

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
VIA VIDEOCONFERENCE

BEFORE THE HONORABLE CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

SEPTEMBER 22, 2020

APPEARANCES:

Independent Monitor: Natasha Tidwell, Esq.
SAUL EWING ARNSTEIN & LEHR LLP

Courtney A. Caruso, Esq.
HOGAN LOVELLS US LLP

For Plaintiff: Jude J. Volek, Esq.
Amy Senier, Esq.
Charles Wesley Hart, Jr., Esq.
Megan R. Marks, Esq.
Nancy Glass, Esq.
UNITED STATES DEPARTMENT OF JUSTICE

For Defendant: Aarnarian (Apollo) D. Carey, Esq.
LEWIS RICE LLC

REPORTED BY: Gayle D. Madden, CSR, RDR, CRR
Official Court Reporter
United States District Court
111 South Tenth Street, Third Floor
St. Louis, MO 63102 (314) 244-7987

(Produced by computer-aided mechanical stenography.)

INDEX

Statement by the Court	Page 3
Statement by Mr. Carey	Page 6
Statement by Ms. Barton	Page 6
Statement by Mr. Carey	Page 17
Statement by Ms. Marks	Page 19
Statement by Ms. Tidwell	Page 28
Statement by the Court	Page 37

1 (Proceedings commenced at 11:00 a.m.)

2 THE COURT: All right. Good morning. We are here in
3 the case of United States of America versus the City of
4 Ferguson, Case No. 4:16-CV-180, and we're here for a regular
5 status conference in this case involving the Consent Decree
6 between the Department of Justice and the City of Ferguson,
7 and we are doing this by videoconference, and this court is
8 now participating in a pilot program that's been approved by
9 the Judicial Conference to study the practice of livestreaming
10 audio of civil proceedings. Under the pilot guidelines and
11 with the parties' consent, a judge may allow audio of certain
12 civil proceedings to be livestreamed to the court's YouTube
13 channel where it will be accessible to the public. The
14 parties to this proceeding have consented to audio of the
15 proceeding being livestreamed to the court's YouTube channel,
16 and so I know all of the participants on the video. Who we
17 have on the video participants are the attorneys in the case,
18 the Monitor, as well as, I believe, Mr. Carey is going to have
19 his -- the Consent Decree Coordinator speaking as well.

20 We did not send out a lot of publicity about this
21 YouTube stream -- it is only audio -- because we didn't have
22 time. It just got set up very recently, although I hope there
23 are some people of the public listening, but I know we did
24 tell everyone who normally listens to this hearing and sent
25 out in the order the telephone connection. So there are two

1 different ways people could be listening to this proceeding,
2 and I hope that members of the public will take advantage of
3 that and have done so.

4 I do need to remind everyone, however, no matter
5 whether you're listening on the telephone or you're listening
6 on the YouTube channel, that no recording, broadcasting,
7 reproducing, or posting of the audio of this proceeding is
8 allowed, and that's under the rules of the United States
9 Courts. So that is the reminder about not recording, and then
10 I will start by calling on the lawyers to introduce themselves
11 for the record. Counsel for the United States.

12 MR. VOLEK: Hello, this is Jude Volek for the United
13 States.

14 MS. MARKS: Good afternoon, Your Honor. This is
15 Megan Marks for the United States, and appearing by phone, we
16 also have Charles Hart, Amy Senier, and Nancy Glass.

17 THE COURT: Thank you. And for the City of Ferguson.

18 MR. CAREY: Good morning. Good morning, Your Honor.
19 It's Apollo Carey with the City of Ferguson. City Attorney.

20 THE COURT: And, Mr. Carey, you also have some of
21 your clients who I said could be on the Zoom so they could
22 watch, and at least one is going to be speaking as well; is
23 that correct?

24 MR. CAREY: We do, Your Honor. We have -- I believe
25 our mayor, Ella Jones, is either on Zoom or the call. I know

1 our city manager is there. Of course, normally, our police
2 chief is there and also our Consent Decree Coordinator as
3 well. I'm not aware of any other. There may be some other
4 council members, but I was not made aware of it.

5 THE COURT: Yeah, and obviously, they can be
6 listening on the telephone, and we're not keeping track of
7 who's on the phone. Anyone can listen.

