE COURT: Hold on a second. All right.

22 Again, everybody who's on the -- listening on the
23 audio feed must turn off their telephones so that we can
24 actually hear what's going on at this hearing.

25 All right. Sorry, Mr. Shropshire. Please continue.

1 MR. ADRIAN SHROPSHIRE: We pretty much took a hit
2 when Chief Armstrong left and then the Consent Decree
3 Coordinator left. She was doing other things that didn't
4 really sometimes pertain to the Consent Decree and to the PTO
5 and the FTO training. So when things got derailed, it really
6 got bad. We had nothing to go on.

7 When the new Consent Decree Coordinator came in, she
8 did everything she could. But when you have nothing to go
9 with and when things aren't caught up and when things aren't
10 in line, it's not going to work right.

11 So she came in on a blind, and it really took its
12 toll on her because there was little to no cooperation. There
13 were no files or any kind of paperwork or anything left for
14 her to go by. I had more files. We, as the Commission, the
15 guys that were on -- and ladies that were on the Council -- we
16 had more paperwork than she did.

17 So moving forward to today, we've not had a meeting
18 with the PTO and the FTO training since the first of the year.
19 That's unacceptable. Because what has happened -- I feel that
20 we've turned things in to the monitors and to the DOJ; and, to
21 my understanding, well, they haven't got back with us yet.
22 Well, they haven't got here yet.

23 Well, we're trying to move forward, but if I haven't
24 had a PTO and a FTO training meeting in six months or seven
25 months, that's serious. That puts us back another two years.

1 You know, I'm looking at everything.

2 And our hiring -- Judge, we cannot -- I'm on the
3 hiring -- citizen hiring panel. We cannot keep officers here
4 if they want to leave. But we do hire quality officers. Our
5 officers are, I feel, the top of the line. I would want them
6 to come and serve and protect me at all times, the ones that I
7 okayed, the ones that I said, yes, this is a good guy. Every
8 single officer we've had that I've interviewed is still here.

9 And, Judge, sometimes it's just like everyday living.
10 Somebody finds more money, and they're going to be gone. Or
11 maybe they don't like to go by what we have to do. Three
12 hundred extra training hours, once you get out of the
13 academy -- that's a lot. Roll call training. Well, they have
14 to do that. So some officers elect not to.

15 So wrapping up, I just hope that we can get some help
16 from the Court, from the DOJ to move this process forward,
17 because the longer we don't have our meetings, the longer our
18 policies aren't being looked at.

19 And I know there's other bigger cities available
20 that's doing things. I know the DOJ has things that, you
21 know, that they're on. And we're small. We've been in this a
22 long time. But, Judge, it's affecting the growth of our city
23 the longer that we don't have the proper completion of this
24 Consent Decree.

25 If there's anything you can do to help us, to support

1 us, to move this forward, I would really appreciate it,
2 because we're working hard, and we're just up against the wall
3 right now. You know, I'm saying we haven't had a training and
4 PTO meeting, Train the Trainer meeting in six months.

5 You know, we're waiting on information to get back
6 from the DOJ or the Monitor. I don't know which one it is.
7 That's just what I'm being told. And I've been asking,
8 asking, asking. I'm very diligently on getting this done,
9 because we have good officers, and we don't want to tarnish
10 our record that we have now by not giving the proper training.

11 Thank you, Judge. And I'm sorry I went over.

12 THE COURT: Thank you. We're not as picky about this
13 as the Court of Appeals is to the lawyers sometimes.

14 So all right. Alan Mueller or Mueller [*different*
15 *pronunciation*]. And I apologize for mispronouncing, because I
16 can't remember.

17 MR. ALAN MUELLER: Good morning, Your Honor. And
18 thank you. My name is Alan Mueller.

19 THE COURT: Mueller, okay.

20 MR. ALAN MUELLER: I appreciate that.

21 And so for a variety of circumstances, I've been
22 asked to provide this compilation of comments on behalf of the
23 Neighborhood Policing Steering Committee.

24 So more than at any other quarterly hearing, the NPSC
25 has little knowledge of what will be presented this morning.

1 We have seen little progress on the Consent Decree and
2 received almost no information if any progress has been made.
3 As far as we can tell, progress appears to have totally
4 stalled.

5 Because of these perceptions, we have spent the past
6 several meetings discussing and summarizing our thoughts about
7 the status of the Consent Decree and the NPSC. These
8 discussions have included current and several lapsed NPSC
9 members; therefore, if it pleases the Court, we would like to
10 present the concerns and suggestions we identified during
11 these meetings.

12 First, the NPSC has been, we believe, productive and
13 successful. We fulfilled all of our responsibilities to date,
14 as identified in the Consent Decree. Among the assignments
15 most germane to today's hearing, we reviewed the various
16 police department's policies, and we helped write the
17 Community Policing and Engagement Policy and Plan.

18 Without an update on Consent Decree status, however,
19 we have not been able to identify the next set of objectives
20 and tasks to work on. We cannot encourage new volunteers to
21 join when we ourselves are in a holding pattern.

22 Second, many members doubt whether the
23 Department of Justice and the City of Ferguson value our
24 efforts. A variety of our concerns have been expressed during
25 previous hearings. Two main examples: The way the City

1 Council ignored our Conflict of Interest ordinance suggestions
2 and the silence from the Department of Justice concerning
3 changes to previously reviewed policies still infuriate quite
4 a few members.

5 We have lost many valuable members because they felt
6 their efforts were neither appreciated nor wanted by the
7 Department of Justice or by the City. They feel they just
8 wasted their time.

9 Third, the NPSC members were discouraged by Betty
10 Johnson's reports of a lack of cooperation that hindered her
11 efforts. Particularly troubling for the NPSC are comments
12 about an empty thumb drive provided by her predecessor, raised
13 many questions concerning the level of cooperation between the
14 Ferguson Police Department, the Monitor, the DOJ, and City
15 staff.

16 If we aren't all working together, this whole process
17 is destined for failure. This episode has been very worrisome
18 for the NPSC.

19 Fourth, the NPSC is frustrated by the continued
20 resistance from the City Council. The Council's political
21 majority has been extremely clear about their opposition to
22 the Consent Decree. Members of the NPSC have brought these
23 concerns before the Court at previous hearings. If we are
24 able to bring the Consent Decree to a successful conclusion,
25 we need cooperation among all parties.

1 Fifth, since the beginning of the year, we have
2 watched almost complete change in principal personnel in our
3 government. The departure of another Consent Decree
4 Coordinator is particularly frustrating. As has been said at
5 most of these hearings, it is impossible for us to develop
6 traction on the Consent Decree when we are constantly losing
7 and replacing personnel. NPSC members are also concerned that
8 current hiring processes are being done in secret, without any
9 public input.

