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(PROCEEDINGS BEGAN AT 10:00 AM.)

1
2 THE COURT: We're here in the case of United States
3 of America v. the City of Ferguson, Case No. 4:16-CV-180. We
4 are here for a quarterly status conference, and we are hearing
5 from some public comment this morning.

6 Before we do that, I would ask counsel for the United
7 States to please identify yourself for the record.

8 MS. GLASS: Good morning, Your Honor. Nancy Glass
9 for the United States.

10 THE COURT: And would counsel for the
11 City of Ferguson please identify yourself for the record.

12 MR. SELIG: Good morning, Your Honor. Thomas Selig
13 for the City of Ferguson.

14 THE COURT: All right. And then would the
15 monitoring -- members of the Monitoring Team who are here
16 please introduce yourself for the record.

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

19 MS. CARUSO: And Courtney Caruso on behalf of the
20 Monitoring Team.

21 THE COURT: All right. Thank you all for being here.

22 So like I said earlier when I didn't have the mic
23 turned on, we do have a large turnout here. We also -- the
24 rules of the judiciary keep changing, but we are again allowed
25 to use our YouTube channel to broadcast this. And so as I put

1 in the order, it is being broadcast live -- audio only, not
2 video, just audio -- on our YouTube channel.

3 And so I don't know if there are people listening,
4 but if they are, I do want to remind them, as well as the
5 people in the courtroom, that any recording or broadcast of
6 this is strictly forbidden by the court rules. If someone
7 should do that, you know, we might have to -- well, we could
8 hold them in contempt of court but also ban them for any
9 future use and perhaps have to not let anybody else listen
10 either, which we don't want to do. So please respect that.

11 It is on YouTube instead of the telephone line like
12 we had last time; so I hope we won't have all the interference
13 that we had before.

14 So with that said, the members of the public who
15 signed up today are Mr. Ashby first and then Ms. Butler. So,
16 Blake Ashby, if you will step forward, we will hear from you.
17 Just come up here to the lectern and start by stating your
18 name. Then I will be happy to hear whatever you have to say.

19 MR. ASHBY: Hi, Your Honor. Blake Ashby, eleven-year
20 resident of Ferguson. I'm currently on the
21 Ferguson City Council. I have spoken to you before many years
22 ago. My wife and I were on the Ferguson Neighborhood Steering
23 Committee for several years, helped to -- for community events
24 and spent a lot of time talking to neighbors.

25 The City itself will talk to you about the technical

1 aspects of the Consent Decree. I'm here to talk about the
2 community aspects of the Consent Decree. And as I know you
3 know, when Mike Brown was killed and when we went through the
4 period we call the "unrest," it was a very hard time for our
5 city and in some ways pulled our city apart, and we have been
6 addressing that situation since then.

7 And as anybody who's been part of a community that
8 has been pulled apart can tell you, it can be hard to pull the
9 community back together, but Ferguson has been trying to do
10 that ever since that day, and we are succeeding. We are
11 making progress at the community level in Ferguson because the
12 one thing that we all share is that we all do love our city.

13 I will not stand up here and tell you that different
14 people don't have different experiences, but I will tell you
15 that in Ferguson there is common ground, and that is that we
16 love our city, we love our neighbors, and we want it to
17 succeed. And so we, as a city, are working diligently to
18 ensure it does succeed.

19 Again, I'm not talking about the technical aspects of
20 the Consent Decree. That is something they'll talk about
21 later, but the community aspects have to be there as well, and
22 we are making progress, and you can see that in lots of signs.

23 Mayor Ella Jones, in the back, was the first
24 African-American female mayor of Ferguson, and she was elected
25 at a time of upheaval. She was re-elected just recently by

1 the majority of the citizens of Ferguson because she is doing
2 a good job at working to pull our city together.

3 I personally was appointed to the Council earlier
4 this year, and once again some contention around that, but
5 since I've been on the Council, virtually every vote taken by
6 the Council has been unanimous.

7 And Cassandra Butler is a friend, and she'll be up
8 here next, and I'm sure she'll tell you where our community
9 still isn't quite where it needs to be, but it's important to
10 remember that Cassandra and I can have a conversation about
11 these things, an adult, honest conversation about where
12 Ferguson is and where it needs to go, and that really is a
13 critical part of community -- the ability to talk to people
14 whether you agree with them wholly or not.

15 Ferguson has been working on rebuilding our community
16 for the last six years, and we have made progress. And
17 perhaps the strongest sign of the progress we have made is not
18 the unanimous votes on Council; it's the leadership we have in
19 place right now.

20 I can tell you that citywide in Ferguson there is
21 support for the goals of the Consent Decree -- for
22 constitutional policing, for making sure we respect
23 everybody's rights, for having a community that welcomes
24 everybody. And that is translated into the political
25 leadership of Mayor Jones and our Council. Because we have

1 pulled together at the Council level, we were able to hire
2 City Manager John Hampton to be our city manager. And I know
3 you've met a few Ferguson city managers over the years, and
4 without disparaging any of them, what is different about John
5 Hampton is he has been here for 25 years, fire chief for ten
6 years, and there is no doubt that he loves Ferguson and wants
7 to see it succeed.

8 We do not have a person who is trying to build a
9 résumé. We don't have a person who's trying to make a splash.
10 We have a person who quietly and thoroughly is working with
11 the City, working with the staff to make our city better.

12 And it's hard to describe that change in leadership.
13 Because of Chief Hampton, we were able to recruit Chief Doyle.
14 And, again, no disrespect to any of our previous police
15 chiefs, we have never had a police chief in my time in the
16 City with his level of experience, his familiarity with data,
17 and his vision for where the City needs to go.

18 So Ferguson certainly still has challenges, and I
19 understand we still have some technical things on the Consent
20 Decree that need to be addressed, but I'm here today as a
21 member of the Ferguson City Council to tell you that the
22 community of Ferguson is working hard to come together and the
23 community of Ferguson very much supports our city, very much
24 supports our city manager, and wants to do everything we can
25 to comply with the Consent Decree and to see our city

1 continue. Thank you.

2 THE COURT: Thank you very much.

3 Ms. Butler, so if you'll state your name, and then
4 you can tell me if he's right about your disagreements. Go
5 ahead.

6 MS. BUTLER: Nice to be pre-introduced.

7 THE COURT: Yeah.

8 MS. BUTLER: My name is Cassandra Butler, Ferguson
9 resident since 1982.

10 And, first of all, I want to thank you, Judge, for
11 your persistence in this matter in seeing that Ferguson
12 becomes a better place through protecting all of the people's
13 civil rights.