8 And then for the Monitor, Ms. Tidwell, would you
9 identify yourself for the record?

10 MS. TIDWELL: Thank you, Your Honor. Natasha
11 Tidwell appearing for the Monitoring Team, and I'll let my
12 colleague introduce herself as well.

13 MS. CARUSO: Good afternoon. Courtney Caruso, also
14 on behalf of the Monitoring Team.

15 THE COURT: All right. Thank you.

16 So we are here for the status hearing. I wish we
17 could have this in person, but we are still constrained by the
18 COVID pandemic and, therefore, are having this remotely and by
19 videoconference, and because of that, we have not allowed --
20 have not had citizen participation as we have done in the past
21 when we were live in the courtroom. I'm hopeful that the next
22 hearing we have, we will be able to do that, at least with
23 some social distancing guidelines still in place, but we'll
24 have to see how things proceed before we know for sure.

25 But in terms of the report on the Consent Decree, I

1 would first like to call on Mr. Carey on behalf of the City to
2 make any report that he believes is appropriate at this time
3 from -- from the City's point of view. Mr. Carey.

4 MR. CAREY: Thank you, Your Honor. As you know, as
5 we discussed, we're going to -- you know, obviously, we've --
6 you know, for those who have attended these hearings in the
7 past, typically, you know, the Monitor will go and then the
8 Department of Justice and then the City, but obviously, we've
9 all agreed to switch that up, but we've also agreed to allow
10 the Consent Decree Coordinator to give a more in-depth update,
11 which I think is only right, for the public. I mean I think
12 the Consent Decree Coordinator is on a daily basis, you know,
13 you know, pretty much implementing the Consent Decree and has
14 her ear to the ground. So I think the public deserves, you
15 know, to hear from her in terms of where she believes we are
16 in terms of our compliance. So without further ado, I'll
17 introduce to the Court Ms. Nicolle Barton.

18 MS. BARTON: Thank you, Your Honor, for the
19 opportunity to report an update on the progress that the City
20 of Ferguson has made in the last year. I just recently
21 celebrated my one-year anniversary with the City of Ferguson,
22 and it has been both an honor and a pleasure serving the
23 citizens of Ferguson. During year four, I worked with the
24 Monitor Team on setting goals and deadline dates on the work
25 plan for the courts and the police department that were lofty

1 yet achievable. During this year, we have faced many
2 unexpected challenges from pandemic to protests; however, even
3 with the pandemic, we still met the majority of all of our
4 year four work plan deadline dates and goals with the
5 exception of two, and I will start with those.

6 Paragraph 19 of the Consent Decree states the City
7 will begin to host and participate in a series of small-group
8 structured dialogues arranged by a neutral facilitator between
9 police officers and community members. This year, the City
10 partnered with Community Mediation Services to be the neutral
11 facilitator for those dialogues. I began working with CMS,
12 the Department of Justice, and the Monitor Team to develop a
13 plan for these structured dialogues. These dialogues were
14 slated to begin in April; however, due to COVID, they had to
15 be postponed. We worked together to come up with ideas on how
16 to move forward with those dialogues during this challenging
17 time. Collectively, we decided to schedule a pilot Zoom call
18 with community members and FPD, and we were able to kick off
19 the first meeting on September the 15th. I would like to
20 mention at the last minute we had an officer out sick and
21 Chief Armstrong volunteered at the last minute to fill in for
22 his officer. This was not planned, but we really appreciated
23 his leadership, candidness, and willingness to always assist
24 his department in times of need. Feedback from both FPD
25 officers and community participants regarding this dialogue

1 has been great thus far, and we are excited to discuss how to
2 continue having these dialogues moving forward.

3 Second, the City worked very hard to put together a
4 teen summit, and we collaborated with all of our local
5 colleges and universities to be vendors at the summit. We had
6 several guest speakers coming to our youth events. One of the
7 items we planned was to hold a roundtable discussion with our
8 youth on getting input on our bias-free policing policy. The
9 summit was slated for March, and due to COVID, we had to
10 cancel the summit. Since that time, I have been working with
11 the Ferguson-Florissant School District and collaborating on
12 ideas of how to gain the students' input on the fair and
13 impartial policing policy. I worked with the Department of
14 Justice and the Monitor Team to come up with questions for our
15 youth, and during the first week the students were back to
16 school, the Ferguson-Florissant School District placed our
17 questions on an assignment on the Canvas platform. The
18 deadline date for feedback is actually September the 25th;
19 however, I am pleased to say that as of this date we have over
20 120 responses from our high school students. I will be
21 working with the DOJ and the Monitor Team over the next few
22 weeks on how we can incorporate the youth input into our fair
23 and impartial policing policies.

