

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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

STATUS CONFERENCE

BEFORE THE HONORABLE CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

JANUARY 8, 2020

APPEARANCES:

Independent Monitor: **Natashia Tidwell, Esq.**
HOGAN LOVELLS US LLP

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

For Defendant: **Aarnarian (Apollo) D. Carey, Esq.**
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(Produced by computer-aided mechanical stenography.)

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

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

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

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

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

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

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

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

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

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

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

16 All right.

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

18 THE COURT: Ms. Senior.

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

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

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

22 THE COURT: Mr. Carey.

23 And for the Monitor?

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

1 THE COURT: All right. Thank you.

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

5 MS. TIDWELL: Thank you, Your Honor.

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

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

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

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

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

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

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

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

22 MS. TIDWELL: That's correct.

23 THE COURT: Yeah.

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

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

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

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

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

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

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

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

1 thinking to take place.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 Now I just want to talk about the Civilian Review

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 MR. HART: Okay.

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

25 MR. HART: Thank you, Your Honor.

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

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

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

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

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

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

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

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

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

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

21 MR. CAREY: All these key --

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

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

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

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

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

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

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

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

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

25 While some continue to lob accusations that the City

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

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

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

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

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

1 government.

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

10 THE COURT: Thank you.

11 All right. Ms. Robinett.

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

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

5 THE COURT: Thank you.

6 All right. Ms. Ella Jones.

7 MS. ELLA JONES: Good morning.

8 THE COURT: Good morning.

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

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

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

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

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

1 the families and individuals in distress or facing challenges.

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

10 THE COURT: Thank you.

11 All right. Laverne Mitchom.

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

13 THE COURT: Good morning.

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

15 THE COURT: Thank you.

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

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

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

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

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

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

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

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

5 THE COURT: Thank you.

6 Felicia Pulliam.

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

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

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

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

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

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

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

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

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

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

6 THE COURT: Thank you, Ms. Pulliam.

7 John Chasnoff.

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

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

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

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

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

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

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

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

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

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

15 Thank you.

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

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

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

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

8 MS. MILDRED CLINES: Wonderful. Wonderful.

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

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

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

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

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

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

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

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

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

5 All right. Keith Rose.

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

1 disheartening to me.

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

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

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

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

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

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

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

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

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

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

18 THE COURT: Thank you.

19 Cassandra Butler.

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

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

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

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

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

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

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

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

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

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

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

18 THE COURT: Thank you, Ms. Pulliam.

19 MS. CASSANDRA BUTLER: Okay. Thank you.

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

21 Mr. Blume.

22 I apologize for the name.

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

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

3 Thank you.

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

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

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

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

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

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

1 make more than they do.

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

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

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

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

24 THE COURT: Thank you.

25 J. Toni Burrow.

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

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

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

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

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

16 THE COURT: Okay.

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

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

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

24 Thank you so much. I appreciate it.

25 THE COURT: Thank you.

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

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

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

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

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

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

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

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

13 THE COURT: That's okay. We have plenty of Kleenex.

14 Thank you, Ms. Griffin, for the cleanup duty as well
15 as your comments.

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

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

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

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

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

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

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

20 THE COURT: Thank you, Ms. Griffin.

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

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

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

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

4 MR. CAREY: Right.

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

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

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

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

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

12 THE COURT: Let me stop you right there.

13 MR. CAREY: Yeah, yeah.

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

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

23 THE COURT: Okay.

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

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

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

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

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

23 THE COURT: Right.

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

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

6 THE COURT: All right. Thank you.

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

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

20 THE COURT: Thank you.

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

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

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

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

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

20 MR. CAREY: Okay.

21 THE COURT: Thank you.

22 MR. CAREY: Okay.

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

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

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

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

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

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

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

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

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

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

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

1 should -- should address.

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

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

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

17 MR. HART: Yes, Your Honor.

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

20 MR. HART: Yes, Your Honor.

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

22 Okay. Yeah.

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

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

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

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

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

13 THE COURT: Ms. Tidwell.

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

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

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

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

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

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

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

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

1 we'll have another hearing without public comments.

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

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

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

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

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

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

I, Gayle D. Madden, Registered Diplomate Reporter and Certified Realtime Reporter, hereby certify that I am a duly appointed Official Court Reporter of the United States District Court for the Eastern District of Missouri.

I further certify that the foregoing is a true and accurate transcript of the proceedings held in the above-entitled case and that said transcript is a true and correct transcription of my stenographic notes.

I further certify that this transcript contains pages 1 through 80 inclusive.

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

/s/ Gayle D. Madden

GAYLE D. MADDEN, CSR, RDR, CRR

Official Court Reporter