

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
JUNE 26, 2018

APPEARANCES:

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 Courtney Caruso, Esq.
 HOGAN LOVELLS US LLP

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 UNITED STATES DEPARTMENT OF JUSTICE

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(PROCEEDINGS STARTED AT 2:08 PM.)

THE COURT: All right. We are here in the case of United States of America versus the City of Ferguson, Case No. 4:16-CV-180. We're here for a hearing, and, as you all know, I have -- this is a hearing where we will hear comments from the public, and so I do have a sign-up sheet that shows several people signed up.

Before we do that, though, my office was contacted by some members of the public who said they couldn't get in the building because they were carrying cameras, not phones, but regular cameras, and the court security officers wouldn't allow them in.

I did allow those people in, but it is essential that everybody in this courtroom knows that you may not record or photograph anything -- if you have a microphone, if you have a cell phone. I mean, it's not just my rule; it's the rule of all the federal courts in the United States. And so I want everybody to know if anybody is doing that -- well, I want to know who you are.

So would the people who brought in their cameras just raise their hands so I know who it was? Okay. And you all got the message that you can't use them. We do understand that. But everybody else needs to know that we don't allow any recording or photography in the courtroom, and that is the rule.

1 All right. And also, of course, the transcript of
2 this proceeding will be posted online very quickly after the
3 hearing; so if you want to know exactly what was said, there
4 will be a transcript up by the next few days.

5 So with that said, let me start with asking who's
6 here. I see Ms. Tidwell from the Monitor. Actually, let me
7 just ask you to stand and introduce yourself and also your
8 associate.

9 MS. TIDWELL: Good afternoon, Your Honor. Natashaia
10 Tidwell from Hogan Lovells. And my colleague Courtney Caruso
11 is here with me as well.

12 THE COURT: All right. And for the United States,
13 would you please stand and introduce yourselves?

14 MR. VOLEK: Good afternoon. Jude Volek for the
15 United States.

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

17 THE COURT: All right. And for the City of Ferguson?

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

19 THE COURT: All right. Thank you. And I will ask,
20 you know, later on in the proceedings -- I'm sure we'll have a
21 chance to have you all introduce whoever else you have with
22 you.

23 As, I think, people know, since the last public
24 hearing or the last hearing that we had in this case on the
25 record, what -- we have had the report of the Monitor filed,

1 and Ms. Tidwell discussed that at the last -- at the March
2 hearing, but that has now been filed. And we have the --
3 there's been one modification to the Consent Decree that was
4 agreed to by the parties, and it was several paragraphs, but
5 that was a motion filed jointly by the parties.

6 Mr. Volek, do you wish to make any introductory
7 statements before we hear from the public here today, or did
8 Ms. Tidwell want to go first? I can't remember who I said
9 would go first.

10 MR. VOLEK: I'm happy to defer, Your Honor.

11 THE COURT: Ms. Tidwell.

12 MS. TIDWELL: I will go first, Your Honor.

13 THE COURT: Fine. Thanks.

14 MS. TIDWELL: So, Your Honor, I thought I would just
15 provide for you and for the community just an update on what's
16 occurred since we filed our status report at the end of March.
17 We have had the good fortune to be able to meet with the
18 community on a few occasions to explain the contents of the
19 report. We drafted a summary of sort of some of the
20 highlights of it and have distributed that to the community.
21 We've distributed that to our listserv, to the people who
22 signed up for emails from the Monitoring Team. We've also
23 given out hard copies at various meetings that we've attended.

24 In addition to meeting with the Civilian Review Board
25 and conducting a town hall meeting, I think, the week that I

1 filed the report, we have also had the opportunity to meet
2 with city officials, the City Council, to discuss with them
3 our recommendations from the report for the hiring of
4 additional personnel or at least sort of moving people from
5 existing city positions to positions where they could assist
6 in the effort to guide the City to full implementation.

7 Last night we held another town hall meeting where I
8 took questions from the community for about two hours. A lot
9 of the questions focused on not only the Municipal Court
10 reform piece, the amnesty review that I think Mr. Carey will
11 speak about in a little bit, but as well as the community
12 engagement, most specifically our recommendation of the
13 appointment or sort of the designation of a Community Outreach
14 Coordinator for the City.

15 So we've been able to bring the community into what
16 has -- not only the status report and sort of our plans beyond
17 that, we finally have the website up and running. We were
18 able to get all the licenses for the transfer of the website
19 to my firm. So Fergusonmonitor.com is now up and running, and
20 we hope that at that place we will not only post our reports,
21 our plans to visit Ferguson, any work that we're doing that's
22 available for public view would also be there as well. The
23 bios for the members of the Monitoring Team we hope to have up
24 there soon, with photos. So we're pleased to report that that
25 is sort of something that we were able to get up and running

1 because we recognize the importance of having a vehicle for
2 the community to sort of to engage with us with any questions
3 they might have.

4 THE COURT: And let me just stop you. I know in the
5 past we've had issues. There was an issue with notice and
6 getting sort of the logistics of making sure people knew about
7 the meeting. Do you feel like you were more successful with
8 this with the meetings last night?

9 MS. TIDWELL: I do, Your Honor. I think both DOJ and
10 the City have been really helpful about posting our notices.
11 Now that we have our own distribution list for emails, we're
12 able to send those out to people directly to let them know
13 when we're coming. So I think all of that has worked pretty
14 well.

15 We're still working on a vehicle for those who aren't
16 on computers or not on the web, and so we thought about the
17 community newsletter and perhaps some other ways that we can
18 engage folks who don't necessarily visit a website or wouldn't
19 otherwise know that we were coming.

20 I think both in terms of alerting folks to when we're
21 coming but also to the release of our reports, we were -- some
22 members of the community suggested that we put hard copies in
23 various city buildings, like libraries or the police station,
24 so just to keep a couple copies of the full status report.
25 It's, you know, 45-, 50-some-odd pages, and we suspect that

1 though -- you know, we know that the work plan that we're
2 working on right now for the entire Consent Decree will be a
3 lot longer than 50 pages, but putting those in strategic spots
4 throughout the city for folks to look at, just to pop in and
5 flip through if they'd like, but we would continue to also
6 have sort of summary materials made available for folks as
7 well.

8 So we're thinking not only about the folks who are on
9 computers but beyond that, and hope to do a better job of
10 getting the word out to other people as well.

11 THE COURT: Approximately how many people did you
12 have last night?

13 MS. TIDWELL: Last night there were about 25 people
14 there, I think.

15 THE COURT: All right. Thanks. So you can go ahead.

16 MS. TIDWELL: So in terms of just specific areas of
17 the Consent Decree, most notably the priority areas that were
18 identified not only in our report, our status report, but the
19 one from the work plan from the first year, we have a few
20 things, a few different things going. And I'm sure the
21 Department of Justice and the City will speak on these as
22 well.

23 But in terms of stop, search, and arrest, the City
24 and DOJ announced that they were working on the policy in that
25 area. So you know that in the policy development process, the

1 first step is sort of a kickoff where they notify the
2 Monitoring Team we're going to work on these -- this specific
3 policy area. We, at that point, will provide any best
4 practices or other materials in the form of training --
5 technical assistance that we might have, and then the parties
6 get to work on drafting. At some point at one of these steps
7 is the solicitation of community input. So there were, I
8 believe, two community forums that were held for the stop,
9 search, and arrest policy. I think Mr. Volek will speak on
10 that further.

11 But the Monitoring Team, Steve Parish in particular,
12 was able to attend the forums to sort of get a sense from the
13 Monitoring Team how we can assess how the community input
14 process is going and whether or not it's sufficient, whether
15 or not we have any recommendations on how it could be expanded
16 or changed, or whether we feel, as the Monitoring Team, that
17 the City and DOJ have sort of satisfied the -- you know, it's
18 not a requirement for every policy that's written, but for
19 where they have done it, we want to obviously assess the
20 sufficiency of it, and so Mr. Parish is helping us to do that.

21 The accountability policy was returned to the
22 Monitoring Team. We sent -- after meeting with the Civilian
23 Review Board during my last visit to Ferguson, I was able to
24 meet with the City and to try to hammer out some language that
25 deals with the CRB within the complaint investigation policy.

1 So that policy is back with the parties, and so hopefully --
2 and I believe the community forums have already happened for
3 those policies; so they should be finalized soon.

4 For the policies that have been completed, the
5 use-of-force and the body-worn camera policies, the City is
6 now moving towards training on those policies. So the
7 Monitoring Team has been working with them in reviewing
8 training materials, whether it's PowerPoint slides or lesson
9 plans or testing materials -- whatever it is. So there's been
10 some back and forth with regards to the training materials for
11 each of those subject areas with the Monitoring Team, and we
12 suspect that the rollout of those trainings just in sort of
13 roll call summaries or briefings will happen during throughout
14 the summer.

15 That's sort of separate and apart from our
16 recommendation that the City look to designate someone to be
17 their training sort of coordinator or someone who can build a
18 robust training program, both in-service and what officers are
19 being sent outside for training. We still believe strongly
20 that there's a need for someone to look sort of holistically
21 at what's required under POST certification, what's required
22 under the Consent Decree, what they do in-house, who are
23 they -- are they building trainers from within the department?
24 So someone's going to need to sort of look at and create a
25 training plan for the department that takes not only the

1 Consent Decree into -- under consideration but also sort of
2 the broader state requirements.

3 But the trainings that are contemplated this summer
4 are just to bring the officers up to speed about here was the
5 old use-of-force policy and here is what the new language is,
6 and it's just highlighting those differences so that the
7 officers are prepared to act under the new policy.

8 THE COURT: Is that being done by -- I know there was
9 a designated officer who was designated as the training
10 person. Is she the one doing that?

11 MS. TIDWELL: So Sergeant Morrow as well as
12 Lieutenant Dilworth from the police department have been -- I
13 think Lieutenant Dilworth in particular has been the one who's
14 been doing a lot of materials, whether it's developing the
15 PowerPoint slides, lesson plans, and things like that. He's
16 who our subject matter experts have been working with mostly
17 on this piece.

18 I think Sergeant Morrow was working more towards
19 keeping the records and trying to coordinate sort of who's
20 going outside for training, who's doing training from within.
21 So I think the actual nuts and bolts of creating the product
22 has been left to Lieutenant Dilworth, but I think Mr. Carey
23 can be clearer on that.

24 While the last report was being issued, Karla Aghedo
25 from my firm was conducting another audit of the Municipal

1 Court. So the audits are twice a year, and so we did one in
2 August. So she did one in March. We don't have a full report
3 of the audit yet, but she was -- she did sort of go through
4 and, after providing notice to the parties, was able to assess
5 compliance on several provisions.

6 I think in the status report we had indicated or
7 recommended that the City should look to have someone within
8 the Municipal Court who could help with policy development.
9 You know, I -- shortly thereafter, after getting another
10 update from Ms. Aghedo and from the parties, it's clear that
11 they don't need someone in the court to help with policy
12 development because they've just done an outstanding amount of
13 work in getting the policies that need to be done in that area
14 done. So policy development has gone a long way in the court,
15 on the court side.