14 I also want to thank the Monitor in their recent
15 activities in making efforts to make basic information
16 available to citizens in the area. So I appreciate those
17 efforts and look forward to them continuing.

18 And, Judge, what I want you to know, I've spoken
19 quite a few times, and basically it's mostly, mostly the same
20 thing, but a basic barrier has consistently been the
21 leadership of the Council, of course not all the Council
22 members, but as a group. They seem to operate on the level of
23 preferring to addressing the technical aspects of the law
24 rather than embracing the spirit of the law and embracing the
25 spirit of the Consent Decree. It's something to get over, not

1 something to help us become better.

2 For 2023 I'm particularly alarmed at how the process
3 of three critical -- well, the process of three critical
4 hirings. That would be the police chief, the city manager,
5 and the consent decree coordinator. And basically they took
6 place. I don't want to get -- well, I don't have time to get
7 into the process, but they basically -- it boiled down to the
8 Council wanted who -- they knew who they wanted. And, in
9 fact, in some places they may have pushed some people out
10 because they knew who they wanted.

11 And the major effect is they wanted who they thought
12 or think that they can affect the most influence over, and
13 people previously in the position were not those, did not have
14 that mindset to be that influenced. I don't necessarily think
15 they got who they think they got, but that's the process. And
16 particularly the process has been done without -- in some
17 cases without announcement of positions, and in other cases
18 the Council was very secretive and was -- in how they did the
19 process of this hiring the city manager. They made that a
20 closed meeting, and the public was not invited or involved or
21 informed.

22 And that is the -- so the Council attitude is likely
23 the reason we have seen so much turmoil in staffing -- that
24 attitude of micromanaging the City. We've had a lot of
25 turnover in staff, and consequently we've had the lack of

1 progress on this Consent Decree because of the turnover of
2 staff and the lack of commitment, authentic commitment, to the
3 Consent Decree.

4 So I want to urge the Council to stop micromanaging
5 the staff they have and to allow them to do their job of
6 complying in the spirit of the Consent Decree. Thank you.

7 THE COURT: Thank you.

8 All right. Then, as always, I appreciate your
9 comments, and I mean I do. Mr. Ashby was at least right you
10 were going to disagree about things, but I'm not surprised,
11 Ms. Butler. You know, I want you to know that I know that
12 sometimes at these hearings we hear from the same people over
13 and over again who have talked before. I really appreciate
14 hearing from you all every time you come and speak to me. So
15 anybody who wants to, it's really good for me to get differing
16 perspectives, but it's also good for me to hear from the usual
17 suspects, if we will.

18 So I appreciate your doing that, and I hope I'll
19 continue to hear from Ms. Butler, Mr. Ashby, and any others
20 over time who do wish to come and speak at these meetings that
21 we have every -- we have a meeting every quarter, but we allow
22 the public comment every six months.

23 So with that said, let me ask, Mr. Selig, for you to
24 go forward and tell me what you wish to say, provide your
25 report and anything else.

1 MR. SELIG: Sound goods. Thank you, Your Honor. I
2 know at the last public comment period that Mayor Jones made a
3 comment at the end.

4 I don't mean to put you on the spot, Mayor, but I
5 just wasn't sure if --

6 MAYOR JONES: I'm fine.

7 MR. SELIG: Great.

8 THE COURT: And if you'll do it from the lectern so
9 we can all hear you real well.

10 MR. SELIG: Yeah. All right.

11 Good morning, Your Honor. Can everyone hear me okay
12 from the lectern?

13 THE COURT: Yeah. Just the key is this little thing
14 has to be pointed right at your mouth.

15 MR. SELIG: Perfect. Is that better?

16 THE COURT: Yeah. A visiting judge explained that to
17 me once. You'd think I would have figured it out.

18 MR. SELIG: Thank you. I appreciate it. And I'd
19 like to thank the Court for the opportunity to address you and
20 the public today. I will start just by briefly introducing
21 some of the attendees from the City of Ferguson that are here
22 this morning.

23 THE COURT: I'm going to stop you. Pull the
24 microphone base itself closer to you, the base, the bottom.
25 It moves. There you go, because you're taller than some

1 people, so that's a good way to do it. Now we'll be able to
2 hear you better. Thank you.

3 MR. SELIG: Thank you, Your Honor.

4 So I'll start. Mayor Ella Jones is here from the
5 City. City Manager John Hampton is here as well. We have the
6 Ferguson Police Department Chief of Police, Troy Doyle, who
7 has joined us this morning as well; and then City Councilman
8 Blake Ashby, who we just heard speak during the public comment
9 period; Deputy City Clerk Preashion Peoples is here; and City
10 Councilwoman Naquittia Noah is here as well. And I apologize
11 if I missed anyone from the City who came in late.

12 As you know, Your Honor, I am filling in for the City
13 attorney, Apollo Carey, this morning. I'll be reading
14 substantive updates that Mr. Carey and City staff prepared.

15 So to get started with the Consent Decree updates, I
16 wanted to start just by providing a brief update on an
17 incident that occurred on November 22, 2023, regarding a
18 Ferguson Police Department officer attempting to conduct a
19 traffic stop.

20 The Ferguson Police Department has been working with
21 the Civilian Review Board and other interested parties,
22 including the city attorney, city manager, and other law
23 enforcement agencies involved in the incident, regarding the
24 release of any video footage associated with the incident.

25 After thoughtful deliberation and a discussion with

1 the Civilian Review Board, the Ferguson Police Department has
2 decided, in agreement with the recommendation of the Civilian
3 Review Board, not to release the footage associated with the
4 incident, given the sensitivity of the situation and the need
5 to respect the individual involved in the incident.

6 The Ferguson Police Department believes that
7 withholding the footage is a necessary measure in order to
8 protect and respect the privacy and dignity of the individual
9 involved in the incident, along with the individual's family.

10 THE COURT: As I understand it, the video footage
11 that you have -- video footage of the actual incident does not
12 exist. It's video footage after the fact; is that correct?

13 MR. SELIG: That's correct, Your Honor.

14 THE COURT: Yeah. Okay. That's what I thought. So
15 just so that was clear.

16 MR. SELIG: And so moving on to staffing updates. As
17 you know, Your Honor, since the implementation of the Consent
18 Decree, the City of Ferguson has struggled to recruit and
19 retain qualified police officers to serve the community and
20 help with its Consent Decree compliance efforts.