10 And, sixth, for all the foregoing reasons, we are
11 starting to believe that the Consent Decree will go on
12 interminably. There does not seem to be a plan for completing
13 the remaining stages. Without a goal in sight, many valuable
14 NPSC members have left feeling that their efforts are more
15 productive elsewhere.

16 Ferguson may be a community of only 18,000 residents,
17 but our policing policies affect all of the communities around
18 us. There has to be a way for us to get this work done and
19 move on. Therefore, we would like to pursue ways that the
20 NPSC, the Department of Justice, and the City can work more in
21 partnership with one another to expedite successful completion
22 of the Consent Decree.

23 We have several remedies to suggest, and since I will
24 run out of time, they will be described by the next speaker.
25 I thank you for the attention to our concerns.

1 THE COURT: All right. Thank you very much,
2 Mr. Mueller.

3 So the next person is Becky Mueller. I assume you
4 pronounce your last name the same way.

5 MS. BECKY MUELLER: Becky Mueller. Good morning,
6 Your Honor. My name is Becky Mueller. And my comments on
7 behalf of the Neighborhood Policing Steering Committee
8 continue those you have just heard.

9 For the NPSC to be productive and for the Consent
10 Decree to be successful, we would like to propose the
11 following remedies: First, the NPSC needs to be kept better
12 informed on the status of the Consent Decree. Updates need to
13 be provided on a regular basis. The Smartsheets, sometimes
14 referred to as the "Dashboard," should be readily available on
15 the City's website and should be updated weekly. The
16 Monitor's town hall presentations and quarterly reports were
17 very helpful and should be reinstated.

18 Second, the DOJ needs to become more of a partner to
19 the NPSC. The DOJ provided roundtable discussions when first
20 introducing policies for our review. These were very helpful,
21 especially since almost all of us are without experience in
22 police law. As policies are being revised now, DOJ should
23 meet with us, explain the reasoning behind the changes, and
24 bring us all to consensus on the final text.

25 If for some reason the DOJ cannot legally provide

1 information or explanations to us, they should at least
2 explain why. A clear policy needs to be put in place that
3 clarifies how the police department and the NPSC will work
4 together to review and finalize the text of the policies.

5 Similarly, we need updates regarding the progress on
6 the training programs, which will enable the FPD to put the
7 policies into effect.

8 Third, the monitor needs a local presence. Previous
9 local liaisons have left. No one has attended a NPSC meeting
10 in many years to coordinate with us. Further, someone needs
11 to be available locally to assess results when we finally get
12 to the training and implementation phases of the policies.

13 Fourth, the NPSC and community need to be part of the
14 hiring process for the positions that affect our work and the
15 success of the Consent Decree. We were excluded from the
16 hiring process for our new Police Chief and also for our new
17 Internal Affairs officer. The position of Consent Decree
18 Coordinator will have a huge impact on the work of the NPSC.
19 We need to have a voice in the next coordinator selection.

20 Fifth, we need to access -- we need access to the
21 information that is necessary to fulfill the tasks identified
22 for us in the Consent Decree. As previously stated, we need a
23 clear understanding of the Consent Decree's current status.
24 We need to be given a master list of policies clearly
25 identifying which policies have been finalized, which ones are

1 still under review, and the steps needed to finalize the
2 ongoing policies. The list of policies under review needs to
3 be updated weekly.

4 We need a record of training programs that have been
5 completed by our police officers. We need to know which
6 officers took the classes and what the topics of the classes
7 were. We need to be sure that the classes were consistent
8 with the objectives of our new policies and with community
9 policing and problem solving.

10 We need an opportunity to assess the effect of that
11 training on implementation of the revised FPD policies. This
12 includes access to the FPD's and Monitor's rubrics for that
13 assessment.

14 And as we move into the next phases of the Consent
15 Decree, we need access to a frequently updated analysis of the
16 current state of policing in our community.

17 Although the NPSC does not have security clearance
18 like the Civilian Review Board, we should still be aware of
19 the number of complaints filed against our police department,
20 the status and determination of those complaints, the positive
21 reviews received by the department, and awards and
22 commendations given to our officers.

23 We have put in an incredible number of volunteer
24 hours over the past many years. We are eager to see that our
25 efforts provide the entire Ferguson community with effective

1 yet equitable policing. We remain committed to this process.

2 We ask for your help in giving us the information and
3 support needed to see the Consent Decree through to a
4 successful conclusion. Thank you.

5 THE COURT: Thank you very much.

6 All right. Nick Kasoff.

7 MR. NICK KASOFF: Good morning, Your Honor. My name
8 is Nick Kasoff. I am the Chair of the Traffic Commission and
9 the Editor of the *Ferguson Observer*, which is a local
10 newspaper. We report on matters pertaining to municipal
11 government, and I have probably spent more time than just
12 about anybody in our city trying to drag information out and
13 get things together to inform the residents of our community.

14 So it's very frustrating to me that I can't find out
15 what we need to do, where we need to go, and who's responsible
16 to do it. There's a spreadsheet out on the City website that
17 hasn't been updated in, like, six years, and the residents of
18 the community have no idea what's going on. I can't even get
19 the information to tell them. And from the comments that came
20 before me this morning, it's clear that there isn't an
21 organized and consistent effort to do that.

22 Now, I work in the private sector, and anybody who
23 embarks on a project of the complexity of satisfying this
24 Consent Decree would have some sort of project management in
25 place. And anybody who needed to know, with the click of a

1 mouse, would be able to say, oh, that panel up there needs to
2 be replaced, and Joe Smith from such and such contracting
3 company is the one responsible for that.

4 We don't have that with the Consent Decree. What we
5 have is no information, no guidance, no leadership, and it
6 just feels like chaos to the people in the community.

7 Now, I'm a supporter of the Consent Decree. I was
8 one of the people who protested back in 2014, and there's some
9 people in our community who are really mad at me about that,
10 but I believe we do need justice, and I believe that the
11 Consent Decree is the path to justice.

12 But you can't build a building without architectural
13 drawings, and you can't have a construction crew without a
14 foreman telling people where to go, what to do, and when to do
15 it. We don't have that, and we haven't had it for seven
16 years, which is why we're still having these conversations
17 about who needs to work with who and who needs to provide
18 information to who else. Organization and transparency are
19 what we need, and we need it now before we invest any more
20 resources in fruitless directions.