16 I think there's an issue with the amnesty provisions
17 and the review of cases. I believe that the review is
18 completed, but it's not at a point yet where we can audit sort
19 of what was kept open under the good-cause criteria and which
20 criteria was used to keep a case open.

21 Ms. Aghedo was able to look at some of the cases when
22 she was there in March, but we are anticipating that the City
23 will provide us with a more complete listing of the bases, or
24 which criteria was used, to keep a particular case open so
25 that we can designate which ones we'd like to see during our

1 next audit in September.

2 So this listing was something that we had requested,
3 but I think the idea was they wanted to complete the review
4 before providing us with sort of this full, comprehensive
5 list, and so we're hoping that we get that in the near future
6 so that we can move forward on audits in that area.

7 Just a couple more audit areas that we're looking to.
8 We notified the City about a week ago to ask for just the
9 population of cases for arrest reports, for use-of-force
10 reports, other incident reports, not that we're -- not with an
11 eye towards reviewing all those cases but just getting a sense
12 of what the entire population of those cases are so that we
13 can identify a sample size to conduct our audit to hopefully
14 establish a baseline in use of force and stop, search, and
15 arrest that will hopefully inform the policy development but
16 will certainly work towards the training development because
17 we'll able to sort of look at what some of the deficiencies
18 are not only in individual officer reporting requirements, if
19 any reports are taken at all, but also to look towards what
20 the supervisory response is to deficiencies and reports and so
21 hopefully sort of build an audit program or some
22 accountability measures within use-of-force reporting and
23 reports on stop, searches, and arrest.

24 THE COURT: Okay. Hold on a second. This is the
25 point where I say, did that remind everybody to double-check

1 their phones and make sure they've got them turned off? Thank
2 you.

3 Go ahead.

4 MS. TIDWELL: And so just lastly, Your Honor, just to
5 circle back on the recommendations for additional personnel, I
6 think what we've observed, the data and technology sort of
7 piece -- which I didn't include in the report. But since
8 we've engaged our subject matter expert, Maggie Goodrich, it's
9 sort of become really clear to everyone that there's going to
10 need to be somebody who can serve as a project manager or a
11 data and technology liaison for the police department for the
12 City to guide the integration of their existing record
13 management software to the new fancy software that they have
14 engaged to bring on board.

15 The Consent Decree has countless provisions that deal
16 with the kinds of data that they're required to collect. And
17 the sooner that person is in place or someone is identified to
18 do that, the more time it's going to save them in the long
19 run, we believe, in achieving full compliance in a lot of
20 areas, not just those specific to data, but you've got to be
21 able to count, you know, how many people were stopped and
22 where they were stopped and sort of all of these sort of data
23 sets that need to be -- we need systems in place to know how
24 many complaints have been filed against an officer so that the
25 early warning system can get up and running.

1 So there are all these different pieces. And whether
2 or not the existing software that they've engaged is capable
3 of doing that, someone needs to be in now to sort of figure
4 that out so the City can be informed as to whether or not they
5 are making sort of a wise decision in this way. So that sort
6 of is the piece that -- that, along with the training, and, of
7 course, the community engagement person, they're all very
8 important but for different reasons in terms of getting the
9 City to full compliance.

10 And I will end there unless Your Honor has some
11 questions.

12 THE COURT: No. I think that is sufficient. I may
13 have some more later, after we hear from the public.

14 MS. TIDWELL: Okay. Thank you.

15 THE COURT: All right. Mr. Volek?

16 MR. VOLEK: Thank you, Your Honor. And thank you,
17 Ms. Tidwell and Mr. Carey and representatives of the City and
18 members of the public, for being here.

19 As Your Honor is aware, we have several priority
20 areas that we're focusing on right now, and so I wanted to
21 begin just by going through a few of those priority areas and
22 just adding upon what Ms. Tidwell updated the Court and the
23 public on regarding our progress in those areas.

24 THE COURT: Could you pull that mic a little closer
25 to you?

1 MR. VOLEK: Sure.

2 THE COURT: Thanks.

3 MR. VOLEK: So we've spent a lot of time over the
4 last several months in the stop, search, and arrest areas. As
5 Ms. Tidwell mentioned, we had policy forums on June 3 and 4 of
6 this year to solicit community feedback. We tried to do a
7 more robust job together with the City of advertising. Those
8 forums were advertised in the *St. Louis American*, for
9 instance.

10 And we also tried to give people a little bit more
11 context about what those forums would really be talking about.
12 We provided a summary of the issues involved in the stop,
13 search, and arrest policies so that people could acclimate
14 themselves to those issues before attending the policy forums.
15 Those policy forums were extremely helpful. The parties are
16 now in the process of going back, working on the policies,
17 trying to incorporate the feedback received during those
18 forums, and we hope to have a suite of policies in the stop,
19 search, and arrest area ready in the next several weeks to be
20 submitted to the Monitoring Team.

21 There's been a lot of effort in the last few months
22 about the accountability policies as well. As we updated you
23 at the last quarterly hearing, we had a policy forum on
24 February 11, 12, and the 22nd to address accountability
25 policies and body-worn camera and in-car camera policies.

1 Those policies are making good progress. The Monitoring Team
2 has signed off on the main internal investigations policy with
3 respect to accountability.

4 There's several other policies. One of which I want
5 to highlight is the mediation policy. The Consent Decree
6 requires the City to set up a mediation program. This is a
7 program that people can opt into in lieu of pursuing the
8 complaint process that ordinarily takes place if people have a
9 complaint about a police officer.

10 In jurisdictions around the country, this mediation
11 program has proved really effective at building communication
12 between members of the public and police officers, breaking
13 down some of the divides that exist in those relationships.
14 The Community Mediation Services of St. Louis has agreed to
15 assist the City with that program, and there's been a lot of
16 movement in the last several weeks with the new leadership
17 from Community Mediation Services, and there is a very strong
18 policy that's being developed; so we are hopeful to make some
19 progress on that as well in the next coming months.

20 Because there are so many policies with respect to
21 accountability, the fact that we have one approved is great.
22 That's the main one. But we want to get all of these other
23 ancillary policies approved by rolling these out and putting
24 them into effect.

25 The third area I want to discuss is the community

1 policing policy. This is one of the specific policies that
2 the Consent Decree requires the Neighborhood Policing Steering
3 Committee to weigh in on. They provided some extremely
4 valuable feedback, and the parties have worked to incorporate
5 that feedback and make sure that the views of the NPSC are
6 reflected in the policy that ultimately will take shape. That
7 policy is, I'm told, about a week and a half away from being
8 submitted to the Monitoring Team for their review and
9 approval.

10 The next area I want to talk about is the Municipal
11 Court policies. This has been a real challenge just because
12 there weren't policies that govern the Municipal Court for a
13 very long time. I'm very happy to report that there's been
14 considerable progress made here due largely to the efforts of
15 the court staff and, in particular, the court clerk. All but
16 three policies are finalized and completed and have been
17 reviewed and approved by the Monitoring Team, and the court
18 staff has already been trained on several of these policies.

19 So that's really a large number of very intricate
20 policies that deal with all aspects of court operations, from
21 how to notify people of their charges, how to inform people of
22 their right to and ability to pay determination, how bond
23 works, how warrant applications work, very intricate things
24 that were set out in policy finally and will be made available
25 to the public once everybody is trained up on those policies

1 and they're put into effect. So that's some real progress.

2 The other aspect of the Municipal Court section of
3 the agreement is the amnesty program. We are pleased with the
4 reports that we have received from the City regarding the
5 court and the prosecutor's progress in reviewing cases that
6 were older cases. We will let Mr. Carey talk about that and
7 provide a more detailed update.

8 Now that we are really making progress in so many
9 different policy areas, it's turning time to actually get
10 those policies into effect, train officers on those policies,
11 and we've already begun that process with respect to two
12 areas. First is the body-worn camera and in-car camera
13 policies.

14 Lieutenant Dilworth, as Ms. Tidwell mentioned, is
15 taking the lead on developing roll call training for officers
16 on the new policies so that they can really understand what
17 the differences are between old policy and new policies; that
18 when they're held responsible for policies, they at least were
19 very clear about what those policies required. That roll call
20 training is in the midst of being rolled out, as it were.

21 With respect to force policies, those policies are
22 done and approved, and Lieutenant Dilworth is also working
23 very hard to create roll call trainings that are both succinct
24 but also fulsome enough to give officers a clear understanding
25 of what the new policies contain.

1 Now, it bears noting that roll call trainings are
2 distinct from other training requirements under the Consent
3 Decree. So what a roll call training's really designed to do
4 is to be a succinct update to officers as to what new policies
5 require.

6 There is also in-service training, which is, you
7 know, general use-of-force training. That goes more in depth,
8 more scenario based. And so in the coming months, that's
9 really going to be an area of focus, is figuring out not just
10 how to update officers about these new policies but how to
11 develop a real comprehensive and robust training program to
12 make sure that officers are fully equipped in real-world
13 situations.

14 I just want to circle back to one other area that
15 we've been focused on, which is the school resource officer
16 issue. That's been talked about in previous court hearings.
17 The City and DOJ have made considerable progress on working on
18 the Memorandum of Agreement with the Ferguson-Florissant
19 School District. That Memorandum of Agreement is now with the
20 school district, and we understand that that's going to be put
21 to a vote in July. So hopefully all goes well in that front
22 and we can get that updated MOU, which reflects the
23 requirement of the Consent Decree in effect.

24 Alongside of that --

25 THE COURT: That will happen at the school board's

1 July meeting?

2 MR. VOLEK: That's our understanding, yes.

3 THE COURT: Okay.

4 MR. VOLEK: There are some funding components within
5 that MOU which requires the vote. Alongside of that
6 Memorandum of Agreement, the parties have been working on
7 creating a manual for the actual school resource officers to
8 follow. Progress there has been steady. We're trying to get
9 as many stakeholders to get involved in that process as
10 possible. We've held a series of youth meetings, and we're
11 reaching out to other stakeholders as well so that their input
12 is reflected in the ultimate manual that is put into effect.

13 So going forward, in addition to finalizing the
14 policies and roll call trainings in these areas, we are going
15 to turn to some other areas of the agreement to make sure that
16 there are adequate policies in those areas. Those are
17 bias-free policing, First Amendment protections, supervision,
18 and performance evaluations and promotions. We're going to be
19 focused on ensuring that the City puts together a
20 comprehensive plan to train officers both on new policies and
21 annual in-service requirements.

22 And then the last piece that we're really going to be
23 focused on is this data collection component that Ms. Tidwell
24 alluded to. Paragraph 412 of the Consent Decree requires the
25 City to put together a complete plan to ensure that the City

1 has enough data to understand what its officers are doing,
2 enough data for the Monitor to conduct outcome assessments.