24 I would just like to take a few minutes to explain
25 the process of developing and implementing policies as I get a

1 lot of questions on this process most of the time. The first
2 step in this process is for FPD and the Department of Justice
3 to work together to research, develop, and write draft plans
4 of these policies. Once both parties have agreed on a draft
5 policy, it is then submitted to the Monitor Team for review,
6 suggestions, and comments. Revisions are made if needed, and
7 the next step is to place these policies online for community
8 input. The most recent suite of policies, which was our First
9 Amendment policies, were online for community input for 60
10 days. Our community input is received, and FPD and DOJ work
11 together again to incorporate the community input and
12 suggestions into these policies. The Monitor Team will review
13 a final time, and once all parties are in agreement, these
14 policies are then finalized. All final Consent Decree
15 policies are currently on the FPD website.

16 Next, I would like to discuss the goals and deadline
17 dates that we set and achieved during the year four work plan.
18 First, regarding the Ferguson municipal courts, our last audit
19 was in November of 2019, and we are currently awaiting
20 feedback from that audit. However, we've done a lot of work
21 on the Comprehensive Amnesty Program, and thousands of cases
22 with fines and fees have been dismissed since the
23 implementation of the Consent Decree, and I can tell you that
24 as of December of 2019 we worked -- I'm sorry. We worked
25 specifically during this previous year on good-cause criteria

1 number two, and I can tell you as of December of 2019 the City
2 has dismissed over 500 of those cases under the amnesty
3 program related to that good-cause criteria number two. Only
4 nine of those cases remain to date.

5 During the year four work plan, we were to develop a
6 community engagement plan and a crime prevention plan per
7 paragraphs 20, 26, and 27. Since February of 2020, I have
8 been working with both the Neighborhood Police Steering
9 Committee community engagement subcommittee and the Civilian
10 Review Board community engagement subcommittee on developing
11 the community engagement plan. Over the course of drafting
12 and revising this plan, the community has decided to call this
13 plan the Ferguson Community Policing and Engagement Plan.
14 This plan incorporates community engagement efforts,
15 problem-solving policing, and police community partnerships.
16 During COVID, I continued to meet biweekly via Zoom with our
17 committee to draft and develop this plan. The draft plan was
18 submitted to the Department of Justice and the Monitor Team on
19 July 31st. Both the NPSC and CRB are planning on reviewing
20 this plan with their general groups during the month of
21 September and providing some final suggestions, comments, and
22 feedback to me in October so we can incorporate those
23 suggestions into our final draft plan for submission to the
24 DOJ and Monitoring Team for review. I would like to take this
25 time to thank all of our community volunteers that have worked

1 on this plan with me. This could not have been done without
2 them. Our draft crime prevention plan was also due July 31st
3 and has been submitted to the DOJ and Monitor Team. I want to
4 thank Assistant Chief McCall for all of his hard work in
5 researching and developing this plan. In year five, I will be
6 working with Assistant Chief McCall in incorporating community
7 input and engagement efforts as both of these plans work
8 collectively together.

9 Recently, FPD requested assistance to enhance its
10 community engagement efforts. Chief Armstrong and I have
11 collaborated with CRI-TAC, the Collaborative Reform Initiative
12 Technical Assistance Center. They will provide resources to
13 FPD to guide and build upon the current community engagement
14 program. Prior to delivery, the International Association of
15 Chiefs of Police and the Office of Community Oriented
16 Policing, otherwise known as the COPS Office, will review and
17 approve all resource material. We had our kickoff call to
18 begin the work with CRI-TAC on September the 10th, and we look
19 forward to working with them to help us advance a culture of
20 cohesion and trust between the police and the communities that
21 we serve. During this phase, the City has worked on
22 developing a policy for responding to the Neighborhood Police
23 Steering Committee's recommendations, and that draft was
24 submitted to the DOJ and Monitor Team on April the 30th, 2020.
25 I am currently working with the NPSC on incorporating the

1 general group's final comments, suggestions, and feedback to
2 finalize this policy during year five.