21 To be clear, the City doesn't believe that this
22 hurdle is directly caused by the Consent Decree; rather it's
23 simply a result of evolution of policing and the culture
24 change within the profession that has spread across the
25 country after many unfortunate policing incidents.

1 It's also worth noting again, Your Honor, that the
2 struggle to retain and recruit qualified applicants is not
3 specific to the Ferguson Police Department. Police
4 departments across the country have struggled to recruit and
5 retain qualified applicants as the number of people currently
6 leaving the law enforcement profession is still greater than
7 the number of people entering it.

8 Additionally, FPD's Consent Decree imposes heightened
9 standards for hiring qualified applicants that are different
10 than other departments with whom the City competes for
11 recruits.

12 While great efforts have been made over the last few
13 years by the City of Ferguson to offer its police officers
14 salaries that are competitive in the market area, this fact
15 has, contrary to what some believed, not substantially aided
16 FPD's ability to hire qualified applicants.

17 Despite FPD's substantial salary increase, applicants
18 are sifted through and disqualified during the hiring process,
19 including the psychological evaluation, interviews, and
20 background checks. The number of the applicants is also down
21 when compared to previous years.

22 Regardless of these difficulties, Your Honor, we're
23 happy to report the City of Ferguson now has 35 full-time
24 police officers on staff, which includes command staff as well
25 as rank and file officers.

1 You will recall that around the beginning of 2023 and
2 prior to Chief Doyle's arrival, the FPD had only 29 full-time
3 police officers on staff. We believe that this progress is
4 directly attributable to Chief Doyle's arrival and the
5 stability and leadership that he's provided to FPD.

6 The pace of hiring may not be as quick as the parties
7 to the Consent Decree would like, but the City believes it has
8 taken a much better and sustainable approach in taking its
9 time to build FPD's ranks methodically and deliberately,
10 hiring the right officers who are enthusiastic to work for FPD
11 and willing to police consistent with the requirements of the
12 Consent Decree.

13 While FPD has methodically gone about the business of
14 building up its ranks in a manner that will provide stability
15 and consistency within the department, there are still several
16 positions open within FPD that are actively recruiting for
17 those positions. These positions include patrol officers,
18 both full-time and part-time police dispatchers, and a police
19 dispatcher supervisor. Additionally, the FPD is actively
20 seeking a captain of administration and a deputy police chief,
21 both of which will serve crucial functions in Consent Decree
22 compliance.

23 I'm also happy to report that the FPD currently has
24 two recruits in the St. Louis County Police Academy. If these
25 individuals are successful, they will help bolster FPD's

1 patrol officer numbers sooner rather than later.

2 I'm also happy to report to the Court and the public
3 that the FPD has recently completed interviews for and has
4 hired, pending an approved background check, a public
5 information officer who should be starting work within the
6 next few weeks. The position will manage FPD's media
7 requests, Sunshine Law requests, and general communications
8 between the department and the public.

9 Additionally, I'm happy to report that, pending an
10 approved background check as well, FPD has also, and finally,
11 hired a training coordinator who will help coordinate and
12 manage its Consent Decree and non-Consent Decree-related
13 training efforts.

14 As you're aware, Your Honor, FPD has been searching
15 for several years for a qualified applicant to fill this
16 position. The skill set and background needed to function
17 effectively within this role, given the additional training
18 requirements imposed by the Consent Decree, necessitated a
19 thorough and meticulous search for the right candidate.

20 Once the background checks are completed, FPD will
21 make appropriate announcements regarding both positions. We
22 hope that the training coordinator will start prior to
23 February 1 if all goes well with the background checks.

24 Finally, the City has officially finalized a contract
25 for the hiring of a permanent city manager. That position has

1 been filled by Chief John Hampton, as Councilman Ashby
2 mentioned earlier. Chief Hampton has served as interim city
3 manager for the past year. With his public safety background
4 working as the City's fire chief, Chief Hampton has a great
5 understanding of the need for robust public safety measures
6 within the City of Ferguson.

7 While serving in this interim capacity, Chief Hampton
8 was instrumental in hiring a new consent decree coordinator, a
9 new police chief, and pushing through a substantial increase
10 in FPD salaries to make their salaries competitive with the
11 surrounding municipalities. The City is pleased that Chief
12 Hampton will continue to serve the citizens of Ferguson as the
13 permanent city manager going forward.

14 Next on the subject of policy and training updates,
15 you're, no doubt, aware, Your Honor, that FPD's consent decree
16 coordinator, Mr. Chris Crabel, went out on parental leave at
17 the beginning of November. While FPD anticipated Mr. Crabel's
18 parental leave, it was unaware of the specific date on which
19 Mr. Crabel's leave would begin.

20 You will recall that during Mr. Crabel's last report
21 to the Court during the fourth quarter 2023 status hearing,
22 there were several outstanding plans and policies on which the
23 Department of Justice requested target dates for completion of
24 drafts and submittal to the DOJ for review. These policies
25 included FPD's Crime Prevention Plan, FPD's Training Plan, its

1 First Amendment policy, the Limited English Proficiency and
2 Citation Review policies, and the City's Community Engagement
3 Plan.

4 You'll recall that the DOJ expressed concern over the
5 status of these policies and plans and worried whether or not
6 there would be any progress made on the development and
7 submittal of these plans and policies during Mr. Crabel's
8 absence.

9 The City of Ferguson is a very small police
10 department with limited resources, attempting to comply with
11 the very large Consent Decree that imposes multiple tasks,
12 functions, and administrative structures that did not exist
13 prior to implementation of this decree and that are difficult
14 to manage for a small department.

15 So in order to ensure that there was progress made on
16 these policies and plans, the City expanded the role of one of
17 its contractors, Ms. Nicolle Barton, the former consent decree
18 coordinator, to serve as Mr. Crabel's stand-in while he was
19 out on parental leave.

20 Ms. Barton's institutional knowledge of FPD's Consent
21 Decree compliance efforts and her ability to push tasks across
22 the finish line were very valuable to FPD during Mr. Crabel's
23 absence -- so much so, Your Honor, that we're happy to report
24 that last week the City turned in a first draft outline of its
25 Crime Prevention Plan to the DOJ for review and output. As

1 you're aware, Your Honor, FPD's Crime Prevention Plan will
2 detail strategies and specific efforts that should be taken by
3 FPD to lower its crime rates by effectively implementing
4 community-based policing efforts.