3 And there's been some progress made. The City's
4 really taken a lot of effort to find innovative technological
5 solutions, but we're really looking to focus in the next few
6 months to work together with the City and the Monitoring Team
7 on developing a comprehensive plan that figures out how all of
8 those different components are integrated together into one
9 really usable format. So that's going to be a key area of
10 focus.

11 Finally, Your Honor, if I may, I just wanted to
12 mention briefly the joint motion that you mentioned during
13 your introductory remarks. The parties filed, and the Court
14 approved and granted, a motion to make four modifications to
15 the Consent Decree. I just thought it would be helpful to
16 provide the public with a quick summary of what those
17 modifications are.

18 To be clear, those modifications are really meant to
19 be clarifying, to clarify the role of the scope of officers'
20 responsibilities. So one example is --

21 THE COURT: Just so you know, let me say that we
22 did -- although not until recently -- put up on our website
23 not just the order that adopted your motion with the
24 modifications but also your motion and memorandum in support
25 that does explain the reasons why you all were jointly asking

1 me to make those modifications. So it just went up on our
2 court's website, but if the public wants to actually read the
3 motion and memo, they are there as well as the order, now are.
4 So go ahead with --

5 MR. VOLEK: Sure. So there were a couple areas in
6 the Consent Decree where -- what the Consent Decree said was
7 an officer could take certain action depending on whether the
8 conduct observed was either a felony or a misdemeanor. And
9 really what we were trying to get at in drafting those
10 provisions was, if it's a serious offense, if it's serious
11 conduct that jeopardizes public safety, then certain action,
12 greater law enforcement action, is justified.

13 So there were a couple of areas where we took out
14 that felony/misdemeanor distinction and just replaced that
15 with "serious offense," just so that, in the moment, officers
16 don't have to make what is a more detailed and complicated
17 legal determination of whether something is a felony or
18 misdemeanor but instead figure out whether it's a serious
19 offense or not, whether it jeopardizes public safety.

20 There was another area of the decree where the City
21 was required to develop a fine amount and proportion it in
22 certain ways for the Municipal Court operations. But
23 subsequent to the Consent Decree being drafted, there was a
24 regional fine amount that was adopted that Ferguson has
25 adopted as well. So we modified the Consent Decree to allow

1 Ferguson to use that regional fine amount, because what the
2 original Consent Decree said is they should be in line with
3 regional fine amounts. So now that there is a regional fine
4 amount that everybody is using, the parties agreed -- and the
5 Monitor agreed as well -- that that's acceptable.

6 THE COURT: Right. It didn't -- the St. Louis County
7 Regional Fine Table didn't exist when the Consent Decree was
8 entered into; right? But now it does.

9 MR. VOLEK: Now it does. And most municipalities
10 have signed off on that, and so Ferguson has agreed to do that
11 as well.

12 And then the last modification, there is a provision
13 in the Consent Decree aimed at ensuring the people have enough
14 information about the officers with whom they interact, and it
15 talks about officers providing a business card with their name
16 and contact information. And we thought it was a good idea,
17 and the City thought it was a good idea as well, to add the
18 supervisor's name and information as well just so that people
19 know that if they have a complaint about a certain officer,
20 they have their supervisor's contact information as well.

21 So those are the full range of the modifications that
22 were made. It's great that our joint motion is now on the
23 court's website; so if members of the public do have any
24 follow-up questions about that, I would urge them to look at
25 that joint motion. It explains in a bit more detail of why we

1 made these particular modifications. But I just wanted to
2 assure people that these modifications are fully in line with
3 the intent of the original Consent Decree.

4 THE COURT: Okay. Thank you.

5 MR. VOLEK: Thank you, Your Honor.

6 THE COURT: All right. Mr. Carey?

7 MR. CAREY: Good afternoon, Your Honor. As is
8 customary, I'd like to let you know who's here from the City.

9 THE COURT: Thank you.

10 MR. CAREY: We have a broad spectrum of folks that
11 are here. I'll start on that side. I don't know what
12 happened. We normally camp out over here but --

13 THE COURT: There's no bride side/groom side in this
14 courtroom.

15 MR. CAREY: I guess so. Of course you know we have
16 Chief Delrish Moss, who is our police chief. Sitting next to
17 him is Commander Frank McCall, who is our consent decree
18 coordinator. And sitting next to Commander McCall is our
19 Assistant Chief, Lieutenant Colonel Al Eickhoff. And then two
20 rows behind them, of course, is City Manager De'Carlton
21 Seewood. We have one of our ex-council members here, Ms.
22 Laverne Mitchom, who is no longer a council member, but she
23 still is an interested citizen.

24 We have a current council member, Ms. Ella Jones, is
25 here. For the first time, our city prosecutor, the new city

1 prosecutor, Lee Goodman, is sitting next to Ms. Jones. And
2 then we have Judge Brown, who was here last time, and then our
3 court administrator, Christine Lanfersieck, who is also here.

4 Then, of course, as you can see, we've got a wide
5 variety of our citizens, both Ferguson citizens and people who
6 aren't Ferguson citizens, but interested in our progress under
7 the Consent Decree.

8 So I thought, Your Honor, what I would do was I
9 don't -- you know, we've talked at length here about policy
10 development, and I think both the Monitor as well as the
11 Department of Justice has kind of given you a good idea of
12 where we are with regard to that and given the public a good
13 idea of where we are with that. So I'll leave the policy
14 development talk to questions from either yourself or someone
15 else, but I did want to highlight a couple of different things
16 that I'd like to say before we get to the public comment.

17 When we stood here last quarter, it was my intent to
18 come back before you at this time and let you know about the
19 amnesty program, the City's amnesty program. At that time, we
20 had roughly 7,900 or so cases that we had identified as cases
21 that still needed to be reviewed against the good-cause
22 standard that had been developed by the City in conjunction
23 with the Monitor and the Department of Justice.

24 Well, I do stand here today and to let you know that
25 we have gone through those cases, all 7,900 of them, and

1 reviewed them against the good-cause standard. And our
2 prosecutor was personally involved in reviewing these cases.
3 And there are -- of the approximately 7,900 cases that we
4 reviewed, there are 1,704 that have been left open for
5 continued prosecution. In other words, they were reviewed
6 against the good-cause standard. And based on one of the
7 criteria in the standard, the city prosecutor decided that
8 there was good cause to continue with the prosecution of the
9 case.

10 THE COURT: Just to summarize again what we're
11 talking about, the Consent Decree required you to review all
12 of the pending cases from before 2014, pending cases, and to
13 dismiss those or grant amnesty on those unless the prosecutor
14 believed, under the set of criteria, that there was good cause
15 to maintain the prosecution.

16 MR. CAREY: That's correct.

17 THE COURT: And there are a variety of factors that
18 include danger but others as well.

19 MR. CAREY: Right. That's correct. So as you can
20 imagine, when we undertook that task, of course, it was viewed
21 as a herculean task given the time frame that we had and the
22 amount of personnel that we had in doing it.

23 And so I can tell you that Ms. Tidwell alluded to the
24 fact that now that we've done the review, now we have to
25 organize it in such a way that makes sense for the Monitoring

1 Team to kind of come in and audit. And I think the process at
2 this point is for the Monitoring Team to look at a list,
3 request files, and they want to be able to determine which one
4 of the criteria were used in order to keep the case open.

5 So our efforts now have turned to -- have turned from
6 conducting the actual review to now organizing it in a way
7 that is auditable by the Monitoring Team. So we are
8 undergoing that currently.

9 So the next kind of step in that process with the
10 review is how do we notify the public of this, our completion
11 of the audit? And so we've been -- we've received comments
12 from our citizens about that. We have talked at length with
13 the Department of Justice about, you know, what do we do?
14 What does the City do?

15 One of the issues we had was, when we initially did
16 the initial amnesty program a couple years ago, one of the
17 issues we had was we decided to send individual notices to
18 everybody whose cases had been dismissed, and then 70 percent
19 of those notices came back to us undeliverable, return to
20 sender. And so, you know, the folks who we sent the notices
21 out to did not end up receiving those notices.

22 And so we figured that there is a more efficient way
23 to let people know. You know, a lot of these cases are -- a
24 lot of the cases that were reviewed were older than five years
25 old, and so having updated contact information was a challenge

1 in getting that information out.

2 So the thought process in our discussions recently
3 about how do we let the public know has been through the use
4 of media, both news media, maybe print media as well as radio,
5 also social media, websites. And the general thought process
6 is that we put some sort of proclamation or some sort of
7 pronouncement out to the public that we've done this review
8 and then encourage people to call in to the court to -- if
9 they had a case, you know, during this particular time,
10 encourage people to call in to the court and figure out
11 whether or not their case is still part of the list.

12 The other thought process -- and I haven't thought
13 this through all the way. I was actually just speaking with
14 the Monitor about this before the hearing -- which is now that
15 we've actually reviewed the cases and determined which ones
16 should still be on the docket, it might be -- and I haven't
17 thought it all the way through yet, but it might be possible
18 to just post the docket on the website or at least post the
19 list of cases.

20 THE COURT: The ones that are still remaining?

21 MR. CAREY: The ones that are still remaining. The
22 ones that are nolle-prossed become closed records under
23 Missouri law; so we can't post those. But -- and, again, I
24 haven't thought this all the way through from a privacy
25 concern, that's really my only issue: I just want to make

1 sure we're not doing anything contrary to Missouri law in
2 terms of privacy.

3 But it would seem to me that if the docket is -- you
4 know, if a court docket is public information and we have a
5 list of folks who remain on the court docket after the
6 good-cause standard review, that we might just be able to post
7 it as well on the website so that people could have another
8 option to go there and look for that and see if their case is
9 still -- you know, folks who maybe didn't want to call into
10 the court.

11 So the City is working hard and trying to figure out
12 the best way -- the most efficient way, the most
13 cost-effective way -- to perform that notification.

14 The other thing I'd like to address on behalf of the
15 City is the City's progress with regard to the Monitor's
16 recommendations for either adding personnel or reallocating
17 current personnel to address some of the compliance measures
18 that we will need to address here in the next several months.

19 I think Ms. Tidwell did a great job of summarizing
20 for the Court that we have Lieutenant -- or it's Lieutenant
21 Dilworth; right? -- Lieutenant Harry Dilworth who has been --
22 he is the dedicated Training Coordinator now. He's been --
23 you know, a lot of his -- well, most of his other duties have
24 been removed, and what he does now is to help the City develop
25 its training curriculum pursuant to the Consent Decree. But

1 like Ms. Tidwell said, it has to be a little bit broader than
2 just compliance under the Consent Decree.

3 So we're in the process of looking at a broad kind of
4 palate of training for the police department that includes the
5 Consent Decree compliance function but then also includes all
6 the other POST training that folks need to do once they have
7 gotten their -- and once they've gotten their certification
8 and they're officers. So we figured that's the best way to
9 approach it, not just in the vacuum of the Consent Decree, but
10 to make it a more broader palate.