3 Per paragraph 25, we have established neighborhood
4 associations in each of our apartment complexes. FPD was
5 regularly attending these neighborhood meetings, and we were
6 working to establish problem-solving policing and crime
7 prevention goals with our residents. Due to COVID, we have
8 not been able to meet in person for the last several months;
9 however, we have had regular Zoom meetings with the apartment
10 complex managers and owners to assist with neighborhood needs
11 and goals. I also want to take this time to thank all of our
12 apartment complex managers and owners who have partnered with
13 us in helping our residents in these neighborhoods.

14 Per paragraphs 29 through 30 and 256 to 258, the City
15 is to develop and implement a staffing plan. In November of
16 2019, the City initiated an agreement with AH Datalytics in
17 order to develop analytical support in compliance with the
18 data elements of the Consent Decree. I will speak about this
19 further in detail later. I worked closely with AH Datalytics
20 to update the 2019 data for our 2020 staffing plan. I then
21 took the data from 2019 to revise and summarize the staffing
22 plan that was submitted to the Department of Justice and
23 Monitor Team on July 31st.

24 During year four, we have increased our efforts with
25 the Civilian Review Board. The CRB has been given all of 2019

1 complaints for review and all of the completed 2020 complaints
2 for review. During this year, Chief Armstrong and I created a
3 checklist to ensure that all evidence, including audio and
4 video footage, police reports, witness testimony, and all
5 evidence relevant to the underlying misconduct complaint would
6 be included in the file for CRB's review of investigations.
7 This has enhanced the CRB's process for reviewing complaints.
8 In addition, CRB members have been participating in the hiring
9 and promotion panels for FPD candidates. This year, we also
10 drafted a Memorandum of Understanding between the FPD and CRB
11 to enhance the process of reviewing complaints and finalizing
12 the review process. FPD is currently working with the CRB to
13 finalize this process and work on streamlining the logistics.
14 During year five, we hope to finalize the CRB training plan.

15 During year four, I worked closely with Community
16 Mediation Services to finalize a neighborhood mediation plan
17 that would promote resolutions to disputes among community
18 members and reduce the need for involvement with the criminal
19 justice system. In addition, this plan also provides a
20 community-centered mediation program as an alternative to
21 misconduct investigations for certain civilian complaints. I
22 am pleased to inform the Court that we had our first
23 successful citizen/police mediation in July of 2020.

24 On July 31st, a draft plan for reassessment and
25 revision of the municipal code was submitted to the DOJ and

1 the Monitor Team for review. This plan will be presented to
2 the City Council during year five for their approval and
3 budget allocation.

4 Per paragraph 67, FPD and courts developed policies
5 to address timely and meaningful access and services for
6 limited-English-proficiency individuals. These policies were
7 submitted on July 31st.

8 During this phase, we also worked closely with the
9 DOJ and Monitor Team to finalize the investigatory detention
10 policy and to revise the field interview report.

11 Paragraphs 83 through 89 refer to our search
12 policies. FPD has worked closely with the Department of
13 Justice and the Monitor Team to finalize this suite of
14 policies. The following policies have been approved to date:
15 Stops and detentions, warrantless searches, *Miranda*, and
16 search warrants. We are awaiting final approval for citations
17 and arrests.

18 During this year, FPD has been working closely with
19 the Department of Justice on our First Amendment policies.
20 These policies were placed on the FPD website for public
21 comment during this phase, and we are working with the DOJ on
22 incorporating those comments and suggestions. We plan to have
23 those policies finalized and conduct training during year
24 five.

25 In March of 2020, the City of Ferguson entered into a

1 contract with Benchmark Analytics to provide a software system
2 for FPD that would provide FPD with a means of a computer
3 tracking system to track our data, our use-of-force reporting,
4 and complaints instead of paper files. FPD is currently
5 working with Benchmark on developing its use-of-force forms,
6 use-of-force review, and vehicle pursuits. We are in the
7 final stage of this process and getting final approval from
8 the DOJ and Monitor Team before going live with these forms.
9 During year five, we will be working with Benchmark on the
10 early intervention and warning systems, Internal Affairs
11 intake and managements, and performance evaluation.

12 Recently, with the Department of Justice and Monitor
13 Team approval, we have finalized our body-worn/in-car camera
14 policies as well as footage sharing policy. During year five,
15 we will be developing and rolling out our roll call training
16 and in-service training in this area.