5 In response to the City's submittal, the DOJ has
6 graciously offered to meet with FPD to discuss further
7 development of the Crime Prevention Plan, and FPD is happy to
8 take them up on this offer. The parties will be meeting
9 shortly in the next few weeks to do just that, to review the
10 plan together.

11 Additionally, the court's Limited English Proficiency
12 and Citation Review policies were also sent to the
13 Department of Justice for approval, and those policies were
14 accepted. The policies were then subsequently provided to the
15 Monitor Team for review. FPD received the Monitor Team's
16 comments on them last week, and Ferguson Municipal Court will
17 begin implementing these policies at this time.

18 FPD has also been actively addressing some of its
19 training requirements under the Consent Decree. They recently
20 submitted most of the Police Training Officer, or PTO,
21 programs to the DOJ for review and comment.

22 You will recall, Your Honor, that the PTO training
23 programs are an important part of the City's overall training
24 strategy and allow for FPD to develop some level of in-house
25 training by qualified police officers. FPD is anxiously

1 awaiting the DOJ's input on these same policies.

2 During Mr. Crabel's absence, FPD's First Amendment
3 policy was also submitted to the DOJ for approval, and we're
4 happy to report that the First Amendment policy was also
5 approved by the DOJ. That policy is also currently with the
6 Monitor Team for final review and approval. Once approved by
7 the Monitor Team, the final version of the policy can be
8 posted and sent to FPD for training purposes.

9 FPD has also submitted the Correctable Violations
10 policy to the Monitoring Team, and FPD is working on creating
11 a roll call training on this policy.

12 FPD's Community Engagement Plan, which was submitted
13 to the DOJ and Monitor in the second half of 2023, has been
14 returned to FPD with substantial comments and input from both.
15 FPD's currently working on analyzing the comments and editing
16 the plan to include these comments and insights. FPD expects
17 that the Community Engagement Plan should be finalized and
18 ready to go within the first quarter of 2024.

19 Finally, with regard to FPD's Training Plan FPD and
20 the City's Training Committee formed, consistent with the
21 requirements of the Consent Decree, have been diligently and
22 steadfastly working with the DOJ and Monitor Team since 2018
23 to construct and implement a viable Training Plan.

24 While, admittedly, the absence of a full-time
25 training coordinator may have had some impact on FPD's ability

1 to timely develop a Training Plan, it's worth noting that
2 hiring a training coordinator was not an explicit condition
3 precedent to the effective development of the Training Plan
4 within the Consent Decree.

5 The Training Plan, per the specific language of the
6 decree, was to be developed by FPD in conjunction with the
7 Training Committee, the DOJ, and the Monitor, entities that
8 have all worked very hard to try and develop the plan despite
9 FPD not having a full-time training coordinator at that time.

10 From FPD's perspective, the role of the training
11 coordinator, per its interpretation of the language in the
12 Consent Decree, was to implement and ensure compliance with
13 the plan after it was developed. Despite not having a
14 full-time training coordinator, FPD made admirable progress
15 over the years in developing a Training Plan document that it
16 believed would satisfy the requirements of the Consent Decree.

17 Regrettably, however, the process of review and
18 obtaining approval of the Training Plan by the
19 Department of Justice has taken much longer than the City
20 believes it should have. FPD and the citizens on the Training
21 Committee have worked very hard over the past several years,
22 again since 2018, to submit multiple drafts of a Training Plan
23 to the DOJ, only to have been told each time that it has
24 missed the mark in terms of what the Consent Decree required
25 per the DOJ's interpretation of the language in the decree.

1 This is despite the countless hours of hard work put
2 in by FPD, its consent decree coordinator, and the FPD
3 Training Committee. This is also despite the City receiving
4 specific input on its Training Plan documents from a subject
5 matter expert within the Monitor Team.

6 There always seems to be something missing in the
7 draft Training Plan documents submitted by FPD to the DOJ or
8 some precondition to plan approval that was not readily
9 ascertainable from a plain language reading of the decree
10 itself.

11 From FPD's perspective, the process of Training Plan
12 development and receiving DOJ approval can best be described
13 as two steps forward upon completion of a draft Training Plan
14 and then one step backward upon receipt and review of the
15 comments made by the DOJ, with additional plan development and
16 homework to be done.

17 By way of example, and solely for the Court's
18 edification, if the language of the Consent Decree requires
19 FPD to paint the police station blue, FPD would include such
20 language in its Training Plan requiring the police station to
21 be painted blue per the Consent Decree's explicit language.

22 Upon submittal of the Training Plan and review by the
23 DOJ, FPD would then be told to determine what shade of blue
24 we're going to use before we can approve the language in the
25 plan. This is despite the fact that a member of the DOJ team

1 would be present at Training Committee meetings where the
2 concepts and language needed for the plan's submittal were
3 being formulated and discussed.

4 FPD would then go back to the drawing board and
5 choose a shade of blue as the specific color, per the DOJ's
6 request, and include that language in the plan. However, upon
7 the subsequent submittal to the DOJ, the City would then be
8 told to determine what type of paint brushes were going to be
9 used in order to paint the police station blue before the plan
10 could be approved, and then the plan would be sent back to FPD
11 for further development or, quote/unquote, "homework."

12 THE COURT: Well, it was my understanding part of
13 this homework -- we're carrying this "painting the room blue"
14 analogy a little far, but, you know -- is that some of the
15 training issues the response from the City has been, "Oh,
16 well, we're already complying with this. That room is already
17 blue." And we haven't gone through and figured out exactly
18 where we're going to rely on things that we're doing and where
19 we're going to start new. Right? Isn't that part of the
20 problem?

21 MR. SELIG: Right. And I think that's where we're --
22 we've reached agreement with the DOJ going forward -- is that
23 it will be a more collaborative approach from the outset when
24 we submit these outlines and documents like that to make sure
25 that the City isn't, you know, wasting limited resources on

1 something that's ultimately going to be sent back from the
2 DOJ.

3 THE COURT: And does the City have a good
4 understanding of what things -- I mean, there's training --
5 the training that we're still missing is what we call the
6 in-service trainings mostly. I mean, there's a lot of
7 training, different types.

8 But some of the training, as I understand it, is
9 something that's part of the regular standards or, you know,
10 things that police departments do already, and then there's
11 some things that are additionally. Right? Isn't that it? So
12 part of the issue was getting the City -- have everybody to
13 understand fully, exactly what is already covered by the state
14 standards or other standards that the City already complies
15 with versus what's new. Is that part of the issue that we've
16 had trouble with?