11 The issue of the community engagement person or the
12 community engagement position is one that we have admittedly
13 struggled with in terms of how best to do that. That was
14 something that we recently -- earlier on we just went through
15 a budget, you know, passing our budget. Our fiscal year ends
16 June 30, and so we start a new one July 1. And so we just
17 went through a budgeting process where the idea of adding a
18 person was brought up early on in the budget process, but
19 then, as we -- as the City went through the process, it became
20 apparent that that was not necessarily in the cards this time
21 around in terms of adding personnel.

22 So the thought process now, at this point, is how do
23 we reallocate the resources that we do have to address that
24 particular position? What we will be doing in the next couple
25 months is working with the Department of Justice and the

1 Monitor to define what that particular position does. I mean,
2 in laymen's terms, maybe we get just a job description; right?
3 What does the community engagement person do? What does that
4 look like for purposes of Consent Decree compliance? And then
5 once we define that, then I think the City can then better
6 allocate its resources to figure out if there's an individual
7 person that we identify as someone who can help us, if we take
8 more of a team approach and we spread the duties out, you
9 know, that kind of thing.

10 So we just -- we'll work closely, obviously, with the
11 Department of Justice and the Monitor to define that. I think
12 it's the first step. And once we have it defined, we can
13 figure out how we address it.

14 The last piece spoken about in terms of the addition
15 of personnel or reallocation of duties is the data person.
16 And, admittedly, that has been a challenge -- that will
17 probably be a challenge -- because that is a much more kind of
18 a specialized thing that we may not -- and maybe I'm speaking
19 too soon, and I don't know Chief Moss, but we may not have
20 that in-house, you know, that particular thought process -- or
21 excuse me. That particular skill set, we may not have that
22 in-house right now.

23 And the other thing that kind of complicates it is,
24 as Ms. Tidwell mentioned, we did just move to a new records
25 management system. It's called LEFTA, which is, I think, Law

1 Enforcement Field Training Applications is the acronym. And
2 we were using a system called ITI, which is the older system
3 that we were under. And so right now we are in the process of
4 trying to figure out what ITI did, what LEFTA does, how do
5 those two things merge together, how do we -- you know, do we
6 have all the modules that we need to, you know, collect all
7 the data that we need?

8 So we are in that process as we speak. And I know
9 we've been working with -- I think Charles Hart from the
10 Department of Justice's team has visited with us to take a
11 look at our system. So we're at kind of the infancy stages of
12 that, but I think this issue of this data person will be
13 coming upon us quickly. Once we kind of get our minds around
14 what we had, what we have, how they merge together, we're
15 going to need to address that. So the City acknowledges that
16 we're going to need to probably address that one sooner rather
17 than later, and we're working towards that.

18 Other than that, Your Honor, I don't have anything.
19 I suspect you might have some questions either before or after
20 the citizens talk; so I will end it there unless you have
21 questions now.

22 THE COURT: Yeah. I would rather wait and hear what
23 the citizens have to say, and then we'll have you address
24 those things afterwards.

25 So I do have the list of people who wish to speak.

1 The first person on the list was Francisca Griffin. So,
2 ma'am, if you would step forward. Ms. Griffin, see those
3 lights over there? That's going to -- green means go, because
4 you have a five-minute limit. So what we'll do is when the
5 yellow light comes on, that means you've used up four minutes,
6 and then the red light will come on at five minutes. You can
7 ignore it, but I just wanted you to know that's what it is,
8 because we're trying to keep it to five minutes a person.

9 All right. So I'm happy to hear whatever you wish to
10 say, Ms. Griffin.

11 MS. FRANCISCA GRIFFIN: Good morning. My name is
12 Francisca Griffin. I live in Ferguson. I'm a Ferguson
13 resident, have been since 2005, and I'm glad that I could be
14 here today.

15 I did -- I'm glad that it was addressed about the
16 amendment because I was -- I actually did not find out about
17 that until yesterday, when the Monitor explained it to us.
18 And I believe she may have been under the assumption that the
19 City had informed the community about it, because we had no
20 idea. So I'm glad that was explained.

21 But it did make me wonder like, is there any a time
22 when the City and the Department of Justice can make an
23 agreement for an amendment? Can those amendments, as long as
24 they agree, they can be brought up front? I mean, is that
25 something --

1 THE COURT: Yeah. What they do is, they -- if they
2 agree, if the parties agree to an amendment, then they present
3 it to me. It doesn't become effective until I approve it.
4 These I did approve because they appeared to be reasonable.
5 And I think the way he explained them were it's more -- it's
6 set up more fully in their motion, but, you know, I have to
7 approve it. So they can't just agree to change anything. And
8 the Consent Decree does have provisions that encourage
9 amendments where appropriate.

10 So we'll give you some extra time since I spent the
11 time talking. So go ahead.

12 MS. FRANCISCA GRIFFIN: No. That's all right. So I
13 was also wondering if there was anything else that has been
14 amended since it was put in place.

15 THE COURT: No. This is the only one.

16 MS. FRANCISCA GRIFFIN: And then answered the
17 question about how we can access it.

18 So I was actually up here because I wanted to talk
19 about the transparency between the City and the community. I
20 have taken part in helping provide input for some of those
21 accountability policies as well as the stop, search, and
22 arrest and things of that nature. And I wanted to continue
23 working with the City in regards to those policies, not just
24 the ones that are specifically listed in the Consent Decree,
25 but as becoming activated in the community, I feel it's my

1 responsibility to provide input from a community standpoint
2 with the police, with the City, so that we can create those
3 relationships long term.

4 So I would definitely like to be able to view the
5 policies as they exist now so that the community can have
6 adequate time to be able to provide recommendations for those.
7 Specifically the ones that have to do with interaction with
8 the community, I think that's our responsibility. I want to
9 be engaged in that process.

10 I am also a member of the NPSC, and the way that
11 we -- when we did have policies like that that came before the
12 NPSC to provide recommendations, we posted them in a Google
13 doc which was able to -- where the people in the -- who are
14 members of the NPSC were able to provide their recommendations
15 that way.

16 I think in regards to being able to communicate with
17 the City and the DOJ in the process of creating these
18 policies, there should also be something set up like that so
19 that the City, so that the community can continue to provide
20 recommendations to the policies that are currently being
21 worked on.

22 Generally, what the forum -- specifically like the
23 use-of-force forum, from what I understand, there was one
24 forum. Well, that forum -- the community doesn't have the
25 actual policy in front of them like the DOJ or the City does.

1 So literally the only time it would be up there we're able to
2 provide those recommendations is at that forum. There's no
3 continuous communication between the community, the City, and
4 the Department of Justice to provide recommendations like
5 that. So having something set up, a specific protocol for
6 reviewing those policies, would be wonderful, and it would
7 give us an opportunity to have time to review those and
8 provide those recommendations.

9 I also wanted to talk about -- so I also wanted to
10 talk about the frequency that's currently targeted over Sector
11 4, which is part of the Third Ward, which is Southeast
12 Ferguson Neighborhood Association.

13 So after the Consent Decree was put in place, we were
14 told at a city council meeting that the frequencies were
15 extended to cover Sector 4, which is pretty much the apartment
16 complexes, the people that tend to get targeted the most. In
17 fact, there's some in Ferguson that consider that area the
18 target area.

19 We've had -- I've listened countless times where
20 there's people all over the city of Ferguson --

21 *(Warning light on.)*

22 THE COURT: You can keep talking. Go ahead.

23 MS. FRANCISCA GRIFFIN: I've listened to people in
24 the community talk about the concerns that will detect about
25 shots fired and things of that nature, but it makes me wonder,

1 when we're talking about collecting data, how accurate that
2 data is if that frequency is only concentrated in the poorest,
3 blackest community of Ferguson.

4 THE COURT: So can you explain what you mean by the
5 frequency being concentrated there?

6 MS. FRANCISCA GRIFFIN: So there's a frequency that's
7 supposed to detect shots fired. Now, my stance on that is if
8 you can't provide it everywhere, it shouldn't be just in
9 specific areas, because there's areas all throughout Ferguson
10 that have issues like that. And that's a whole other
11 argument. But I think when we're talking about targeting
12 specific areas and the concern from the community goes beyond
13 just that area, that's -- to me, it's like -- especially when
14 you're talking about, like, stop and arrest, I know there's
15 language in there in the stop, search, and arrest policy that
16 says, if you look like you're committing a crime, then you
17 can -- you're open -- you're suspected to be stopped,
18 searched, and arrest.

19 So if there's a shot fired in the area and there's
20 somebody in the area and the police respond because they're
21 looking for who it was that shot, it makes people in the
22 community open to being stopped, searched, arrest. This is
23 not in every area of Ferguson. It's literally only in that
24 specific part.

25 There was nothing put in the budget. If I'm wrong, I

1 will apologize just as soon as the City apologizes for hitting
2 us with tear gas and stuff like that. But I just don't think
3 that it's fair. I think it should be equal everywhere. If
4 you're going to target one area specifically, which I don't
5 want anybody targeted at all, I definitely don't think we
6 should be opening up our community again, specifically our
7 disenfranchised community, of that type of targeting. And
8 then I don't believe that we should be using that data and
9 saying it's accurate when it doesn't cover the entire Ferguson
10 area.

11 THE COURT: Okay. Thank you.

12 All right. Mr. Chasnoff.

13 MR. JOHN CHASNOFF: Hi. I'm John Chasnoff. I just
14 wanted to offer a quick thought on Mr. Carey's remarks around
15 publicizing the open cases. I thought it might be possible to
16 set it up online where somebody can type in their name and do
17 a search and the search will let them know if their name was
18 in the list without making the list actually public. So just
19 a thought on how he might do that and protect the privacy
20 rights of the individuals involved.

21 THE COURT: Of course, you can type in somebody
22 else's name; right?

23 MR. JOHN CHASNOFF: I guess you could, right.

24 THE COURT: I mean, I understand your suggestion,
25 but, you know, if I wanted to know if you were on there, I

1 could go in and type it. You would have to have some system,
2 I guess, is what you're saying.

3 MR. JOHN CHASNOFF: Yeah, right. Anyway, I
4 appreciate your concern with my suggestion.

5 So what I came to talk about today was the issues
6 around billing and the work flow as they proceed forward. And
7 so I've been following this issue of the billing of the
8 Monitor since early on, and we really haven't had any
9 up-to-date information since the billing that happened under
10 the old monitorship. So we're a little bit behind in terms of
11 knowing how the work flow is going and how the billing related
12 to that is going.

13 At the time that it came out that a lot of money had
14 been spent up front, there was an agreement -- at least I
15 understood there was an agreement -- made that said that,
16 going forward, there would be published at the beginning of
17 the fiscal year a map of what work lay ahead, what
18 specialty -- what experts, subject matter experts, would be
19 used during the course of the year and how much we expected
20 that each of them might work.

21 And the idea behind that agreement was both so that
22 the City didn't get caught by surprise with the budgeting or
23 with the billing but also so that we could see whether or not
24 the specialty experts were -- the work was being distributed
25 amongst the policy experts. That concern came out of the fact

1 that the Monitor's law firm was getting over 80 percent of the
2 money and the policy experts didn't seem to be being deployed.