17 On July 31st, FPD submitted our salary study, which
18 was the last component to finalize our recruitment plan.

19 Regarding data collection, as I stated earlier, the
20 City initiated an agreement with AH Datalytics in order to
21 develop analytical support in compliance with the data
22 elements of the Consent Decree. Our kickoff with
23 AH Datalytics began in November of 2019 as they came to
24 Ferguson to do a site visit and begin discussions on how to
25 gain compliance in this area. Since this time, AH Datalytics

1 completed the gap analysis to evaluate how data is used in
2 FPD, what data points were needed to achieve our goals, what
3 data sets and reports were missing, how data would be
4 accessed, and finally, how these reports could be accessed and
5 utilized. Since that time, FPD has added specific signals in
6 our crime analysis data system that would allow FPD to track
7 our community policing and engagement efforts. AH Datalytics
8 helped develop our crime dashboards that report crime
9 statistics in our community. This dashboard is live and is
10 located on our Ferguson Police Department webpage. As I
11 stated above, AH Datalytics helped pull reports from our
12 current systems to update all of our 2019 data that we needed
13 to submit our staffing plan. During year five, AH Datalytics
14 will be providing FPD with support in the areas of collected
15 data related to First Amendment protected activities. After
16 we have finalized our use-of-force reporting forms, they will
17 help provide assistance in retrieving data for annual reports
18 and they will provide advice on how to best achieve compliance
19 with early intervention systems requirements. Essentially,
20 AH Datalytics will create all data products to support public
21 reporting of the data as required by the Consent Decree, and
22 if needed, AH Datalytics will create internal versions of data
23 visualizations to satisfy detailed needs of FPD that are not
24 appropriate for public release.

25 With the hard work and dedication of our staff and

1 Captain Dilworth who helped develop all of the roll call
2 trainings, the following roll call trainings were approved and
3 completed during year four: Critical incidents, investigatory
4 stops and detentions, field interview reporting, professional
5 standards and disciplinary guidelines, warrantless searches
6 and seizures, and consent to search. Also during this phase,
7 FPD has submitted the Crisis Intervention Training Manual,
8 PowerPoints and lesson plans for crisis intervention for
9 approval. FPD has also submitted the police training officer
10 program for approval. On April 30th, we submitted our draft
11 supervisor training plan. During year four, FPD has conducted
12 roll call trainings on all of its use-of-force policies, and
13 during year five, we will be working to see how we can
14 incorporate in-service training in this area.

15 And finally, during year four, both Assistant Chief
16 McCall and I worked closely with the NPSC training plan
17 committee to develop a draft training plan. We all worked
18 together to identify gaps between what St. Louis County Police
19 Academy offers and what FPD will need to develop for their own
20 in-service trainings. The draft plan was submitted to the DOJ
21 and Monitor Team on April the 30th. Finally, we will be
22 working on how to develop and implement in-service trainings
23 for year five. Thank you.

24 MR. CAREY: So, Your Honor, this is Apollo Carey. I
25 just wanted to sort of add a little bit of context to

1 Nicolle's past -- her last comment about training. I think
2 the parties just recently had a conversation about the
3 training piece. You know, the training piece of the Consent
4 Decree is an ever-evolving -- an ever-evolving piece of it,
5 and it's starting to grow to a point to where I think the City
6 is going to have to consider hiring a different -- you know, a
7 training coordinator. I think under the Consent Decree we
8 have the City agreed to hire a training coordinator. We've
9 had one of our current police officers, Lieutenant Dilworth,
10 serving in that capacity up until now, but simply the size and
11 girth of what the training coordinator is becoming under the
12 Consent Decree probably warrants the City considering, you
13 know, having a dedicated person to that who has no other --
14 you know, no other responsibility. So we're actually -- we
15 had the conversation with the Department of Justice about that
16 particular thing a week or so ago, maybe a week, maybe two
17 weeks ago, and we'll be discussing that with the council
18 tonight, as a matter of fact, to figure out how the City, you
19 know, addresses this need for the training coordinator
20 position. So I just wanted to bring that to your attention as
21 well. That is something that we've been discussing. I know
22 you've heard the Monitor bring that up in the past, and the
23 City -- you know, just to be clear, the City -- you know, we
24 have made progress under the training piece. I think
25 Ms. Barton's -- Ms. Barton's testimony here today can

1 certainly inform the Court and the public that the City has
2 made progress, but it's similar to the situation when we had
3 the Consent Decree Coordinator, which is, you know, you can
4 only go so far before you have to address this particular
5 issue, and I think we're fast approaching, if not already
6 there, to that point where we need to have a dedicated person
7 in the training coordinator's role because it has just become
8 such a robust part of what it is we're doing in this phase of
9 the Consent Decree. So I just wanted to bring that up and let
10 the Court know that the parties have been working toward that
11 and the parties just recently discussed that at its last
12 meeting.