17 MR. SELIG: That's correct, Your Honor. And that's
18 what we're working on right now as well.

19 THE COURT: Okay.

20 MR. SELIG: So I think that everyone now has a clear
21 understanding of next steps and a path forward for the
22 Training Plan.

23 THE COURT: Okay. Good.

24 MR. SELIG: So I'll move on to the subject of Consent
25 Decree project planning. As FPD continues its journey of

1 Consent Decree implementation, they've placed a recent focus
2 on improving the City's website experience to make it easier
3 for citizens and others to navigate and obtain information
4 about the status of Consent Decree compliance.

5 FPD recently completed computer server updates that
6 allow for more efficient and voluminous website hosting and is
7 also currently implementing new software to create an
8 interactive dashboard that will allow citizens to more quickly
9 and efficiently obtain information related to the FPD's
10 compliance efforts.

11 This interactive dashboard will provide real-time
12 updates on FPD's Consent Decree progress, keeping everyone
13 immediately informed of postings and progress. These updates
14 and upgrades will also enhance the user experience with the
15 FPD's Consent Decree policy portal and crime dashboard.

16 Additionally, FPD will be starting the next round of
17 small group dialogues with the citizens this quarter to obtain
18 input from them with respect to FPD's policies, procedures,
19 and their overall perspective regarding policing within the
20 City of Ferguson. These dialogues have been essential for
21 fostering communication and understanding within our
22 community.

23 One note for the Court's edification is that the
24 Citizen Review Board has a new member, Azizah Nuriel, who
25 recently completed the necessary privacy, confidentiality, and

1 investigation training needed for CRB members to actively
2 participate in reviewing complaints and other functions of the
3 CRB.

4 THE COURT: Can you spell the name so the court
5 reporter has get it down?

6 MR. SELIG: Yes. The first name, A-z-i-z-a-h, last
7 name Nuriel, N-u-r-i-e-l.

8 THE COURT: All right. Thank you.

9 MR. SELIG: Additionally, Mr. Crabel will return from
10 paternity leave on January 13 of this year. FPD is excited to
11 welcome him back to resume his full-time duties as consent
12 decree coordinator while still working in conjunction with
13 Ms. Nicolle Barton as needed.

14 In conclusion, Your Honor, it's worth stating for the
15 record that, despite not being where many believe FPD should
16 be with its Consent Decree compliance efforts at this stage,
17 FPD is certainly proud of the progress it has made under the
18 decree and the impact that this progress has had on policing
19 within the City of Ferguson.

20 From FPD's perspective, policing in the
21 City of Ferguson has completely changed and has been
22 positively and constitutionally impacted by the City's Consent
23 Decree compliance efforts.

24 Back in 2016, when the City began its compliance
25 journey, the concerns being raised by the

1 Department of Justice, the Monitor, and the public at large
2 regarding FPD's policing tactics were drastically different,
3 grave concerns about the behavior of the FPD officers while
4 interacting with the public, unreasonable uses of force, the
5 alleged inability of FPD to recognize and respect the First
6 Amendment rights of protesters while protesting
7 Michael Brown's death, allegations of failure to properly log
8 in evidence, writing multiple tickets on the backs of poor
9 Black Ferguson residents, among other concerns.

10 Today the concerns being raised by the DOJ largely
11 relate to FPD's speed of Consent Decree compliance and its
12 ability to comply with the mechanical nuts and bolts of the
13 language in the document. Citizen complaints regarding police
14 interactions are nowhere near the levels they were in 2014
15 through 2018, as the City has averaged less than ten
16 complaints per year in the last four to five years. In 2023
17 the Citizen Review Board only had five or six complaints to
18 review for the entire year.

19 There have been multiple audits of FPD's policing
20 procedures and the Court's completed -- by the Monitoring Team
21 as well as a constant flow of documentation and information
22 back and forth between FPD and the Department of Justice
23 related to FPD policies and procedures.

24 There have also been multiple surveys completed by
25 the Monitor to obtain public opinion regarding the state of

1 policing within the City of Ferguson. One need only to look
2 to the results of these audits, information exchanges, and
3 surveys to understanding that the state of policing in the
4 City of Ferguson today is vastly improved when compared to
5 where it was almost eight years ago from a substantive
6 standpoint.

7 While the City certainly does at times struggle with
8 the nuts and bolts of technical compliance with the specific
9 requirements of the Consent Decree, it should not be lost on
10 the Court nor the public that overall policing in the
11 City of Ferguson has vastly improved since the decree was
12 signed and implementation began.

13 FPD will continue to work hard to implement
14 constitutional reform per the Consent Decree.

15 Thank you, Your Honor. That's all the comments that
16 I have for the City.

17 THE COURT: All right. Ms. Glass, we'll hear from
18 the Department of Justice.

19 MS. GLASS: Thank you, Your Honor. Good morning. We
20 appreciate this opportunity to update the Court and the public
21 on the status of the City's implementation of the Consent
22 Decree.

23 We would like to start with noting our appreciation
24 for the hard work and efforts of the City and department staff
25 working on implementation over the last quarter, in particular

1 to recognize the efforts of Ms. Barton for stepping in to help
2 with the role of the consent decree coordinator while the
3 permanent coordinator was on leave. And we also appreciate
4 the City's initiative in setting up this arrangement to try to
5 make sure there wasn't a complete lapse in coverage for this
6 job.

7 And we want to congratulate Chief Hampton on his
8 appointment as city manager. We agree with Council Member
9 Ashby in his observations about Chief Hampton's commitment to
10 the City, and we've seen, in working closely with Chief
11 Hampton in his second stint as interim city manager since last
12 March, his great management skills and also commitment to the
13 Consent Decree implementation. We are grateful and happy to
14 hear that he's in this permanent role as well.

15 Several things that Mr. Selig said on behalf of the
16 City are not correct, and I'm going to mention those in turn
17 as I go through. But I just at the outset wanted to add to
18 one item, which was on the status of the First Amendment
19 policy. It is correct that that has been forwarded to the
20 Monitor for review and approval. We wanted to explain to the
21 public that this policy will govern, as Mr. Selig said, the
22 police department's response to First Amendment-protected
23 activity.