3 So it's my understanding from conversation last night
4 that that agreement really didn't survive the transition to
5 the new Monitor and that the situation now is that the Monitor
6 has not billed for the second year that she plans to bill at
7 the end of the second year. And I have a few concerns about
8 that and some suggestions.

9 We have absolutely no reason to think that this
10 current Monitor is misusing funds or overspending or anything
11 like that. But just normal good government practices, as I
12 understand them, is that you create a budget up front and, you
13 know, that budget projects for the upcoming year, and it
14 provides a road map for people as they proceed through the
15 work of that year.

16 And so it seems to me that it might be a good idea to
17 create a similar system here where we get a budget at the
18 beginning of the fiscal year. That way the City is not taken
19 by surprise at what's going to be spent and the public has
20 some assurance of, you know, how the work is being distributed
21 or how it's planned to be distributed amongst the Monitoring
22 Team during the course of the year. That would be really
23 helpful information for us.

24 The other thing is that this -- the billing is
25 obviously closely tied in with how the work flow is going,

1 and, you know, what work is coming up in the course of that
2 projected year. So we're very glad to see that the work plan
3 is due to be completed in September. We learned that last
4 night. And I think the work plan will help with all of that.
5 But we still are somewhat adrift at this point because we
6 don't have any deadlines and we don't have any real sense --
7 you know, the deadlines were thrown out, and we don't have any
8 real sense of how the work is progressing in terms of what
9 percentage of it is done and what's coming up in the near
10 future.

11 So what we'd like to propose is a suggestion that the
12 yearly budget be projected at the beginning of the fiscal year
13 and that it then be updated at each quarterly status hearing
14 so that we can see if there were any changes that came along
15 in the course of the work; and, secondly, that the deadlines
16 be similarly announced at the beginning of the year and then
17 updated each quarter so that we can see once again if we're
18 really on track or if maybe we're drifting from the work plan
19 and the deadlines have to be modified. But we'd like that to
20 be clear to the public at each quarterly status hearing.

21 So thank you.

22 THE COURT: All right. Thank you.

23 Ms. Pulliam, Felicia Pulliam.

24 MS. FELICIA PULLIAM: Good afternoon, Your Honor.

25 Thank you so much for an opportunity to speak with you today.

1 There are a couple of things that I wanted to bring forward.

2 While we applaud the City for having dismissed over
3 6,200 cases per the requirements of the Consent Decree, we
4 still have concern regarding notice to the public. So I
5 appreciate Mr. Carey thinking about that, how they can better
6 notify people, because it hasn't worked. And it's been an
7 incredible burden, and you can imagine the amount of anxiety
8 that folks still have not knowing that their cases have been
9 dismissed, how to proceed.

10 In addition to that, I think in the spirit of making
11 the community whole, the people that have been harmed by the
12 unconstitutional practices of the Municipal Court and the
13 oppressive policing practices that we know were present for so
14 long, we believe that the City should reimburse every citizen
15 whose license was suspended. I don't believe that any citizen
16 should have to carry the burden of correcting a harm that was
17 committed against them. I think it's the City's
18 responsibility. And for any citizen that has paid to have
19 their license reinstated, the City should reimburse them that
20 cost.

21 Again, I don't think it's fair for you to get harmed
22 and then you have to carry the burden of making yourself
23 whole. That should be a part of what the City is doing. We
24 have requested that the City consider that, in making people
25 whole and actually correcting the errors and healing the harm

1 that they've done over the course of this time.

2 In addition, a clear process would be helpful because
3 we still don't know what's going on. Until Mr. Carey's report
4 today, we have been in City Council meetings, we've requested
5 information, and, Your Honor, on June 4, submitted a letter to
6 the City outlining what our expectations are as a community
7 regarding this process and how citizens would be treated and
8 how the harms would be cured.

9 So we're happy to hear that some of those
10 considerations, some of our requests, are being considered,
11 but until today we had no response from the City, and we had
12 no knowledge of anything that was happening in the process.
13 And for citizens that have been consistent in paying attention
14 and trying to seek information, you can only imagine for
15 people that are not that diligent how difficult the process --
16 how difficult the process has been.

17 And to that end, Your Honor, the Ferguson
18 Collaborative, a group of concerned citizens, took it upon
19 ourselves to develop a website, and we had to get the
20 assistance of the Advancement Project to do that, somewhere
21 where we could collect the information, have it available, so
22 that people could access it. It just went live yesterday. So
23 we have been waiting on this transparency and this improved
24 communication, and it hasn't made it -- hasn't realized
25 itself.

1 So, again, you have the citizens taking on the burden
2 of doing what the government should be doing. So it's
3 Fergusoncollaborative.org. And we will be posting information
4 to the degree that it is made available or we can access it so
5 people can actually know -- actually know what's going on.

6 And, Your Honor, I'd like to submit, with your
7 permission, the letter that we provided to the City as an
8 exhibit to complement my testimony so that you can understand
9 what our expectations are and what we've been asking for the
10 City to provide to citizens in terms of healing these harms.

11 THE COURT: Yeah. I guess this is the letter that
12 was handed to the clerk before we began today. Ms. Lieberman,
13 I think, provided it.

14 MS. FELICIA PULLIAM: Yes, Your Honor.

15 THE COURT: So this is from -- so I always have a
16 question, because when I see "the Ferguson Collaborative,"
17 this does have a number of organizations that endorsed it.

18 But, you know, earlier in this case, I got things
19 from the Ferguson Collaborative, but there's never a person.
20 I mean, you are standing here; so I assume you're part of the
21 Ferguson Collaborative. I read in the paper this person is
22 part of the Ferguson Collaborative, that person is, but is
23 there a list somewhere of who that is? Because I'm never
24 sure. It's a group, I understand the concept, but is it --
25 how do you know who's part of the Ferguson Collaborative?

1 MS. FELICIA PULLIAM: Oh, it's an open organization.
2 Actually, each of those organizations are members of the
3 Collaborative. We've been working together since 2014. The
4 individual representatives of the organizations that are
5 listed in that letter -- it depends on who's available to come
6 to the meetings. Certainly there is consistency with
7 representation and participation. Most of the people that are
8 the core of what the Collaborative is are the citizens of the
9 city of Ferguson, the people that you've heard from today in
10 prior -- with prior opportunities to present before the Court.
11 But if it's required to have a representative for the
12 Collaborative, I'm happy to have my name associated with that.

13 THE COURT: My question is really a little different.
14 And it's not so much from this, because this says -- well,
15 because whoever handed this up said that it was going to be
16 something associated with what you were going to say here
17 today. But it does say it's endorsed by these organizations,
18 and, obviously, I know who those are. But earlier in the case
19 when people were sending in -- there was an opportunity for
20 people to send in written things, and I got things that were
21 sent to me in the mail just signed "the Ferguson
22 Collaborative." And that's always a little odd for me because
23 that's -- I don't know who authorizes the Ferguson
24 Collaborative, you know.

25 I mean, it's not like a -- in a typical legal

1 proceeding when someone sends me something on behalf of
2 someone else, I know who they are and that they are authorized
3 to say, yes, this was sent by this person; but when it's just
4 a collective and there aren't names associated with it or --
5 you know, could just anybody who's part of the Ferguson
6 Collaborative send me a letter saying it's signed by the
7 Ferguson Collaborative? And would I take -- would I be
8 correct if I said, oh, everybody in the Ferguson Collaborative
9 agrees with that letter? Or would I be -- maybe should I be
10 more suspicious? Do you understand the issue I'm asking you?

11 MS. FELICIA PULLIAM: Oh, absolutely, Your Honor.
12 The way we work is via consent. So over the course of these
13 many years working together in the Collaborative, we meet
14 regularly, at least once a month and more often than that,
15 depending on the other meetings -- City Council, NPSC, those
16 sort of things -- and we discuss what we're going to do.

17 We come to a consensus in the Collaborative what we
18 are going to do, and until this point, no one has ever gone
19 outside of that consensus. We work all of those things out
20 internally before we go public with them. And it's working
21 really well for us.

22 So we've invested a lot in our relationship, and the
23 way that the Collaborative is going to work -- certainly we
24 could get specific identification of individuals that
25 represent the organizations that are members of the

1 Collaborative and individuals that may not be members of these
2 organizations but are members of the Collaborative to you, but
3 we do our work via consensus, and we haven't had
4 any discrepancies.

5 THE COURT: Here's -- as far as you know, you
6 haven't.

7 MS. FELICIA PULLIAM: Yes.

8 THE COURT: So here's what I'm saying, is -- and
9 certainly when you stand up here in court and you talk, I know
10 who you are, and that's fine, and so I'm happy to hear from
11 the Collaborative in this sort of context.

12 But I don't think -- and it hasn't happened in a long
13 time, but I do want to express that, you know, getting
14 something from an unsigned "the Ferguson Collaborative," it
15 would be as if someone sent me a letter saying it was from, I
16 don't know, Concerned Citizens of Ferguson. I don't know who
17 those are. It's almost akin to an anonymous letter.

18 Now, certainly the Collaborative is more established,
19 but I don't know if it's actually authorized. Anybody in the
20 world could send me a letter and say it was being sent on
21 behalf of the Ferguson Collaborative. In court the way we
22 work is parties are in the case and they have lawyers, and
23 when their lawyers send me something, I know it is the
24 position of that party; but when I get something from sort of
25 an amorphous group that operate by consensus and always just

1 sends it on behalf of the Collaborative, I don't know if
2 that's authorized by your consensus or if it was just somebody
3 who didn't like you maybe who decided to send me that letter.
4 It's like entering your name in a search engine and entering
5 somebody else's name, see if my next-door neighbor is on the
6 list. Right?

7 So I'm just telling you that I don't want to get
8 letters like that. If you give them to me in a hearing like
9 this where there's a person associated with it or an
10 organization associated with it that does have a person
11 associated with it -- for instance, I know some of the lawyers
12 who work for some of these organizations.

13 MS. FELICIA PULLIAM: Yes.

14 THE COURT: So if I were actually concerned about the
15 legitimacy of a communication, I would have ways of finding
16 out although it's not normally my job to go out and search out
17 whether I'm getting things that are valid. But I just want
18 the members of the Collaborative to understand that's a
19 problem when you send things to a court. Because we're a
20 court of record, we know who's sending us stuff; right?

21 And so in the Collaborative's position I don't, if it
22 was just coming to me in the mail, as it did earlier in the
23 case, but it's been a long time since then, and it was
24 clarified. And certainly today I have this letter, and I know
25 you're the one telling me about it. But that's a concern

1 because I don't take anonymous letters generally. And if you
2 had a lawsuit, any other lawsuit -- say you had a car wreck.
3 You know, the Ferguson Collaborative couldn't write me a
4 letter and say, "I know that the light was green instead of
5 red," and I'm supposed to take that as evidence. You know,
6 that would be nothing I could -- that would be improper for me
7 to do. So that's why I want you to understand the issue with
8 the Collaborative.