13 THE COURT: All right. Thank you, Mr. Carey, and
14 I -- I'm encouraged both by the report but also by the --
15 your -- what you just said about the training coordinator. It
16 seems to me that you are at that point where it's necessary,
17 and obviously, it sounds like you recognize that, and I hope
18 that -- I hope that can move forward.

19 Mr. Volek, I would hear next from the Department of
20 Justice to see what else you wish to say or add, and then
21 after that, we'll talk to the Monitor.

22 MR. VOLEK: Thank you, Your Honor. Ms. Marks will
23 present to the Court and to those calling in.

24 THE COURT: Yes, Ms. Marks.

25 MS. MARKS: Thank you, Your Honor. I'd like to begin

1 by thanking the Court for making it possible to move forward
2 today with this status hearing despite the restrictions in
3 place due to COVID-19. While we too wish we could be there in
4 person, we're grateful for the opportunity to update the Court
5 and the public as these hearings are a critical opportunity to
6 provide transparency on the status of Consent Decree
7 implementation.

8 We extend our thanks to everyone who called in today
9 and thanks also to those who submitted written comments in
10 advance of the hearing. As always, we very much appreciate
11 the community's sustained engagement and commitment to this
12 process as well as the thoughtful comments provided, which are
13 very helpful to us as we continue to push forward. We look
14 forward to reviewing those in further detail.

15 And thanks also to Ms. Barton, the Consent Decree
16 Coordinator, for that detailed update on the City's behalf.
17 Since Ms. Barton has come on board as the Consent Decree
18 Coordinator just over a year ago, we have seen renewed
19 momentum. We appreciate her efforts to track all of the
20 moving pieces and to further implementation of the Consent
21 Decree over the last several months as well as her willingness
22 to provide that substantive update for today's hearing. She
23 covered a great deal, so I'll just plan to fill in any gaps
24 and then comment on a couple of topics in particular --
25 community engagement, the recent protests in Ferguson, and

1 then policies and training.

2 So starting with community engagement, this remains a
3 critical aspect of the Consent Decree. As Ms. Barton noted,
4 unfortunately, this is one area where the ongoing pandemic has
5 had an impact, delaying the structured group dialogues, but
6 we're pleased that the virtual pilot that she described
7 involving officers and members of the larger community has now
8 taken place, and while that virtual group cannot fully replace
9 in-person communication, we're glad that it was successful and
10 offers a viable format for the short term. The next steps
11 there will be to develop a schedule for more dialogues,
12 including some in-person dialogues if it's determined that
13 that can be done safely, and to recruit community members to
14 participate.

15 A couple of other updates on the community engagement
16 front. As Ms. Barton mentioned, FPD has submitted the first
17 drafts of the community engagement and community policing
18 plans, which will be reviewed by DOJ and the Monitoring Team.
19 Additionally, DOJ's COPS Office is now in the process of
20 providing technical assistance to FPD on community engagement.
21 They will be providing guidance on how to continue to reorient
22 policing in Ferguson towards community policing, and that
23 process will continue through the next several months.

24 Finally, some of the letters that were submitted for
25 today's hearing on community engagement touched upon this

1 issue. For example, we received a submission from Ferguson's
2 new mayor, Mayor Ella Jones, calling for a community
3 engagement coordinator who would develop a community
4 enforcement strategy and train volunteer community resource
5 workers with the support of the local university. We support
6 any efforts that will improve the City's ability to
7 communicate effectively and engage the community. We've long
8 thought that the City would benefit from having someone on
9 board with this expertise and very much look forward to
10 learning more about this.