21 Now, I want to say, finally, in terms of this, what
22 the consequences are to our community. I live in Ferguson,
23 and I have since 2005. We are a community of limited
24 resources. And in order to pay these people, our streets
25 aren't being maintained; our parks aren't being maintained;

1 our City Hall needs work on some things. We've got a sound
2 system that you can't even hear City Council speaking.

3 *[CALL-IN LINE INTERFERENCE.]*

4 THE COURT: Hold on. Just a second. You said that
5 just as our sound system stopped working. All right. Go
6 ahead and try. Let's hope that feedback stops.

7 MR. NICK KASOFF: We have a lot of unmet needs in our
8 community, and we're spending a lot of money trying to get the
9 Consent Decree done. Now, if we're purchasing justice by
10 making these expenditures, then hooray, wonderful. But if
11 we're squandering the money because of a poorly organized and
12 chaotic effort, what we're doing is deteriorating the quality
13 of life in our community for the very people that the Consent
14 Decree was supposed to protect.

15 The residents of our community are the ones that are
16 supposed to get protected by compliance with the Consent
17 Decree, and they are the ones driving on streets that are
18 caving in and going to parks that aren't being maintained and
19 sacrificing the municipal services that people everywhere else
20 in our region rely on but which we can't afford in Ferguson.

21 So, please, I implore you, take immediate, strong
22 action to get this effort organized, focused, and targeted
23 before our cash-strapped city spends another dollar on
24 something fruitless.

25 Thank you, Your Honor.

1 THE COURT: Thank you.

2 Everybody on the -- who's listening in -- I sound
3 like a broken record -- needs to mute their telephones. We
4 don't -- we're not -- if you don't mute them, we're not going
5 to be able to continue this because the feedback and other
6 things are causing us a problem. So please mute your phones
7 if you're on the -- if you're listening in.

8 All right. Mr. Carey, it's your turn. I will say --

9 *[CALL-IN LINE INTERFERENCE.]*

10 THE COURT: Okay.

11 MS. TIDWELL: I'm not sure if Mayor Jones --

12 MR. CAREY: There might have been one more.

13 THE COURT: Oh, I'm sorry. I see you down here at
14 the bottom of the list. I understand. Come on up.

15 *[CALL-IN LINE INTERFERENCE.]*

16 THE COURT: And would somebody -- everybody, mute
17 your phones. This is -- we're getting the feedback.

18 I apologize, Mayor Jones. You are on my list. It's
19 just you left space for other people to go before you, and so
20 I didn't see that. Thank you.

21 MS. ELLA JONES: That's okay. Good morning. My name
22 is Ella Jones. I am the current Mayor of the
23 City of Ferguson. I had been on the Council eight years,
24 three and a half years as Mayor. I have lived in the city --

25 *[CALL-IN LINE INTERFERENCE.]*

1 THE COURT: All right. Hold on a second. I think
2 we're going to have to turn off the telephone feed if we
3 simply can't hear what's going on.

4 Okay. Thank you.

5 MS. ELLA JONES: I have lived in the city of Ferguson
6 for 46 years. Thank you, Judge Perry, for the opportunity to
7 share my thoughts concerning the City of Ferguson and the
8 United States Department of Justice Consent Decree.

9 For the last several years, Ferguson has been working
10 diligently to be in compliance with the Consent Decree. I
11 will be brief. The leadership of Ferguson, which was driven
12 by correcting the historic disparities, injustice, and
13 policing in our city, has embraced and taken ownership of this
14 Consent Decree. We are working to meet the compliance goals
15 of the Consent Decree within the next 24 months and to move to
16 the next stage, monitoring and adherence to the agreement.

17 The recent hiring of Troy Doyle as Ferguson Chief of
18 Police sends a strong message to this city the
19 City of Ferguson is committed to the urgency, accountability,
20 and forward-looking, proactive environment to guide our police
21 department, who is committed to gaining the respect of our
22 constituents, practicing constitutional policing, and is
23 centered on respecting the public while also maximizing public
24 safety.

25 These two critical qualities do not conflict but

1 instead complement each other. We are going to get this
2 Consent Decree done within the 24 months. Thank you.

3 THE COURT: Thank you.

4 All right, Mr. Carey.

5 And I do want to thank all of you who have spoken.
6 You've made some very good points, I think.

7 Mr. Carey?

8 MR. CAREY: Thank you, Your Honor. Appreciate the
9 opportunity, as always. It's good to see you.

10 So I'll start by introducing the folks in the
11 audience who are here on behalf of the City. From FPD, I
12 think you'll see our Chief, Troy Doyle, is here, as well as
13 Captain Dilworth, who, as you know, both worked tirelessly to
14 help the City's efforts in Consent Decree compliance.

15 Our City Manager and -- Interim City Manager and Fire
16 Chief, John Hampton, is also here, who you've met before and
17 you've talked to on a monthly basis.

18 We also have our new Court Administrator, which is
19 Michelle Richmond. She is seated right next to
20 Captain Dilworth.

21 And then you also saw already our Councilwoman
22 Naquittia Noah as well as our Mayor, Ms. Ella Jones.

23 So we have again, as we always do, you know, a very
24 substantial representation from the City to just continue to
25 demonstrate the City's interest and dedication to Consent

1 Decree compliance.

2 I wanted to update you a little bit, update you as
3 well as the citizens -- although the citizens may already know
4 a lot of it because, you know, we have Council meetings and
5 this kind of thing -- we have an Interim Consent Decree
6 Coordinator. His name is Mr. Chris Crabel.

7 Chris Crabel has been with the City for the last
8 three years or so, and he was serving in the position of
9 Assistant to the City Manager. However, when Ms. Johnson
10 resigned, you know, we -- obviously, we've -- as one of the
11 citizens spoke about, you know, we've had three or four
12 Consent Decree Coordinators since the Consent Decree was
13 implemented. And, you know, before we've had turnover as it
14 relates to that particular position, and we wanted to make
15 sure that we had someone with the right skill set to be in
16 that position at this point in time.

17 One of the things about the Consent Decree
18 Coordinator position that we have come to find out, of course,
19 you know, the City of Ferguson's never been in a Consent
20 Decree before; so we're new at sort of figuring out what we
21 need to do as well.

22 But the skill set of that position as compliance, as
23 you go through the certain phases of compliance, the skill
24 sets for that position, you know, broaden or narrow or may
25 need to evolve depending upon where we are in the phase of

1 compliance.