9 I'm fine as long as you're at this hearing and you're
10 telling me you're behind it, you know, but that's the issue.
11 And it's just when you send things to the court, you should
12 know that. And I assume the City knows who you are and if
13 they get a letter they know what this is, but if I were to get
14 a letter like this, signed like it is, I wouldn't do anything
15 with it because it's not signed by a person.

16 MS. FELICIA PULLIAM: It's not signed by a person.

17 THE COURT: It's not signed by a person that I know
18 has authority to speak on behalf of the other people that
19 supposedly signed it. It's the authority issue as well. I
20 want you to know that's an issue in the court for the future.
21 What you're doing here today is fine. I'm happy to hear what
22 you have to say and read the letter.

23 MS. FELICIA PULLIAM: Thank you, Your Honor. I
24 understand your concern. I will take that back to the
25 Collaborative. We will get organized in a way that, when you

1 get submissions, you understand that they are authorized and
2 who they are coming from --

3 THE COURT: Thank you.

4 MS. FELICIA PULLIAM: -- specifically.

5 THE COURT: Okay. Thank you.

6 MS. FELICIA PULLIAM: Thank you.

7 THE COURT: All right. The next person on the list
8 is Justin Idleburg. Mr. Idleburg, before you start, let me
9 make sure I'm spelling your name right. Is it
10 I-d-l-e-b-u-r-g?

11 MR. JUSTIN IDLEBURG: Yes.

12 THE COURT: Okay. Thank you.

13 MR. JUSTIN IDLEBURG: Thank you, Your Honor, for
14 allowing me to speak. I come here on behalf of just being a
15 concerned citizen. I'm not a part of any of these nice
16 people's collaboratives. I come here from an outsider
17 standpoint.

18 And my two points that I would like to hit on today
19 is about transparency and accountability. You know, when you
20 talk about transparency, you want to be able to see things
21 from all sides. And when I see this whole process, there is
22 none because, when I look at what the Ferguson Police
23 Department or the City Hall as a whole does, when they do
24 things that's in their best interest with regional partners,
25 you see advertisement everywhere -- Facebook, newspapers,

1 everything. But when it comes to things like this, if you
2 just -- as you just heard from one of the other people,
3 speakers, you found out a day before, two days before, and
4 that's not being transparent or being authentic to what they
5 told you all that they would do.

6 My second thing. How are they being held accountable
7 and this process is taking four years since the DOJ came into
8 St. Louis County?

9 When I get arrested, I get a ticket. I got about 30
10 days before they come to get me. So I ask you and everyone
11 else that's a part of this process why are you all being so
12 lenient on them? They're getting federal funding. They're
13 getting state funding. There's -- I don't believe there's no
14 reason for this to be so timely, you know?

15 And while this is going on, we have state law that
16 goes on that says everything that you all talked about as far
17 as writing tickets, all that's going out the window, and they
18 do it through another arm, through the Highway Patrol, you
19 know, the writing 4,500 tickets and all of this.

20 So I ask you and many others as part of this process,
21 can we speed this process up and start getting to actionable
22 things that's going to help untraumatize the community and
23 bring community back at center to this whole process?

24 I thank you. That's the end of my statement.

25 THE COURT: Thank you.

1 MR. JUSTIN IDLEBURG: I thank you.

2 THE COURT: Thank you.

3 All right. Ms. Clines. Mildred Clines.

4 MS. MILDRED CLINES: Good afternoon, Your Honor, and
5 thank you for this opportunity to speak. I spoke once before
6 when we had our first hearing and you gave the community an
7 opportunity to speak; so I really appreciate that.

8 I wish we had more opportunity to speak, because we
9 come to these hearings when we don't have an opportunity to
10 speak and we hear things that we don't really feel like are
11 accurate, but we don't have means to point it out.

12 First of all, my name is Mildred Clines. I'm a
13 30-year resident in Ferguson. I am a member of the Ferguson
14 Collaborative. I'm also a member of the NPSC. I attend all
15 the council meetings. I'm just a very active member in my
16 community.

17 One thing that happened at one of the hearings -- and
18 I try to attend all meetings. And I know one of the things
19 that we're really concerned with, Ms. Griffin and I, we live
20 in what is considered Ward 3, which is the part of Ferguson
21 that feels marginalized and disenfranchised and neglected.

22 And so one of the things that was in the Consent
23 Decree was about reaching out to the members of the community
24 that fit in that category, you know, going above trying to
25 reach out to that community. And I still have to say, here we

1 are June 2018, and I'm not seeing very much progress. And I
2 look at -- I look to the City. I mean, as a community member,
3 I'm doing all I can, but I feel like our City could be doing
4 more.

5 The apartment complexes. I remember hearing one day
6 that the DOJ and the City was going to meet with the apartment
7 complex and just get some input from the apartment complex.
8 So I hurried over there, and there was one tenant. We had a
9 whole bunch of DOJ, a whole bunch of city officials, and one
10 tenant from the apartment complex. And that was just, to me,
11 unacceptable. I felt like more could have been done to reach
12 out to that community.

13 And I kind of want to talk about an incident that
14 happened to me, Judge Perry. It's a frustration that's coming
15 out, because not only am I an active member in the community,
16 I'm actually also an activist, and I have participated in the
17 peaceful protests that we've had just to bring awareness to
18 the issues that's going on.

19 And I was participating in a protest, and I was
20 headed back to my car. And this is where I'm frustrated,
21 because I'm working, inputting, giving my input about creating
22 policy, how we can better communicate with the police and work
23 building the relationships, and this police officer -- I was
24 headed back to my car. And I notice -- we were protesting.
25 We were chanting. And this is just, to me, indicative of the

1 behavior of the police that we still have in Ferguson that
2 still needs to change.

3 And part of the reason I feel like we're moving so
4 slow is that we do have a mayor that undermines this whole
5 process. He continues to undermine it every opportunity he
6 gets. You know, he talks about the DOJ in a negative way.

7 And I think if we can all look forward to trying to
8 do what's positive to build our city up together, we're in
9 this Consent Decree. We need to follow it. And I think if
10 more -- everybody get on board, the sooner we can see
11 ourselves moving forward.

12 But anyway, I asked this police officer a question,
13 and all I asked him was "Did you say that we need to get a
14 job? As a protestor, you need to get a job?"

15 And he was like, "If you ask me that, if you don't
16 move on, I'm going to arrest you."

17 And I said, "Did you say I need to get a job? I've
18 been on my job 40 years."

19 And he said, "You're under arrest."

20 You know, and I think he was so frustrated that we
21 were out protesting, but we weren't throwing anything. We
22 weren't destroying any property, you know. And these are the
23 kind of things that, you know, just undermine the whole
24 process.

25 And I just think that as a community and as a city,

1 I'm glad that this process is in place. We need some kind of
2 accountability for our City. We need oversight, you know.
3 And there are people who don't think that we do, but we do.

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

5 THE COURT: When did this incident that you're
6 describing to me happen?

7 MS. MILDRED CLINES: It happened in January of this
8 year. And I'm being told --

9 THE COURT: Yeah. I just was -- I wanted to get a
10 general concept of the time. Thank you.

11 MS. MILDRED CLINES: But it happened in January.

12 THE COURT: January. Okay.

13 Mr. Harvey. Thomas Harvey.

14 MR. THOMAS HARVEY: Thank you, Your Honor. My name
15 is Thomas Harvey. I'm with the Advancement Project, and I
16 was -- I had something to point out about both the sort of
17 general and the specific issues that are being raised here
18 today.

19 I think the example of the 8,200 cases that remain to
20 be dismissed that we knew about prior to this hearing as well
21 as the 1,700 that apparently still are going to survive the
22 good-cause review are a good place to start. And the reason I
23 raise this is because I think it's often lost in these status
24 hearings -- while the Court is obviously aware, and Ferguson
25 is aware, and the Monitor is aware, and the DOJ is aware --

1 why we're here; right? We're here because the DOJ found that
2 the Ferguson Police Department systematically violated the
3 civil rights of poor people and black people for a series -- a
4 number of years, and everybody in this community knows -- knew
5 that before the DOJ came in.

6 And I think it's also important to remember that in
7 terms of when we're thinking about the actions of Ferguson
8 right now that are represented in these hearings, that the
9 City of Ferguson refused to sign the proposed Consent Decree
10 initially, the DOJ was forced to sue, and then they executed
11 the agreement.

12 When the negotiation -- the -- there was an addition
13 of the good-cause provision to preserve the right of the City
14 of Ferguson to continue to prosecute cases. These cases are
15 the product of a failed legal system that was found by the
16 Department of Justice. The good-cause provision allows those
17 prosecutions to continue even though they are very likely the
18 product of that failed system, which is the reason we're here
19 today.

20 The good-cause provision is now and has previously
21 been used as a explanation for why it has taken the City of
22 Ferguson so long to dismiss the outstanding cases. That's a
23 provision that was added again by the City of Ferguson and
24 used as a reason for -- to explain their delay.

25 One other issue that I think is important, we talked

1 about another example today of why it might take time to let
2 people know that their cases have been dismissed. And I think
3 Mr. Carey is right to call into -- to note that there's a
4 privacy concern under Missouri statute about nolle
5 prosecutions.

6 There's one easy way that could have been used to fix
7 that, which is to simply have filed a motion with the court
8 saying that the cases are being reviewed for dismissal and
9 allow people an opportunity to check on Case.net if their case
10 was going to be dismissed, if there was a motion before the
11 court to dismiss it. That's one thing.

12 The other -- the inverse of that is, the concern is
13 that we would have a notice issue to people who have already
14 had their cases dismissed and the remaining cases are --
15 there's a difficulty in allowing people to know about their
16 remaining cases. That's solved by simply dismissing all of
17 the cases and not continue to --

18 THE COURT: Let me back up. I understand your point
19 about dismissing all the cases. The earlier point, have a
20 notice -- what you said was they would file a motion to
21 dismiss the cases, and then people could check and see if
22 their case was going to be dismissed? I don't quite
23 understand why that -- what you're saying there.

24 MR. THOMAS HARVEY: Well, because I think what Mr.
25 Carey raised was the question of once a case has been nolle,

1 then the case is closed, and so the public can't access it.
2 And so it would raise some privacy concerns if you simply put
3 up a document that said we've dismissed all of these cases.

4 THE COURT: Okay. Okay.

5 MR. THOMAS HARVEY: So I was saying if that were --
6 if that this is a concern --

7 THE COURT: They should have done it beforehand --

8 MR. THOMAS HARVEY: They could have easily done that
9 before, just like I get notice of -- in a case that I'm a
10 lawyer on saying this motion is before the court, and they
11 could have done that with a motion to dismiss and inform the
12 parties or --

13 THE COURT: And then sent the notice -- I mean, he
14 said earlier that when they did send out the dismissal
15 notices, they had 70 percent came back and so that what you're
16 suggesting wouldn't have solved that problem. At least 30
17 percent of the people would have gotten the notice is what
18 you're saying.