11 The next topic I'd like to address are the recent
12 protests in Ferguson. During the June 4th status hearing, we
13 reported that we were monitoring the response to
14 demonstrations that took place in May and June of this year
15 following George Floyd's death. While we had no firsthand
16 information about those demonstrations, as we have not been
17 able to be on the ground in Ferguson since the onset of
18 COVID-19, we have monitored news reports and stayed in
19 communication with Chief Armstrong and members of the
20 community, and we expressed appreciation to enabling people to
21 peacefully protest at the last hearing. Since that status
22 hearing, we have received an after-action report from FPD
23 summarizing its response to the May and June protests. We
24 have since requested the use-of-force reports and arrest
25 reports that are underlying that after-action summary, which

1 FPD agreed to provide. FPD also offered to provide body-worn
2 camera footage from the protests, and we are reviewing all of
3 these materials with an eye towards if and how any of the
4 lessons learned can be incorporated into the First Amendment
5 policy review process. As Ms. Barton noted, we received a
6 great deal of community feedback on the First Amendment
7 policies since the last hearing, and we're working on
8 incorporating those now. Because we continue to monitor FPD's
9 response to protest activity, we also requested after-action
10 documentation following the protests that took place in early
11 August, around the sixth anniversary of Michael Brown's death.
12 When we receive those materials, we will review them for the
13 same purpose. So as we said in June, despite the pandemic, we
14 continue to monitor the situation with the information
15 available to us and appreciate FPD's cooperation in providing
16 the information that we seek.

17 As the Court may recall, at the last status hearing,
18 the City alerted us to its concerns that the decree is
19 inhibiting FPD's ability to retain control and command of
20 outside law enforcement agencies that respond to Ferguson to
21 provide mutual aid under what is called a Code 1000.
22 According to the City, these agencies do not want to police
23 their officers under FPD command during [audio cutout], and
24 the City also raised concerns regarding its ability to fulfill
25 the officer wellness requirements of the decree if it is

1 underresourced due to a shortage of mutual aid. Since that
2 status hearing, we have spoken directly with the chief about
3 this issue, and he provided us with an updated Code 1000 plan.
4 The parties are discussing this issue so that we can identify
5 a path forward by which FPD can enlist the mutual aid that it
6 needs while fulfilling the terms of the Consent Decree by
7 protecting individuals' rights to peaceful protest and by
8 providing for officer safety. We want to reiterate to members
9 of the public listening in today that, as always, we would
10 welcome any information from those with firsthand knowledge of
11 recent protests. Of course, there are processes we'll
12 undertake to ensure that -- you know, to verify this
13 information that we receive, but to the extent that members of
14 the public have any information that they'd like to share,
15 that's always helpful to us.

16 So turning to policies and training, the parties have
17 been working hard to incorporate public feedback across the
18 policy areas to finalize the remaining policies and to conduct
19 roll trainings to inform officers about changes in the new
20 policies so that those policies can be implemented.

21 Ms. Barton has covered almost everything on this front, so
22 I'll provide just a very brief supplement here. On the court
23 side, things are moving. The policy on fines and fees is now
24 with the Monitoring Team for final review, and we just sent
25 that over yesterday morning -- yesterday afternoon. The

1 policy on court proceedings and trials is almost ready to send
2 to the Monitor for her final review and approval. The
3 policies have finished working on that or the parties have
4 finished working on that policy and are just finalizing one
5 last attachment to it before that's ready to send over, and
6 I'd like to thank the court administrator, Ms. Courtney
7 Herron, for her help pushing those policies across the finish
8 line.

9 On the police side of things, as Ms. Barton
10 mentioned, since the last hearing, we've finalized the
11 body-worn camera and in-car camera policies, and we want to
12 just thank everyone again who provided such thoughtful,
13 detailed feedback during the public comment window for those.
14 Those policies are now available on the website and, as with
15 all policies, won't be implemented until the roll call
16 training has taken place, and the parties are working on that
17 roll call training now.

18 So now that the policies are close to being complete,
19 training has been an essential area of focus for us. Roll
20 call briefings are just the first step. FPD will also be
21 creating a training program consisting of trainings that use
22 adult learning techniques, incorporate feedback from community
23 members and officers, and are constantly being revised and
24 improved. We recently had a productive meeting with Chief
25 Armstrong, Ms. Barton, and Mr. Carey to discuss the status of

1 training, and as Mr. Carey mentioned, this is an area where
2 FPD's limited personnel capacity has hindered progress from
3 moving forward as quickly as possible. We believe FPD's
4 decision to hire a training coordinator will significantly aid
5 the City's compliance efforts and are glad to hear about that.
6 In the meantime, over the next few months, we'll continue to
7 work with existing staff to help FPD identify trainings from
8 other departments that FPD can adopt and to expand its current
9 capacity in training, including by strengthening the training
10 committee.