24 There is an unresolved issue, which is how to
25 implement the provisions of the decree related to how FPD

1 interacts with outside law enforcement agencies, and this is a
2 process we have discussed during these hearings before. It's
3 governed by something called the Code 1000 Plan. That issue
4 is not resolved by this policy but is something that will
5 continue to be a subject of discussion.

6 THE COURT: And as I understand that -- and I'm going
7 to summarize it and probably make a mistake -- that this 1000
8 policy or 1000 -- Code 1000 Plan, when there are multiple
9 police officers all responding to one incident or one -- to
10 First Amendment activity related to the same thing -- it's all
11 at the same time but there are multiple agencies being called
12 in because it's necessary because of, you know, the time
13 that -- it certainly was during the time of the protests after
14 Michael Brown's death -- there's arguments of chain of command
15 and who can direct who; right? And that's really what it's
16 about?

17 MS. GLASS: The Code 1000 asks for the department to
18 make -- or excuse me -- the Consent Decree directs the
19 department to have a -- make good efforts to revise mutual aid
20 agreements with other agencies to ensure, for example, that
21 FPD is notified when other agencies use force in Ferguson.

22 It has -- it's also -- it also requires FPD to
23 request that other agencies do not use rifle sights to monitor
24 crowds or canines for crowd control and that it has a plan for
25 communicating to all law enforcement agencies the rules in

1 Ferguson.

2 Now, Ferguson, of course, cannot dictate what other
3 law enforcement agencies do, and Ferguson needs and wants to
4 be able to rely on the help of other agencies in times of
5 emergency when it needs that assistance. So that is sort of
6 the tension that needs to be worked out. Ferguson has its
7 rules, and the Consent Decree requires it to make efforts to
8 ensure that other agencies follow its rules.

9 THE COURT: All right. Thank you. Are you all still
10 working on this?

11 MS. GLASS: Your Honor, we are. We had a meeting
12 scheduled with Chief Doyle in September that he wasn't able to
13 make, and that discussion has not picked up since then.

14 THE COURT: All right. Go ahead.

15 MS. GLASS: So, unfortunately, as we usually do, we
16 are expressing concern over the slow pace of implementation
17 over the past quarter. The City has attributed the particular
18 problems of the last quarter in part to the consent decree
19 coordinator going on leave.

20 We think it is worth mentioning that, although the
21 City did not know the exact date of the leave, it had months
22 of advance notice that this would be happening and that the
23 exact date would be unclear and not known until the last
24 minute. In our view, it should not have been as disruptive as
25 it was.

1 We agree with Ms. Butler's comments that turnover is
2 a real issue and a barrier to -- excuse me. Staff turnover or
3 gaps in staffing have been a barrier to implementation. And
4 to us, that's a symptom of a pattern we've observed of the
5 City leaning too hard on one or two people to carry much of
6 the load in Consent Decree implementation. We have encouraged
7 the City to shift to a model where multiple people, including
8 supervisors within the police department, have ownership over
9 different aspects of implementation.

10 So to that end, over the past two quarters we've been
11 emphasizing the need for the department to set a list of
12 short-term and long-term priorities and to set deadlines for
13 when it will achieve those priorities.

14 We've also encouraged the City to complete some
15 foundational plans that are required by the Consent Decree to
16 guide implementation, and that's what I'd like to take a few
17 moments to update Your Honor on specifically about its
18 progress on these plans over the past quarter.

19 The first is the staffing plan. The goal of this
20 plan is to ensure that officers are deployed in a way that
21 enables them to engage with community policing. We agree with
22 the comments of both Ms. Butler and Council Member Ashby that
23 the community is central, and that is really the main thrust
24 of the reforms envisioned of the Consent Decree. But to do
25 it, officers need to be deployed in a manner that they have

1 time during their shifts to engage in tasks related to
2 community policing.

3 But really the core purpose also of the staffing plan
4 is to ensure that there is close and effective supervision of
5 officers. The Monitor's use-of-force audit revealed that
6 supervisors are not catching problems with use-of-force
7 reporting. It could be that part of the issue is that there
8 aren't enough supervisors, but we don't know because the
9 department has not provided a staffing plan that reflects its
10 view of the number of supervisors it needs.

11 The Monitor has included the staffing plan as a
12 deliverable for the City in every work plan she has written
13 since year three, and the City still has not provided a
14 staffing plan, a final staffing plan, or a timeline for
15 providing one.

16 The next plan is the Crime Prevention Plan.
17 Mr. Selig already explained what the purpose of this plan is.
18 The City had provided drafts of -- under prior leadership for
19 the department, but our understanding from meetings last
20 summer was that the City wanted to start again and to produce
21 a plan that reflected Chief Doyle's vision for how crime
22 prevention should work in the department.

23 We did receive a document from the department last
24 week. It is just an outline with placeholders for where the
25 substance of the plan will go. And as Mr. Selig mentioned, we

1 immediately offered to try to expedite feedback on this
2 document by setting up a meeting to provide some technical
3 assistance, but we continue to think that the City should
4 provide a deadline for when it's going to produce a final
5 draft of this plan.

6 So there are four plans. I have two more to go over.
7 The next is the Community Policing and Engagement Plan. The
8 purpose of this plan is to ensure -- again, it goes side by
9 side with the Crime Prevention Plan -- that community policing
10 is at the heart of what this police department does. The City
11 did produce a draft of this document last fall. DOJ did not
12 provide comments and said it was satisfied with that draft,
13 just to correct one thing Mr. Selig said. But the Monitor did
14 provide some feedback, and we have been -- on November 6, and
15 we've been waiting for the City to finalize and implement that
16 feedback.

17 We agree with Council Member Ashby that the community
18 is central to pulling -- community policing is central to
19 pulling the community together, and this plan will hopefully
20 help the department achieve that. We think it should be a
21 high priority to finish this document.

22 Finally, the Training Plan. Your Honor, the police
23 department still does not have an in-service training program
24 to deliver the training required by the Consent Decree.
25 Putting a training program in place is crucial in order for

1 the department to put into practice all of the policies that
2 it has written under the Consent Decree.

3 DOJ has provided substantial technical assistance to
4 FPD in this area. The Blue Courage training, PTO, and -- I
5 will correct one thing on the PTO. DOJ was satisfied with the
6 drafts, and they've been waiting -- we've been waiting for
7 months for FPD to finalize them. What's needed is for the
8 department to implement edits from the Training Committee. So
9 that is with the department, not with the DOJ.