19 MR. THOMAS HARVEY: Well, also if there's an
20 electronic way to notify people, you could say, We filed
21 notices to dismiss these cases. Check this resource to see if
22 your name's on it. Then you will be informed.

23 Whether they use Case.net or not, I'm not positive
24 right now that -- many municipalities have begun to use
25 Case.net to show the pleadings in their cases.

1 THE COURT: Okay. Yeah. I just didn't understand
2 exactly what you were proposing on that. Okay. Go ahead. I
3 understood the second one, I think, which is just dismiss them
4 all.

5 MR. THOMAS HARVEY: Right. Right. Or just dismiss
6 them all.

7 And I think it's important to know for the record
8 that I'm previously the executive director of ArchCity
9 Defenders, and we sued the City of Jennings for similar
10 claims, similar concerns about -- that are raised about the
11 City of Ferguson, and the City of Jennings filed a case on the
12 same day, February 8 of 2015 -- City of Jennings has completed
13 that process. They dismissed all of those cases within six
14 months, and there was no such concern about good cause. There
15 was no such concern about notice. These things were simply
16 done because they recognized that there were some real issues
17 raised about the legitimacy of those cases.

18 THE COURT: How many did they dismiss in Jennings?

19 MR. THOMAS HARVEY: I don't know the number off the
20 top of my head. I know it was more than 2,000 that were
21 dismissed.

22 THE COURT: Okay.

23 MR. THOMAS HARVEY: And I recognize I'm out of time.
24 The last thing I wanted to say was -- or about to be out of
25 time -- is when Ms. Pulliam was up before the Court talking

1 about this issue of an unsigned letter before the Court and
2 the Court is unsure who authorized that, there's one easy way
3 to solve that, which would be for the parties to permissively
4 join the Ferguson Collaborative as a party, and then they
5 would be represented, and you would know exactly who is
6 speaking for them, and they would have a seat at the table in
7 all of these decisions instead of having to wait every six
8 months to make their concerns known to the Court.

9 THE COURT: Okay. I could start asking you about
10 joinder rules, and the collaborative is -- what is that? An
11 unincorporated association? So is this under federal loss
12 or we would -- I mean, jurisdictionally I'm not sure how one
13 does that. Usually it's --

14 MR. THOMAS HARVEY: I'm sure the various legal minds
15 could figure out a way to join the Ferguson Collaborative.

16 THE COURT: Okay.

17 MR. THOMAS HARVEY: Thank you, Your Honor.

18 THE COURT: All right. That concludes the people who
19 had signed up to speak.

20 So who wants to talk first in response to any of
21 these points? Ms. Tidwell, do you want to go first again?

22 MS. TIDWELL: They are pointing to me.

23 THE COURT: They are pointing to you. Okay. Well, I
24 think Mr. Carey wants to go last because he's hoping you guys
25 will answer the things otherwise he'd have to answer. So

1 we'll still make him answer those questions as well.

2 MS. TIDWELL: Your Honor, I just wanted to address
3 the issue with regards to billing and budgeting that Mr.
4 Chasnoff raised. So I did mention to the community last night
5 in a question about the billing. So when I took over as the
6 Lead Monitor in December, I was aware of the budget
7 constraints generally and sort of specifically to what was not
8 only the cap for each year but what was remaining for this
9 year in light of what was spent in the first year.

10 And so in holding off in billing -- so we've
11 submitted bills for our subject matter experts. My firm has
12 not billed because we anticipate that a sizeable portion of
13 the work that we're doing is going to have to be pro bono.
14 And so rather than billing and then figuring out later on
15 what's left, we thought that in fairness to the City and it
16 would be prudent to just wait and see, after all the subject
17 matter experts have been paid, to see what's left and how we
18 can operate going after that. So that was sort of -- that's
19 our intent, and that's what we planned to go forward and do.
20 I think the fiscal year ends at the end of next month. Is
21 that --

22 MR. CAREY: No. It's this month.

23 MS. TIDWELL: This month. End of June. I figured it
24 was one or the other. I always get it confused.

25 But we're mindful of the caps, and we are mindful of

1 the work ahead to do, and we're really trying to manage what
2 remains in the budget to do it in a way that we can get the
3 work done on our side.

4 Most of the work that we're doing this year is work
5 that deals with the administration and planning and budgeting
6 and the reports that the Monitor is tasked with getting out.
7 So we've spent a lot of time in our firm doing that, a
8 substantial number of hours, but we know what the budget is,
9 and we will -- when we bill at the end of the fiscal year, it
10 will reflect and be within sort of -- be within what's in the
11 budget and hopefully with enough to spare so that there's some
12 surplus, quote/unquote, for years to come.

13 As far as the tasks for each subject matter expert
14 and what we plan to do, the work flow, that's what the work
15 plan is designed to present to everyone, and that's what we
16 are working on now.

17 And so Mr. Chasnoff said he learned last night about
18 the work plan. We obviously -- in our status report that was
19 filed in March, we indicated that the work plan would be filed
20 in the fall. In the summary report that we issued along the
21 work plan, we indicated that the work plan would be filed in
22 the fall. The work plan will list all of the provisions of
23 the Consent Decree and our plan for how the City can
24 accomplish those tasks and how they can achieve full
25 compliance of the Consent Decree based on the years that

1 remain in the five years. It will indicate which subject
2 matter experts are working on these specific areas.

3 I'm in a different posture as the Monitor who also
4 serves as a subject matter expert; so I sort of got a mishmash
5 of different duties, but it will lay out sort of who is doing
6 what. So I hope that it will assuage some of the concerns
7 once the work plan is issued, but we did forecast that we were
8 planning to issue it in the fall. We actually did that twice,
9 and we did that here at the court hearing. And once that is
10 sort of laid out, my hope is that people will have a better
11 understanding of what the work is to cover -- at least what we
12 anticipate the work will be and who's -- who on the Monitoring
13 Team is tasked with completing it.

14 THE COURT: I have one question for you. One of the
15 people who spoke said that in the hearings, the quarterly
16 hearings where the public is not allowed to speak, that when
17 citizens hear things that are being said by one of the three
18 of the people addressing the court that are incorrect, they
19 don't have any way to raise their concerns.

20 Is that a role -- is that something the Monitor could
21 deal with after the hearing? If someone thought somebody said
22 something that's wrong, they could contact you?

23 MS. TIDWELL: Sure. I mean, I would be happy to --
24 we would be happen to hear that. I do know that there have
25 been communication gaps or, you know, and things -- a lot of

1 information comes fast in these hearings. The transcripts are
2 very helpful. So I think just in ironing out any
3 miscommunications or clarifying things, we are certainly happy
4 to help in that regard if we can, and certainly people are
5 welcome to reach out to us, and we can certainly try our best
6 to remedy that to the extent that we can.

7 THE COURT: All right. Yeah. I thought that would
8 probably be the answer, but I just thought the citizens needed
9 to know that. I mean, if someone believes that there's been
10 some kind of misrepresentation made to the court, then, you
11 know, or to the Monitor, then tell the Monitor, and the
12 Monitor can try to figure it out. Yeah.

13 MS. TIDWELL: Absolutely, Your Honor. And I will
14 say, I know we appreciate that Your Honor had posted the
15 motion to amend the parties' joint motion. We will
16 actually -- we will also post that on our website, and we plan
17 to post not only orders and notices as they come out but other
18 information that we think would be helpful.

19 THE COURT: Right. And I should have posted it last
20 week when it came in, but it does explain in more detail the
21 reasons for the changes. In my mind, they're pretty -- I
22 mean, nothing is minor, but they are things that are very
23 logical to modify, I thought, in the joint motion.

24 MS. TIDWELL: Right.

25 THE COURT: All right. Thank you.

1 MS. TIDWELL: Thank you, Your Honor.

2 THE COURT: So, Mr. Volek, I'll hear anything -- or
3 Ms. Senier.

4 MS. SENIER: The United States doesn't have anything
5 to add at this time, Your Honor, but if Your Honor has
6 questions, we are available.

7 THE COURT: I do. I have a question about -- let's
8 see, I think I had a couple. Let me see. Oh, well, there's
9 two. Let me ask this one. One talked about how there was a
10 tenant meeting and there was only one tenant who appeared.
11 And I wondered if there's anything that you believe can be
12 done in the future to improve participation.

13 MS. SENIER: Absolutely, Your Honor. That was indeed
14 the case the first time the parties had reached out to the
15 Northwinds apartment complex. We were only able to secure the
16 participation of one very active and engaged tenant, was very
17 useful.

18 But, nonetheless, we went back to the drawing board,
19 and we were back at Northwinds, I want to say, June 3, the
20 beginning of this month, and there were at least ten residents
21 present at the second Q and A that we tried to do, so a large
22 increase with regard to where we started, but we know that we
23 can do better. That increase is the result of more concerted
24 outreach by both the City, DOJ, and a new apartment complex
25 manager at Northwinds who is very committed to organizing the

1 residents around these issues.

2 So we're hopeful that the City can remain engaged
3 with her and the work that she's doing at the apartment
4 complex, and hopefully we can apply the lessons learned from
5 that experience to doing additional outreach in other
6 complexes.

7 THE COURT: All right. And then -- I appreciate
8 that. And then the other question is a little harder to
9 answer. I'm going to try to rephrase it a little.

10 Obviously, this is a lawsuit. We have an adversary
11 system. I signed off on the Consent Decree, and I have a duty
12 and an interest in making sure it's complied with. Although I
13 rely in large part on the -- I don't go out and investigate
14 things on my own. Obviously, courts don't do that. We rely
15 on what is presented to us.

16 And so this Consent Decree has the systems that set
17 up -- there's a plaintiff in the case. That's the Department
18 of Justice. There is a Monitor that's fulfilling the role set
19 out in the Consent Decree.

20 So I guess the question comes to the plaintiff: How
21 come you guys are being so lenient on the City? Why aren't
22 you coming, asking me to hold them in contempt of court for
23 failing to meet deadlines, et cetera? And I think I may be
24 rephrasing the question from the gentleman who asked it. I'm
25 looking in the audience now. Oh, there he is. So I may be

1 not saying it exactly the way he said it, but I guess I'd like
2 to hear the Department of Justice explain -- I mean, you know,
3 why aren't you coming and asking me to hold them in contempt
4 of court for not complying with everything?

5 MS. SENIER: Well, we appreciate that, Your Honor. I
6 think that where the Department is right now is we do
7 recognize, as you said, it's an adversarial -- it's an
8 adversarial process by design; but, nonetheless, the
9 Department has tried to engage with the City in as
10 collaborative a process as possible because we believe that's
11 the surest way to long-term, sustainable reform.

12 The remedy -- the avenues you've just referenced, you
13 know, holding in contempt, moving for contempt, are drastic
14 remedies. We haven't found ourselves -- we, quite frankly,
15 haven't felt that we're there yet. We do think that we have
16 seen a good-faith effort on the part of the City. We think
17 that we are very far along in the policy development process.
18 We see a commitment to engage in training and data collection
19 further down the road.