2 So earlier on the Consent Decree Coordinator, there
3 was a specific skill set that we needed while we were drafting
4 policies and, you know, standing up things that needed to be
5 stood up. And so then as we moved into the phase where we
6 were implementing training, the skill set changed. And so
7 we've had certain folks in that position whose maybe their
8 skill sets didn't necessarily match what we needed at the time
9 to move forward with Consent Decree compliance, and so
10 Mr. Crabel's appointment as an interim was very well thought
11 out as it relates to matching skill set with what we need
12 right now at the time to continue Consent Decree compliance
13 progress. And Mr. Crabel will give the substantial update on
14 the City's behalf here when I'm done speaking.

15 We have also -- well, you already know that, but our
16 previous Consent Decree Coordinator, Ms. Betty Johnson, is no
17 longer with the City.

18 So I wanted to address a couple of the things that
19 were mentioned in the public comments, in particular one --
20 the first one I'd like to address was the sort of the lack of
21 progress. And we have heard several citizens mention that
22 they feel like they aren't -- you know, we've been in this
23 process for seven years. They feel like we, you know,
24 basically are where we were seven years ago and the progress
25 is not as quick or as clear to the public as maybe it could

1 be.

2 And you've been -- obviously, Judge, been along for
3 the ride for the full seven years. You know, turnover is
4 something that, you know, just when it happens in a small
5 police department like the one that we have, it can be very
6 crippling.

7 And one of the things that occurred recently -- and
8 this is just for the public's knowledge as well as yours.
9 When the previous Consent Decree Coordinator left, the
10 City Manager at the time had an opportunity to implement a
11 transition plan that would allow the previous Consent Decree
12 Coordinator to sort of work with the newly appointed Consent
13 Decree Coordinator to sort of pass the baton to ensure the
14 transition of information so that the new Consent Decree
15 Coordinator understood where we were and could sort of pick
16 the baton up and start running with it.

17 For a variety of different reasons, that just did not
18 happen. I want to ensure the Court that that was not a plan
19 of the City Council. As a matter of fact, the City Council
20 cannot legally even make a decision as to -- you know, that's
21 the exclusive purview of the City Manager. There's a
22 distinction in the charter about what the City Manager can do,
23 what the City Council can do.

24 And so it really -- at the end of the day, it does
25 fall back on the City in general because these are all City

1 employees or City elected officials. But I can assure the
2 public, as well as the Court, that, you know, the decision not
3 to have that transition was a very discrete decision by one
4 particular person at the time. There was no conspiracy to set
5 us back. There was no conspiracy -- there was just a lack of
6 understanding of how important it was to make the other
7 decision. And he just -- and it just didn't happen.

8 And so here we are today. Where we had that sort of
9 the lack of the passing of the baton, there was no transition,
10 and so the new Consent Decree Coordinator coming in didn't
11 know where to pick up the -- didn't know where to pick the
12 baton up and run. And, you know, there were just -- there was
13 just simply confusion.

14 And that was the product of one discrete decision
15 that probably should have been made in the other way. In no
16 way was that any plan or conspiracy by the City to the -- the
17 City Council to set us back.

18 That sort of is the segue into the second subject
19 that I wanted to touch on, which was the Council's support. I
20 heard a lot of our concerned citizens, several of our
21 concerned citizens talk about, you know, the Council support
22 of the Consent Decree and some of the decisions that they make
23 and how it can impact Consent Decree compliance.

24 Not at all invalidating anybody's perspective on
25 that, because I'm not a citizen of the city of Ferguson, but

1 what I can say to you is that, you know, I have found, when we
2 go to the Council -- for example, a discrete example. When we
3 went to the Council to hire Chief Troy Doyle, they were
4 100 percent supportive of that hire. Received absolutely no
5 pushback from them. They understood what we needed at the
6 time and the position, and they thought and agreed that
7 Chief Doyle was the right person to bring those skill sets to
8 that position.

9 The other thing I'll mention is, you know, just
10 recently -- and you'll probably hear more about this from the
11 Department of Justice or maybe even Mr. Crabel -- was that
12 we've been dealing with the issue of police pay and salaries
13 and the competitiveness of our salaries and that kind of
14 thing.

15 You know, the City Council has just recently passed a
16 pay ordinance that, from the City's perspective, puts us
17 directly where we need to be as it relates to Consent Decree
18 compliance in terms of having competitive salaries, at least
19 for right now. And we didn't receive any pushback at all from
20 the Council on that.

21 As a matter of fact, right now, having an Interim
22 City Manager who is also a public service person -- you know,
23 obviously as the Chief of Police -- or excuse me -- the Fire
24 Chief, they work hand in hand with the police department. And
25 so it's really -- as in terms of Consent Decree compliance,

1 from my perspective, it's a really good time right now to have
2 Chief Hampton as the City Manager, as the Interim
3 City Manager, because he gets it and he understands, you know,
4 the importance of a strong police department, the importance
5 of a constitutional police department, and a police department
6 that needs access to the resources that it needs to have in
7 order to be compliant under the Consent Decree.

8 I can tell you that my experience, my personal
9 experience, has been that I have not encountered the Council's
10 nonsupport of the things that we're trying to accomplish -- at
11 least right now. Historically, I think, you know, we could
12 argue back and forth about historically and the different
13 compositions of the Council and whether or not they were in
14 support. But at this point in time, for now, we see a lot of
15 support on the Council for Consent Decree compliance.

16 The third thing that I'd like to address that was
17 spoken about by some of the community members was this lack of
18 information to the community. And that really is really just
19 a mea culpa, honestly. I mean, the City, because of our
20 turnover, because of, you know, not putting in the transition
21 plan that we needed to put in, hiring people who may or may
22 not have the skill set to perform well in the particular
23 position at that particular time, you know, we -- as a City,
24 we just have not been effective in communicating with our
25 citizens.

1 Now, what I will say is that we do -- you know, we
2 have regular Council meetings. We have -- during the Council
3 meetings we do have a manager's report section, and sometimes
4 during the manager's report section, if we have a Consent
5 Decree Coordinator, that person will update the community on
6 where we are with Consent Decree compliance. So there is
7 that.

8 But, you know, the City does have an obligation under
9 the Consent Decree to produce an annual report, which we just
10 have not done. We would like that annual report to be a
11 function of what we do during the year so that actually
12 compiling it is pretty easy when it's time to compile it.