10 In addition, the training on bias-free policing, the
11 cameras, and helping to bring the tactical decision-making
12 training to the department last year, we've talked about the
13 details of a lot of these trainings in other hearings. I
14 wasn't planning to go over them now except to simply say that
15 these many efforts have not -- have been ad hoc, and they have
16 not been effective in getting the department to implement a
17 comprehensive in-service training program as required by the
18 Consent Decree.

19 The projects are either not complete after years or
20 else they were one-offs, with no plan to replicate. So if a
21 training was done last year -- for example, the tactical
22 decision-making -- there's no plan for something similar this
23 year.

24 So that's why we have encouraged the City to focus on
25 the Training Plan required by the Consent Decree to explain

1 how it's going to deliver training required by the Consent
2 Decree.

3 And it is startling to stand here and to hear the
4 City characterize its efforts here as if it has been trying in
5 good faith to produce a document, only to be told in a way
6 that it could not possibly reasonably have predicted that its
7 efforts missed the mark in some minute or picky way.

8 Your Honor, the DOJ last provided feedback on a
9 complete draft of the Training Plan on May 6, 2020. And that
10 draft included input from the Monitor subject -- Monitoring
11 Team subject matter expert that the City had not implemented.
12 So where, over the past three years, are these drafts that the
13 City keeps submitting and being told missed the mark?

14 Now, Ms. Barton, during 2021, multiple times did send
15 unfinished drafts of the Training Plan to the Training
16 Committee for its input and did include DOJ in those
17 communications, but she was not submitting that for final
18 review. In fact, in every email she said "This needs a lot
19 more work." And then when she left her position, those
20 efforts simply stopped, and we haven't even seen a working
21 draft since then.

22 Here too the Department of Justice has provided
23 substantial technical assistance to the City. Two of our
24 subject matters have produced materials to guide the City on
25 creating a Training Plan, including an outline of a Training

1 Plan, and yet again we have not seen a complete draft since
2 the one that we commented on in May of 2020.

3 The current status is that the City has received
4 technical assistance from the Monitor in how to get started on
5 this, which was to just compile the information about what
6 it's doing now and what it needs to do under the Consent
7 Decree. So that -- and then identify the gaps. So that is
8 the current project. And when that's completed, it will be
9 very helpful to whomever writes the Training Plan.

10 It's certainly not our preference or requirement that
11 the City wait for years to hire a consent decree coordinator
12 and then have that person write the Training Plan. That was
13 the City's choice to not obtain the expertise it needed to
14 write this plan sooner.

15 We are very encouraged to hear about the development
16 of hiring a training coordinator. And as Mr. Selig said, this
17 person -- this position requires a particular set of skills.
18 Chief Doyle has described it as something of a unicorn,
19 someone who understands law enforcement tactics but can also
20 write and deliver trainings. And we're hopeful that by
21 waiting and being thoughtful and deliberative and patient in
22 getting the right applicants, that they found the right
23 person. It's our hope that it will be a high-priority item
24 when this person comes on board to work with the Training
25 Committee to write a Training Plan.

1 We are disappointed by the lack of significant
2 progress in these plans and, frankly, by the City's
3 mischaracterization of its efforts, particularly with regard
4 to the Training Plan, but we're hopeful that the City is
5 saying it now has what it needs and an understanding of next
6 steps in how to get where it needs to be with writing a
7 Training Plan and that it can start actually making some
8 significant progress.

9 We raised these -- the concerns expressed here today
10 not directed to any individuals in the room. Again, we know
11 that they are working hard on a difficult task, but rather we
12 want to express a concern that the City needs to commit
13 resources to the department. Supervisors need to have enough
14 time after they take care of the policing required by the City
15 to -- and those obligations to, on top of that, be able to
16 take on projects with Consent Decree implementation. And so
17 to do that, it may be they need more resources or more time in
18 their day or different allocation in order to do what's being
19 asked of them.

20 That's all I had, Your Honor, unless the Court has
21 other questions.

22 THE COURT: No. I think you've made that clear. So
23 I think you've covered the things that I expected you to cover
24 here.

25 So I'll hear from the Monitor next, and then we can

1 see where we go. All right.

2 MS. TIDWELL: Thank you, Judge. I'd like to thank
3 Council Member -- now-Council Member Ashby and Ms. Butler, who
4 took time to come here today to share their comments and
5 concerns as usual. What we heard was valuable insight, and we
6 appreciate everyone else who came who didn't speak, including
7 the representatives of the Council and various community
8 members.

9 I think Mr. Selig left out Ms. Richmond, who I think
10 is here as well from the court administrator. I thought I
11 saw. So she's here, another City person who wasn't mentioned.

12 My remarks will be brief. I think the parties have
13 provided a pretty detailed overview of where things stand,
14 both their respective views of where things stand, and so I
15 don't want to delve too much into that.

16 I do note that the City's work to comply with the
17 provisions of its Camera Footage Sharing policy in the wake of
18 a November 22 critical incident, while we certainly don't hope
19 that similar incidents like that happen in the future, our
20 hope is that the process followed here will prove instructive
21 and that the City will be prepared to fulfill the requirements
22 of that policy more readily in the future, particularly in its
23 engagement of stakeholders like the CRB in making
24 recommendations or determinations about release of footage to
25 the public.

1 So we're heartened that we did get sort of that
2 process going this time around, but we certainly would hope
3 that, based on the policy's language around timing of these
4 decisions, that we'll be doing it with a bit more haste or
5 more speed in the future.

6 We appreciate Ms. Barton's efforts to hold things
7 steady during Mr. Crabel's absence, and certainly look forward
8 to Mr. Crabel's return in the coming week.

9 We're also looking forward to working with the newly
10 hired training coordinator as training development continues
11 to be the biggest hurdle for the City to overcome before it
12 can realistically accomplish substantial compliance in many
13 Consent Decree areas.

14 Mr. Selig is right that the hiring of a training
15 coordinator was not a condition precedent to substantial
16 compliance, but the development of a Training Plan was and is.

17 I believe that the Monitoring Team has been pretty
18 consistent in its expectation of the components of the
19 Training Plan, and one can refer back to our reports or
20 hearing transcripts for confirmation of that. And I hope I
21 join Ms. Glass in hoping that the new training coordinator
22 will make that a priority one in the development of that
23 Training Plan.

24 I don't want to get into other aspects of, again, as
25 I said, the overview provided by the City and DOJ's response.

1 I do want to highlight one data point that Mr. Selig cited as
2 evidence of improvement in the City's policing efforts, and
3 that was the decrease in citizen complaints.