20 So the short answer to the question is we just
21 don't -- we haven't found ourselves there yet. We do
22 recognize that that's an avenue that's available to us. We
23 will take that step if we think that it's necessary. But
24 based on the good-faith efforts that we've seen so far, the
25 fact that we've been able to reach agreement on policies

1 regarding body-worn cameras, in-car cameras, internal
2 investigations, duty of candor, duty to report misconduct, a
3 whole suite of use-of-force policies, you know, strong drafts
4 of community engagement policies, mediation policies, all
5 signs are pointing towards progress, and that's why we haven't
6 taken those drastic steps just yet.

7 THE COURT: All right. Thank you. And, you know, I
8 think -- and you can sit down. I think the lawyers here know
9 this and the members of the public probably do too, but lots
10 of times judges ask questions because we just want to hear the
11 lawyers say the answer.

12 I thought this is what Ms. Senier was going to say
13 about contempt of court. It is a very drastic remedy. I do
14 have powers to do that, and I have done it in other Consent
15 Decree cases. And I can tell you that when you are fighting
16 everything out every inch of the way, although it may feel
17 better to get victories here and there, you know, I can yell
18 at people and say, "You must do this, or I'll put you in jail"
19 et cetera -- you can ask other people about how this works --
20 to have -- to see if people can agree and can make progress
21 when they're working together without having to do that does
22 get more results for a long term. That's been my experience.
23 That's why I believe the Department of Justice when they tell
24 me this. It's been my experience in other cases. And I'm
25 talking about even cases, you know, that are sort of more what

1 I would call normal cases, the cases where someone's not
2 making the payments they need to make or something like that.

3 Using the Draconian powers available to the Court is
4 something we do when we have to do it, but if we can get
5 progress in other ways, then that's generally preferable. So
6 I don't think anybody's being too lenient on the City. I
7 think we are here partly to get them to continue to comply
8 with this and improve.

9 I understand that people aren't always satisfied with
10 the progress. I do understand that. And I'm not saying
11 everyone should be satisfied with the progress, but I do think
12 we're having progress.

13 So, Mr. Carey, I want you to stand up now, and I want
14 to ask you some questions. Actually, there's only a couple.
15 The most serious one, I think, was that one of the people did
16 indicate that the mayor is undermining this process every
17 opportunity he gets. And that's a serious allegation, and I'd
18 like to know your response to that.

19 MR. VOLEK: Your Honor, I don't necessarily have a
20 response to that. You know, I know a lot of folks in our
21 community feel a certain way about the mayor. I feel like the
22 mayor is one member of an entire City Council, and he's one
23 vote.

24 THE COURT: Let me ask you this to take it away from
25 one person, then. Do you think the City is undermining the

1 efforts, as the client you represent --

2 MR. VOLEK: I do not.

3 THE COURT: -- rather than specifying one member of
4 the city administration?

5 MR. VOLEK: No, ma'am. I do not. I think the City
6 is still on board with the Consent Decree. This is a
7 difficult -- you know, this process is not an easy process as
8 well as -- you know, one of the things that I think the
9 City -- one of the difficulties that we face is, you know, the
10 Consent Decree is one aspect of what we do in running an
11 entire city. And so sometimes you have competing factions,
12 and so sometimes it's a little difficult to balance those
13 things. And sometimes I think our citizens may see politics
14 being played out, you know, by our politicians and these types
15 of things.

16 But, I mean, we have -- you know, as a part of the
17 group that works daily on the Consent Decree, I can tell you I
18 have not -- I have not identified any undermining as a group
19 or necessarily individually, from my perspective, but I can
20 certainly understand how folks, citizens in the community
21 might feel differently.

22 THE COURT: All right. And were there other items
23 raised that you wish to respond to?

24 MR. CAREY: Yes, ma'am. There was an item raised
25 regarding the Ferguson Collaborative. I just wanted to be a

1 little bit clear in regards to the City's -- one of the
2 allegations being made is that the City is not responding
3 properly to citizens' concerns, in particular the Ferguson
4 Collaborative.

5 Well, I can tell you this particular issue with the
6 letter that you received from the Ferguson Collaborative was
7 given to us, I think, the 4th of June, somewhere in that week,
8 and it was brought to my attention immediately. And the very
9 next council meeting we had, which I believe was the 12th of
10 June, it was addressed in detail by me specifically.

11 Now, typically what happens at the council
12 meetings -- and this is the way we normally address these
13 types of things, is at the council meetings. So what happened
14 at this particular council meeting was that there were
15 individuals from the Ferguson Collaborative who showed up and
16 they spoke at the public hearing portion. But based on the
17 way our meetings are held, they're structured. There's really
18 no response to that until the end of the meeting. And
19 sometimes the meeting, for whatever reason, can go on for a
20 couple of hours.

21 So typically what happens is, you'll have people who
22 come in, and the public response piece is at the beginning of
23 the meeting, but by the time we get to the point where anybody
24 from the City can respond, can actually respond directly to
25 the public response, folks have left already.

1 And so I don't think -- you know, there may have been
2 a couple of people who were remaining, but I think a lot of
3 folks from the Collaborative who came to speak that day may
4 have left the meeting before we had an opportunity to address
5 that. And that could be an issue -- you know, that could be a
6 structural issue. Maybe the City needs to look into maybe
7 restructuring their meetings to make it more convenient so
8 that people maybe who have family obligations or things to do
9 and can't stay till the end of the meeting. But that matter
10 and that letter was addressed.

11 As I said as I stood here before you earlier today,
12 it's important to the City to figure out a way to adequately
13 notify the public about what we've been doing with regard to
14 the amnesty program. And we have -- we did take that very
15 seriously, and I do recall my comments that night being
16 very -- you know, taking that very seriously and just kind of
17 talking to the council about different ways that we might
18 consider in notifying the public. So we do understand that's
19 an important thing not just for Consent Decree compliance, but
20 just, you know, you got people, you know, out there in the
21 community who need to know.

22 Some of the other things, Your Honor, that were
23 addressed, that was the specific thing I would like to
24 address. Anything else that was kind of addressed, unless you
25 have specific questions about it, I would much rather, from

1 the City's perspective, just let the record be what it is.

2 THE COURT: That's fine. That's fine.

3 MR. CAREY: Okay.

4 THE COURT: You know, I will say, you know, I realize
5 this doesn't seem like things are moving very quickly, but
6 there's been a lot of progress. We have policies on body-worn
7 cameras, on car cameras. I may have the camera things -- the
8 court -- the Municipal Court has made a lot of strides. I
9 realize there are people who still think there are things
10 wrong and that things aren't working right, but I think that,
11 from what has been presented to me, it appears to me there's
12 been a great deal of progress.

13 And it also appears to me that both sides are
14 continuing to act in good faith. I believe that the
15 Department of Justice is still vigorously holding the City to
16 the Consent Decree. I have not seen any change in the
17 vigorousness of the prosecution of the case from the
18 Department of Justice throughout the term of this case. They
19 have proceeded today and as they move forward the same as they
20 have since the suit was filed, which is to -- you know,
21 they're not giving up on their diligence or letting up in any
22 way.

23 The City has made some changes in personnel from when
24 the case -- the Consent Decree was originally signed, which I
25 think shows a lot of progress. They have done, as I said, a

1 lot with policing and with the Municipal Courts. And then,
2 obviously, we have a new Monitor who I believe has been
3 pushing things and providing the assistance that is required
4 under the Consent Decree. I think there's been -- it's been
5 working very well since the beginning of this year, and so I
6 think things have moved.

7 I do know that everyone -- the Monitoring Team, the
8 City, and the Department of Justice -- have been working very
9 hard on all of these issues and all of these, you know, moving
10 forward on this Decree. So, you know, I -- yes, things could
11 go faster, but I'm not -- I mean, maybe I should put that a
12 different way. We wish things could go faster. I'm not sure
13 that things could go faster given the difficulty of the task
14 that everyone has undertaken.

15 And so I would urge you to continue on this amnesty
16 issue. I think what I'm hearing is people who think that --
17 we wish the Consent Decree didn't have the exception for when
18 the City decided that they had good cause to maintain the
19 prosecution. And I understand why people wish that was
20 different in the Consent Decree, and I understand that this is
21 the Consent Decree.

22 I would urge Mr. Carey to continue, you know, making
23 sure you can provide the Monitor with the information that
24 they need so they can look at the cases you've determined
25 should -- you should continue to prosecute, and they will do

1 their review of that to see if they believe that you're
2 appropriately applying the good-cause standard, which is part
3 of what the Monitor will look at when they are able to do
4 that. I think the fact that you've been able to review over
5 8,000 citations and go through them is something that shows
6 that there has been a lot of work done on behalf of the City.

7 So I understand why people say it's not enough, but I
8 also tell you I think they've worked pretty hard on this. And
9 the Consent Decree does provide for the good cause. So to say
10 you wish you had a different Consent Decree isn't something
11 that we can deal with at this point. I mean, there's some
12 arguments for it, obviously, but, you know, I'm dealing with
13 the one we have.

14 So with that said, the other thing I want to say is,
15 I really want to commend the citizens, the City, the police,
16 the parties for showing up and the interested parties. Some
17 of you I know are from interest groups such as, you know, Mr.
18 Harvey and the people who are with -- is it the Advocate
19 Project? Advancement Project. I'm sorry. I forgot the name.
20 The Advancement Project. And I know there was someone else
21 from the Advancement Project. The people from the Ferguson
22 Collaborative.

23 But I also just want to thank all of the citizens who
24 are simply residents and people who care about this, whether
25 you live in Ferguson or you don't, for coming in and for

1 caring so much about this. The fact that you show up to the
2 meetings, that you do keep talking to people and keep saying,
3 "We need to improve this," is really important, and I want to
4 thank you all for your participation in this.

5 This is a part of what we need in our democracy.
6 This is how the court system is supposed to work and how the
7 process is supposed to work. And it depends on citizens such
8 as yourselves who are willing to show up and do say what you
9 think and listen to responses and try to work through it. So
10 I want to thank you all for what you're doing.

11 So with that said, this concludes this hearing. I
12 will send out orders setting up the next hearing. You know,
13 do check our court website if you want to see the motion that
14 was filed to modify the Consent Decree. And then, obviously,
15 as Ms. Tidwell has indicated, the Monitor's website now is up
16 and going and has the -- and also if you're not on the
17 Monitor's listserv and you want the email blast, or whatever
18 it is you send out, please sign up for them, and you'll be
19 added to these.

20 All right. So with all of that said, thank you very
21 much, and court is in recess.

22 **(PROCEEDINGS CONCLUDED AT 3:57 PM.)**

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CERTIFICATE

I, Shannon L. White, Registered Merit Reporter and Certified Realtime Reporter, hereby certify that I am a duly appointed Official Court Reporter of the United States District Court for the Eastern District of Missouri.

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

I further certify that this transcript contains pages 1 through 78 inclusive and that this reporter takes no responsibility for missing or damaged pages of this transcript when same transcript is copied by any party other than this reporter.

Dated at St. Louis, Missouri, this 2nd day of July, 2018.

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