13 You've heard a lot of talk about the Smartsheets,
14 which is simply our road map to compliance, right. You know,
15 the Smartsheets -- for the public, I heard Elder Jenkins say
16 she had never heard of it. Well, just for her benefit, so
17 what the Smartsheets are is simply like an Excel chart that
18 contains every paragraph of the Consent Decree. And then
19 there's columns on the Excel chart that you can put in to say,
20 well, you know, here we are. This is where we are with this
21 particular paragraph. The DOJ has an entry on the Smartsheets
22 that say, well, this is where we see you. The Monitor has an
23 entry on the Smartsheet. And so all three parties can --

24 THE COURT: How recently has it been updated?

25 MR. CAREY: Smartsheets have been updated, Chris,

1 recently?

2 MR. CRABEL: We started working on it again
3 yesterday, but we have been working on it the last couple of
4 weeks as well.

5 THE COURT: Okay. Working on it now.

6 MR. CAREY: Yeah. The last couple weeks we've been
7 doing that.

8 So we hope that once those Smartsheets get updated to
9 the point of where we again -- like Mr. Shropshire said, you
10 know, when you get behind, it takes a while to get caught up.
11 Right? So once we get ourselves caught up, we hope that the
12 Smartsheets will serve as information we can sort of take from
13 the Smartsheets to compile our annual report that we need to
14 compile for the community.

15 But, you know, the truth is we could probably be a
16 little bit more diligent about letting the community know
17 exactly what's going on. And, honestly, because of some of
18 the turnover, there are times when we don't know exactly where
19 we are, because in a small department most people function
20 almost as a department of one. And then when that person
21 leaves and there's no transition plan in place, you know,
22 there's lots of people wondering where we are.

23 So just wanted to touch on some of those things that
24 the community mentioned. And unless you have any questions of
25 me, Judge, I'll go ahead and turn it over to Mr. Crabel. It

1 will be his first time actually speaking in a court; so please
2 be gentle with him.

3 THE COURT: All right. Mr. Crabel, please step on
4 up. The main rule is talk into the mic and keep your voice
5 up.

6 MR. CRABEL: Perfect. I think I can do that.

7 Good morning, Your Honor. My name is Chris Crabel,
8 and I've served as the Assistant to the City Manager. I've
9 been working with the City of Ferguson for three and a half
10 years, where I've had the privilege of internally assisting
11 with the Consent Decree.

12 I've worked with Nicolle Barton and Betty Johnson
13 during their times with the City, and I've also attended NPSC
14 and CRB meetings in the past when Nicolle was here, which has
15 given me an understanding of these groups and their
16 objectives.

17 Recently I was appointed as the role of Consent
18 Decree Coordinator on an interim basis, and this allows me to
19 ensure the continued, ongoing projects and minimize any
20 potential disruptions during this transitional period.

21 Additionally, we have reached out to Nicolle Barton,
22 who has agreed to join us as a consultant to the City. She'll
23 be working --

24 THE COURT: Tell me -- I didn't quite hear what you
25 said. You've done what?

1 MR. CRABEL: We've reached out to Nicolle Barton.

2 THE COURT: Okay. Yep.

3 MR. CRABEL: And she's agreed to consult with the
4 City during this transition period as well. So her knowledge
5 will be brought in and help us through this period.

6 During the last status hearing, it was announced that
7 Troy Doyle would be our new Police Chief. This transition has
8 occurred, and he's brought his wealth of knowledge and
9 experience to the police department and the Consent Decree.

10 He's actively engaged with citizens, community
11 groups, as well as boards and commissions in order to
12 establish relationships and foster effective communication
13 with the community.

14 I'm also pleased to introduce that we have recently
15 hired Lieutenant Dewey Rice, an Internal Affairs lieutenant.

16 THE COURT: Tell me the name again.

17 MR. CRABEL: Dewey Rice.

18 THE COURT: Okay. Thank you.

19 MR. CRABEL: This position has been difficult to fill
20 in the past, but Lieutenant Rice has seamlessly integrated in
21 with the City, making significant contributions within his
22 three weeks of tenure here. He's been working on the Consent
23 Decree. He's familiarized himself with the citizen complaint
24 process for the CRB. And he's also attended a CRB meeting to
25 introduce himself to that board.

1 Apollo mentioned this earlier, but Michelle Richmond
2 has been appointed to the Court Administrator position. She
3 has previously served as the Assistant to the Prosecuting
4 Attorney at the City of Ferguson, and her experience and
5 understanding of the court systems have provided invaluable
6 knowledge to us. And we are advancing with the projects
7 related to the court and the Consent Decree.

8 The City has posted a Training Coordinator position,
9 and we have received a few applications on this; however,
10 we're currently revising that posting. The applications that
11 we received weren't exactly what we needed; so we're revising,
12 and we'll be reposting that position shortly.

13 The last update I want to provide on staffing is the
14 City Manager position. That job posting will be closing this
15 Friday. The Council and Mayor will have the opportunity to
16 review those applications, and then we'll be announcing the
17 next steps of the hiring process.

18 Apollo did mention earlier that our salary ordinance
19 has passed. So we are -- you know, now that it's the new
20 year, the salaries are being updated. And we believe that we
21 are compliant and are competitive with our local police
22 departments.

23 Moving on to policy matters, we have finalized the
24 Court Policy 1.0, which pertains to court proceedings and
25 trials. Our team is working on publishing this on the City's

1 website, and we are -- and I've been collaborating with
2 Nicolle Barton and Michelle to finalize the Court Policy 7.0,
3 which focuses on limited English proficiency.

4 And although I'm still familiarizing myself with
5 other ongoing policies, I'm committed to providing the Court
6 with more comprehensive information in the near future. It's
7 been a little bit of a learning curve, but we are getting
8 there.

9 And since the last status hearing, the City has
10 hosted three small group dialogues. I didn't attend those
11 personally, but I've been informed those dialogues went
12 smoothly. We are planning to host two more sessions to ensure
13 every officer had the opportunity to attend one of them. We
14 will continue to explore alternative methods to engage a
15 diverse range of individuals for participation in those
16 dialogues.

17 Regarding training, Captain Dilworth and Officer
18 Richardson have investigated -- or have invested significant
19 efforts in creating, reviewing, and updating the PTO training,
20 or the policy training -- or Police Training Officer program.
21 We have submitted these to the Department of Justice and are
22 incorporating the feedback they are providing to us; so,
23 hopefully, we can wrap those up soon.

24 In our pursuit to come -- to get comprehensive
25 training, the City has been in contact with other

1 organizations to explore alternative forms of training for our
2 police department. These trainings will enable officers to
3 fulfill the Consent Decree criteria and satisfy their mandated
4 hours.

5 Once we feel that we're in a good place and this is a
6 good fit for the City, we'll reach out to the DOJ and Monitor
7 for approval to make sure that it is in compliance with our
8 Consent Decree standards.