4 I just would note that a decrease in citizen
5 complaints does not necessarily evidence a community that does
6 not have any concerns. It could just as fairly evidence or
7 just as easily evidence a community that has concerns but
8 feels that it would be futile to raise them. And so I think
9 that as the City continues to work with the community and
10 engage the community, as Council Member Ashby said and as
11 Ms. Butler noted as well, I think that we can possibly look at
12 the absence of citizen complaints as evidence of improvement
13 in policing, but I don't think we know that yet. And I just
14 want to make sure that we're not readily sort of jumping to
15 the conclusion that that means that all is well, because there
16 certainly is more work to be done.

17 Last month, as Ms. Butler mentioned, the Monitoring
18 Team had the opportunity to host a second virtual town hall to
19 provide an overview of the last status report. We thanked the
20 community members who were able to attend and look forward, as
21 Ms. Butler said, to providing similar updates on a more
22 frequent and regular basis.

23 As detailed in the status report, we've identified
24 three areas of the Consent Decree that are ripe for auditing:
25 Accountability, body-worn cameras, and the use of force. And

1 that would be the second audit in that area.

2 We appreciate Gerry Noll, who I think I saw here
3 earlier, of the CRB and the CRB for their thoughtful
4 suggestions as to how best to incorporate the CRB's work into
5 both the use-of-force and accountability audits. I was unable
6 to attend last night's CRB meeting, but I do look forward to
7 working with the CRB and the development of the audit
8 methodologies in those areas.

9 And then, lastly, Your Honor, a bit of good news.
10 The Monitoring Team's website is back up; so thank you to
11 Ms. Caruso and the IT support team at Mintz for their work in
12 rebuilding and improving the website after last year's malware
13 attack. The address for those who don't have it is the same:
14 www.fergusonmonitor.com.

15 And unless the Court has questions for me, I will
16 stop there.

17 THE COURT: I don't believe so. I was going to ask
18 you to say the address again and make sure it was still the
19 same. I didn't know if that had been changed.

20 MS. TIDWELL: Yeah. Still the same.

21 THE COURT: I think that's sufficient. I think we
22 sort of know where the issues are that need to keep going.

23 Mr. Selig, do you wish to make any further statements
24 after having heard the Department and the Monitor?

25 MR. SELIG: Yes, I'll just make one.

1 THE COURT: Okay.

2 MR. SELIG: I just wanted to briefly acknowledge
3 that, you know, clearly there has been a disconnect between
4 the City and the DOJ in the past on certain issues,
5 particularly with respect to the Training Plan; but, I mean,
6 the City certainly believes that it has made good faith
7 efforts to comply.

8 And, most importantly, I think that the City and the
9 DOJ both know next steps on the Training Plan going forward
10 and the best way to get this on track and resolved, you know,
11 as quickly as possible with the limited resources that the
12 City of Ferguson Police Department has.

13 I also just wanted to briefly mention as well that I
14 certainly agree with Ms. Tidwell that I don't -- the City
15 doesn't mean to imply that a decrease in CRB complaints means
16 that the job is done by any means. And, you know, we're
17 certainly mindful of the concerns that Ms. Tidwell has raised
18 about the difference between a decrease in complaints showing
19 positive policing or showing that people are, you know,
20 apathetic towards making those complaints.

21 The City is aware of that, and we certainly know that
22 there are steps that the City is going to be taking in the
23 future to continue to comply with the Consent Decree.

24 And that's all that I have, Your Honor.

25 THE COURT: All right. Thank you.

1 You know, this lawsuit is, of course, not like any
2 other lawsuit that I have. Normally in lawsuits lawyers like
3 to stand up and argue about whose fault something is, and I'm
4 always trying to get them to say, well, let's just talk about
5 how to fix it, not figure out who didn't do what they should
6 have done on Monday or Tuesday or whether it happened on a
7 Wednesday or Thursday. How do we solve this problem?

8 Although the parties have disagreements about what's
9 gone wrong, it's clear we need these overarching plans. And I
10 do think that at this point I feel much better about the
11 parties' agreement that, you know, where you need to go. And
12 the City has said they know where they need to go, but I do
13 want -- I hope you will continue to work as closely as you can
14 with the Monitor and the Department, especially where the
15 Department has offered its assistance to, you know, get these
16 things moving and moving forward. And so I do think that's
17 important.

18 I also think one of the things that's important and
19 that we do see here and have throughout this, once we got
20 started in this Consent Decree, you know, after the initial
21 times, but is that people are able to discuss the differences
22 and be civil to one another. I mean, the examples,
23 Ms. Butler, Mr. Ashby here today, certainly I agree that you
24 all have done that, and I hope that people in the community
25 can do that because that's something that is a little scarce

1 in these days in sort of our world sometimes. But I think the
2 lawyers are working hard with one another to try to resolve
3 these differences and doing so without, you know, too much
4 getting annoyed at one another or sniping.

5 And I'm glad to hear that the community is doing the
6 same thing. It's really important. And I don't have any
7 doubt that everyone here wants the best for this and everyone
8 wants the goals of the Consent Decree to be met. Yeah,
9 there's a lot to it, but one of the things that's so important
10 to make sure that we don't fall back into the old ways is that
11 we have the policies and that we have -- whether it's Ferguson
12 has the policies and has the plans and ways to know if you're
13 falling back into the old ways. And I know everybody is very
14 busy, but it is a matter of making sure that we set priorities
15 and that those are followed through with.

16 And so with that said, I will just say I continue to
17 be optimistic here. I think everybody knows what we need to
18 buckle down and get to, and so that's what we'll do.

19 We will have another public meeting in approximately
20 three months. I'll try to get the order out right after I
21 talk to the lawyers about it and we pick a date. In early
22 February we'll send out an order.

23 But in the meantime, I know the parties and the City
24 are going to continue working hard on this. And I want to
25 thank the public. The next quarterly meeting, as I said,

1 would be one without public comment, but we'll then have
2 public comment at the one after that.

3 So thank you all for coming here today. I appreciate
4 it. And as I mentioned to you all earlier, I do want to just
5 see the lawyers briefly in chambers after this just to make
6 sure we're all on the same page again.

7 So thank you all very much for coming, and this
8 hearing is in recess.

9 **(PROCEEDINGS CONCLUDED AT 11:11 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 47 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 12th day of January, 2024.

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