9 During this transition period, I have and I will make
10 it a priority to meet with citizen volunteers, the CRB, the
11 NPSC, or any other group that is meeting that involves the
12 Consent Decree. The meetings that I have had have allowed me
13 to brainstorm and work collaboratively with those groups to
14 resolve any areas of friction. You know, we still have to
15 work some things out.

16 But a few things that have been brought up during
17 those meetings were transparency and consistency. I've been
18 actively working with the groups and trying to address the
19 transparency, but some things that we can do is create a
20 communication plan to work with those groups, you know, come
21 up with a schedule or calendar where we're going to be
22 updating policies on certain days or, you know, making sure
23 that we're attending the regular meetings so we can answer any
24 questions during those board or commission meetings.

25 And then recently, the last few weeks that I've been

1 appointed to this position, I have been focusing on the
2 Smartsheets. We've had a few meetings with Nicolle Barton
3 internally in the police department with police officers to
4 get the Smartsheet updated and make sure that we're not
5 looking over anything.

6 We're working now to set realistic goals that align
7 with our current staff and workload. Once this document is
8 fully updated, we're hoping it will provide a comprehensive
9 overview for all the ongoing projects related to the Consent
10 Decree.

11 It is our hope that this will facilitate effective
12 management of all aspects of the Consent Decree, ensuring the
13 clear understanding of the work at hand and the time required
14 to complete those tasks.

15 The immediate priorities and future goals -- we're
16 still determining those, but we'll be working with the Monitor
17 and the Department of Justice, and, you know, everybody in the
18 City to complete those goals as I previously mentioned. But
19 Nicolle and I will be working together, and we will be working
20 with Chief Doyle to discuss department policies, priorities,
21 and focus on the community policing aspects of the Consent
22 Decree.

23 We acknowledge that the changing in staff has caused
24 some delays in this process, but with Chief Doyle in place, we
25 are optimistic that finalizing the plan to establish long-term

1 vision of the department will happen.

2 And that's all I have. Thank you.

3 THE COURT: All right. Thank you.

4 Mr. Carey, anything further from you at this time?

5 MR. CAREY: Nothing further from the City at this
6 time.

7 THE COURT: Okay. All right. Then I will now hear
8 from the Department. Mr. Hart?

9 MR. HART: Good morning, Your Honor.

10 So I think, first, I just want to say thank you to
11 all the members of the community who spoke this morning. I
12 know -- from what I recall, every single person who spoke has
13 been very vocal and active since 2014.

14 And I also appreciate comments from Mayor Jones and
15 also comments from Councilwoman Noah. A lot of the comments
16 that we're going to -- I prepared these comments beforehand,
17 but you will see some of the same themes recurring.

18 THE COURT: Would you pull the mic a little closer to
19 you. Thanks.

20 MR. HART: So some of the themes that we heard from
21 the comments today we're going to repeat. And we appreciate
22 the comments coming from the City about these same things,
23 like transparency, reporting, planning, and accountability.

24 I also want to say that during these last several
25 years of compliance, we have really appreciated the comments

1 and the work of the community. As you can see today, Your
2 Honor, like, great ideas come from the community. And we
3 appreciate the comments and the feedback that the NPSC has
4 provided during these processes of developing policies and
5 training. We've never wanted the NPSC to scrap anything. We,
6 in fact, appreciate all of that and value it. And a lot of
7 that input has made it into the Ferguson policies and
8 trainings.

9 So what we do want to talk about -- and, again, there
10 are going to be some recurrent themes -- is that the past
11 several years a lot of time has passed, and there should have
12 been more progress. And it's been several years since we
13 entered this agreement and it became a court order. That's
14 been more than enough time for FPD to have completed drafting
15 of all of its policies, more than enough time to have
16 completed development of in-service trainings, and more than
17 enough time to have completed development of crime prevention
18 plans, among other requirements.

19 And we recognize that organizational change takes
20 time. And we're also not saying that there has not been any
21 progress over the course of these years. The City and the
22 Department have not been idle. In fact, there have been
23 significant changes. I think one area that we can point to
24 where there's been significant progress is surrounding the
25 municipal court. You know, I remember back in 2014 where

1 there were lines around the municipal court building, and that
2 doesn't happen anymore.

3 And the City reports that the
4 Comprehensive Amnesty Program has finally been completed. We
5 just need to get confirmation of that, but that's also a very
6 significant development.

7 The City also recently completed its Community
8 Policing and Engagement plans which it developed with input
9 from the NPSC that will provide guidance for officers and
10 supervisors on how to operationalize community policing.

11 The City has also taken steps to make salaries more
12 competitive -- and, again, we just need to confirm all of
13 these steps -- so that it can retain and attract highly
14 qualified officers who understand and practice community
15 policing.

16 But a lot of Consent Decree areas have languished.
17 And at various times over the years the City and FPD have
18 started working numerous areas of the decree, but instead of
19 directing focused effort towards getting priorities
20 accomplished one at a time, in a well-thought-out sequence, we
21 see a lot of things start and then stall.

22 No doubt, as Mr. Carey pointed out, high turnover in
23 these critical positions of Police Chief, City Manager, and
24 Consent Decree Coordinator have affected the City's progress
25 and momentum. Ms. Jenkins commented on that too; that the --

1 the high number of Police Chiefs that we've interacted with
2 over the course of this implementation. But that high
3 turnover is not an excuse, Your Honor, and we know that high
4 turnover has affected momentum and progress.

5 Also, the lack of having people in certain positions,
6 like the Training Coordinator, has also affected progress,
7 especially with regard to the Police Training Officer program
8 and the Bias-Free training. That's one thing that we think
9 the City needs to prioritize, and I know that they are working
10 on that.

11 Chief Doyle, Chief Hampton, Mayor Jones, and the City
12 Council have expressed the commitment to meeting the
13 obligations of the decree. We met with several members of the
14 department yesterday, including Mr. Crabel and Mr. Harding,
15 and we have no reason to doubt that commitment. In fact, we
16 heard them talk about things, like internal accountability and
17 internal planning, in ways that we had not heard from prior
18 leaders in the City and in the police department.

19 And we do believe that the City can and will achieve
20 compliance, but it has to adjust its approach. There seems to
21 be a good team in place, but leadership needs to do a better
22 job with planning, with project management, and with change
23 management in order to ensure that all this happens within 24
24 months.

25 First -- and Mr. Crabel commented -- talked about

1 this a little bit, and also Mr. Carey. There needs to be an
2 accounting, an internal accounting, of where things stand.
3 The City's currently undertaking an effort to internally
4 assess its efforts on each of the Consent Decree provisions.
5 The Smartsheet is only a small part of that and will help, but
6 there needs to be an internal assessment of where things are,
7 because if you don't know where things are and where you've
8 been, it's hard to make that road map for where you're going
9 to go.

10 We have suggested that there be some -- you know,
11 going to the comments from the public earlier there, that
12 there be some kind of outward-facing reporting of where the
13 City is on all of these compliance provisions. And we think
14 that this effort to develop the Smartsheet or update the
15 Smartsheet can lead to that so that the community knows where
16 everything stands. And they should also start -- it can help
17 the City to get towards compliance with paragraph 415, which
18 requires those annual reports on their status.

19 Now, we don't expect that accounting to take too long
20 to complete. And after -- we think that after -- not that
21 work is going to stop now. There are certain things that are
22 very close to being completed, like the PTO training program
23 and the Bias-Free training, you know. The work should
24 continue on these things so that the City can feel that
25 success and get that and move on to the next ones.

1 But once that internal assessment is done, that's
2 when the City can really start to put together big-picture
3 planning and priority setting.

4 And leadership needs to do a better job of creating a
5 sense of urgency. I know that Mayor Jones talked about
6 urgency. So that needs to be not only within FPD and within
7 the City, it's just -- it needs to -- everyone in that
8 department needs to feel that sense of urgency. That's a core
9 principle of change management.

10 I know that Mr. Crabel talked about project
11 management, but along with project management, the City needs
12 to develop better change management. And some of those
13 things, such as creating a vision for FPD and making sure that
14 vision is supported by all members of the organization, making
15 sure that senior leadership is held accountable for supporting
16 that vision and getting the work done, making sincere efforts
17 to obtain the buy-in of various stakeholders, both internal
18 and external, and really pushing that sense of urgency -- we
19 talked to the City a little bit yesterday about the
20 possibility of jointly filing with the Court or and requesting
21 that the Court order kind of like a real -- a
22 well-thought-out, realistic series of deadlines that could
23 help in creating that urgency and daily accountability. And
24 that's something that we might want to propose to the Court in
25 the near future.

1 So my remarks are brief today. So to close our
2 remarks, we believe that the City's current team can do this,
3 with the addition of a Training Coordinator, as soon as
4 possible, of course. The City can't revert back to the ways
5 that it -- the old ways of the past seven years. It needs to
6 take ownership, put plans in place that will survive whatever
7 turnover might happen.

8 Planning, follow-through, and accountability are the
9 keys to success here, and we stand ready to fulfill our
10 obligations to support the City's efforts, and we look forward
11 to seeing the plans that the City produces in the coming
12 months.

13 So thanks, Your Honor.

14 THE COURT: Thank you.

15 All right. From the Monitor, then, I will hear
16 anything you wish to say.

17 MS. TIDWELL: Thank you, Judge. I think it's good
18 afternoon -- still morning. I'm on East Coast time; so it's
19 afternoon for me.

20 Thank you to the parties and to the community members
21 who spoke today. I will also be brief. I echo many of the
22 sentiments and the themes that have been expressed by the
23 parties and by the community members who took time to come
24 here.

25 This has been a difficult year in terms of progress,

1 compounded by the fact that it followed two years of
2 pandemic-related impact on the City. So I'm not going to
3 rehash the myriad of personnel challenges and other
4 disruptions that got us here; rather, I will focus on what I
5 believe are the lessons learned and the path forward.

6 First lesson, the importance of teamwork. Now, the
7 City -- as has been discussed, there's been an absence of
8 succession planning or sort of transition planning, you know.
9 And a lot of that is outside of the City's control, as
10 Mr. Carey said, or some of it is within their control or the
11 control of just a few people.

12 What I think we have now is a team of internal
13 stakeholders, led by Interim City Manager Hampton, who no
14 longer work in silos and are working to gain familiarity in
15 other areas so that there's a "next person up" mentality.

16 We are hopefully past the days where the departure of
17 one person and their vast bank of institutional knowledge
18 results in stagnation or, worse, regression of progress.

19 At the same time, there appears to be now a
20 recognition that the few people who have dedicated so much
21 time and energy, blood, sweat, and tears to this process
22 cannot continue to carry all of the weight. As we have seen
23 in the past, such an approach leads to burnout,
24 dissatisfaction, and ultimately the departure of key
25 personnel.

1 In a small department like Ferguson, asking a small
2 group of people who have other really weighty
3 responsibilities -- we're talking about people who are tasked
4 with public safety for the entire city -- asking them to take
5 on what amounts to realistically a second full-time job, over
6 a prolonged period, is unfair and, as we've seen,
7 unsustainable.

8 This lesson applies to the Monitoring Team where,
9 like the City, there exists a small but dedicated group of
10 individuals who have a myriad of other responsibilities but
11 remain committed to this project.

12 Ms. Caruso and I are currently exploring ideas to
13 expand our team in a financially responsible manner because we
14 know of the financial constraints that the City is under. So
15 we're trying to do that and add support in a way that is
16 meaningful but also frees us to do some of the other things
17 that improves not only our flexibility in terms of performing
18 the other administrative tasks that the Monitoring Team needs
19 to do but also will improve morale.

20 Just this past week I enlisted the support of Dahlia
21 Wilson, a University of Minnesota Law School student who's
22 working at my firm this summer. She's spent hours reviewing
23 and analyzing Comprehensive Amnesty Program data to help me
24 prepare for the ongoing municipal court audit so my time spent
25 with the new Court Administrator, Michelle Richmond, was that

1 much better spent because Ms. Wilson, the summer associate,
2 helped me to prepare to ask the right questions of
3 Ms. Richmond and to get the answers and the data that I needed
4 to confirm the closure of the Comprehensive Amnesty Program.
5 Ms. Caruso and I will continue to explore similar
6 cost-effective options.

7 The other lesson learned is the importance of
8 transparency. Since my arrival in Ferguson seven years ago,
9 I've had the pleasure of meeting and interacting with a number
10 of community stakeholders, many of whom were here, like
11 Ms. Butler, the Muellers, Mayor Jones.

12 THE COURT: The Muellers.

13 MS. TIDWELL: The Muellers. Sorry. The "u" always
14 throws me off.

15 And a person who's not here, Mildred Klines. I have
16 heard their well-founded concerns about the need for
17 consistent updates and deeper engagement of community in the
18 Consent Decree implementation process.

19 I'm grateful to the Department of Justice for
20 revisiting earlier discussions about the City's role in
21 fostering transparency through annual reporting, and we look
22 forward to working with the City to see that to fruition.

23 But this lesson also applies to the Monitoring Team.
24 We have yet to file a report in 2023, due in part to a
25 reliance on these quarterly status conferences to serve as a

1 method for keeping the community informed as to the progress
2 of the Consent Decree implementation, or the absence of it.

3 But that's not enough, and we need to do better.

4 As the Court knows, our website was the recent victim
5 of a malware attack and, sadly, will require a complete
6 teardown and rebuild. The website was but one small means by
7 which we communicated or got information out to the public,
8 but it's not sort of the entirety of what we need to do.

9 As Elder Jenkins and others have talked about, the
10 Smartsheets, or the Excel spreadsheet that we use to sort of
11 track different provisions, that was the primary means by
12 which the Monitoring Team obtained information that went into
13 our status reports. And without sort of some measure of
14 updating that since 2022 in a real and consistent way, you
15 know, we were left without sort of the starting point for our
16 reports.

17 But the mistake we made was relying on thinking that
18 the report needed to contain everything and that the, you
19 know -- and not seeing that the importance of updating the
20 community on the absence of progress is just as important as
21 updating them on progress that is made. So we'll correct
22 that, and we will ensure that reports are generated
23 consistently from us even if there isn't a whole lot to say.
24 But I'm hoping with this team in place and where we're moving
25 forward that there will be more to say, particularly around

1 the audits that we're currently conducting and the work that
2 the Monitoring Team continues to do.

3 So you've heard about the number of projects that are
4 going on and the path forward. I never use the word
5 "optimistic," but I'm hopeful, right, that we are now rowing
6 in the same direction both from the tone from the top set by
7 Interim City Manager Hampton to the people who are working,
8 like Mr. Crabel and others, and the continued commitment of
9 the Department of Justice.

10 As was mentioned earlier, I will close -- the
11 Comprehensive Amnesty Program appears to be at a close. Ms.
12 Richmond and I met yesterday to verify some of the existing
13 case data, and she's begun to generate reports that will
14 assist us in providing an estimate of the amount of fines and
15 fees the City has waived as part of a program overall.

16 Once that audit is complete, that will form the basis
17 of reports to come. And we look forward to working with
18 everyone to, you know -- believe me, no one wants to get this
19 over the finish line more than my team does. I think that
20 we're there in terms of the right people in place, and I look
21 forward to meeting here in the court next time around with a
22 rosier sort of picture on what's been done and the progress to
23 come.

24 And I'm happy to answer any questions you might have.

25 THE COURT: I don't think I have any right now, but

1 thank you very much.

2 MS. TIDWELL: Okay. Thank you.

3 THE COURT: Mr. Carey, is there anything further you
4 wish to say based on any of the things said by the other
5 parties here today?

6 MR. CAREY: Nothing further.

7 THE COURT: Or on anything else?

8 MR. CAREY: No. The City rests at this point.

9 THE COURT: Well, I hope the community recognizes --
10 although I know it's not -- it's not enough. But I hope you
11 recognize that things do seem to be finally getting to where
12 we're going to get this wrapped up. We're going to get this
13 done in the next couple of years, as Mayor Jones said.

14 And I have seen, you know, the problem with all this
15 turnover -- and, I mean, we all know that the pandemic caused
16 lots of problems for everyone, but then we had all the
17 personnel turnover. And in many ways that did cause things to
18 stop, progress to stop.

19 And I guess the resilience of the City to recover
20 from the loss of those people was not as great as it should
21 be, but I think the team in place now knows what they need to
22 do so that they can -- the City can be resilient if there are
23 other losses.

24 And I think that the Department of Justice and the
25 Monitor and City and I are going to redouble our efforts to

1 actually get some things -- you know, get this really done in
2 measurable ways.

3 I'm very concerned about the lack of communication
4 that's been mentioned from many people. That's something that
5 does have to improve, and I think everyone here recognizes how
6 important that is. The citizens do need to know what's going
7 on. And even if it is "We're treading water right now because
8 of 'X' or, whatever," just even saying that is at least some
9 information.

10 But I do hope that's not what you're going to be
11 hearing. You're going to be hearing more of, "Yes, we've
12 accomplished this; we've accomplished this; here's our plan
13 for going forward."

14 And that's what we're -- I'm going to be working with
15 the parties. You know, I talk to them every month, and we may
16 have to move that up a few more times and do it a couple times
17 a month or sooner so I can know what's going on and we can
18 really keep track of it.

19 One of the things that's important, though, is
20 that -- judges always have this problem. We want to call
21 lawyers all the time and ask them what's happening on the
22 cases. And they'll say, "Well, Judge, if I didn't have to
23 keep coming, talking to you, I could get some work done." And
24 so I don't want to be that judge in this case. I want to get
25 what needs to be done, but I want them to be, you know,

1 keeping us all informed and then we can keep the community
2 informed.

3 I really appreciate the -- I guess the care with
4 which the citizens presented their concerns today, the way you
5 all have proposals for what we need to do better, and those --
6 I think everyone here heard that, and it's very helpful for
7 everyone.

8 I do have confidence in the new team. I know we've
9 got some -- you know, the Consent Decree Coordinator and the
10 Training Coordinator are essential issues, and we have to move
11 forward with that, but I think the -- I do think this is
12 something that will be better going forward.

13 I'm very pleased that the City was able to get
14 assistance behind the scenes for Mr. Crabel, working with
15 Mr. Crabel for Ms. Barton, who had -- who knows where -- knows
16 how things work in the City. I think that's a good sign, but
17 I also -- mainly, I'm very pleased with the overall management
18 of the City, and I think that you're getting there.

19 And so I know it's hard to just hear all the time
20 "We're getting there. We're getting there." And I do use the
21 word "optimistic" too many times, but I continue to be
22 optimistic that this will get better and that we will see real
23 progress in the next few months.

24 Anything further from the Department or from the
25 Monitor or from the City?

1 MR. HART: No, Your Honor.

2 MR. CAREY: No, Your Honor.

3 MS. TIDWELL: No, Your Honor.

4 THE COURT: All right.

5 I do thank you all, and I hope the citizens will be
6 hearing more from us all in the near future. Court is in
7 recess.

8 **(PROCEEDINGS CONCLUDED AT 11:33 AM.)**

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CERTIFICATE

I, Shannon L. White, 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 61 inclusive 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 18th day of July, 2023.

/s/Shannon L White
/s/Shannon L. White
Shannon L. White, CRR, RMR, CCR, CSR
Official Court Reporter