11 The last area I'll touch upon just briefly is the
12 Comprehensive Amnesty Program. As Ms. Barton mentioned, the
13 parties have done a lot of work on the Comprehensive Amnesty
14 Program. As we've said in the past, this is an area that has
15 really had a significant impact already. The program has led
16 to the dismissal of thousands of cases and the forgiveness of
17 a significant amount of outstanding fines and fees, and so
18 we're now awaiting the Monitor's assessment of the remaining
19 charges, and to the extent there are any next steps that arise
20 from that review, we'll undertake those at that time. We hope
21 to be able to provide a more fulsome update about this program
22 soon and think we're in a good place with the amnesty program
23 and hope to be able to close it out in year five.

24 So to conclude, we're now at the beginning of year
25 five. While in past years we focused on policy development

1 and roll call trainings, in year five, we'll be shifting to
2 measuring and assessing implementation of the Consent Decree.
3 We'll be focusing on the new data systems and forms and the
4 development of this robust training program. We'll hope to
5 see additional auditing, and even outside of the scope of
6 normal audits, we'll be requesting more documentation from the
7 City about its implementation efforts. We'll continue to
8 think about the ways that we can conduct outreach through this
9 process even in the face of COVID-19, and we'll be keeping a
10 close eye on the community engagement efforts. Overall, we're
11 optimistic that we can continue with the current momentum as
12 we enter year five and shift into this next phase. Unless
13 Your Honor has any questions, I'll leave it there. Thank you.

14 THE COURT: Sorry. I did have one question.
15 Actually, this is really just something I'd ask you to clarify
16 for any of the members of the public who are listening on
17 the -- listening to this hearing. Would you just clarify or
18 remind everyone how -- if the public wishes to make input to
19 the Department of Justice with, as you suggested, firsthand
20 knowledge about the protests, the recent protest activity --
21 how people would do that? If you could just remind the public
22 of the method that that should -- you know, where they should
23 direct those things.

24 MS. MARKS: Of course. So one good way is to email
25 us at our dedicated line, dedicated email for this case, which

1 is community.ferguson@usdoj.gov. So one more time, that's
2 community.ferguson@usdoj.gov.

3 THE COURT: All right. And I know they can also --
4 people can also contact -- the Monitor has also an email line,
5 and so I -- but I just did want to clarify that.

6 I think -- I think I'll -- I'll hear from the Monitor
7 at this point, and so, Ms. Tidwell and Ms. Caruso or whichever
8 of you wishes to present.

9 MS. TIDWELL: Thank you, Your Honor. I won't add too
10 much to the policy and training development updates you
11 received from the parties except to highlight the work of our
12 team members, Maggie Goodrich, Bob Stewart, and
13 Dr. Leigh Anderson, who have been assisting the parties in
14 moving things forward by making themselves available for
15 conferences with vendors, timely review of policies and other
16 materials, and substantive and, hopefully, helpful feedback on
17 those policies and other materials. As always, Ms. Caruso has
18 provided logistical, technical, and management support to me
19 and our subject matter consultants, and I thank her too for
20 her diligence during this challenging time.

21 When we last met, the country, the Monitoring Team,
22 and the parties were still reeling from the killing of George
23 Floyd and the resulting renewed calls for police reform along
24 with the pandemic's impact on each of us personally and
25 professionally. Through it all, everyone kept working, and I

1 applaud the City's efforts, particularly, Ms. Barton, to
2 persevere and adjust to this new normal by implementing
3 innovative strategies to achieve the Consent Decree's goals.

4 While things have not progressed with the speed that
5 everyone envisioned or would have preferred, the Monitoring
6 Team continues to believe that it is not for lack of
7 commitment from the parties in this case. To echo Ms. Marks'
8 remarks, we are heartened by Ms. Barton's involvement in this
9 matter. As her detailed update indicates, she has more than
10 fulfilled the point guard type role that is so crucial to
11 successful implementation of a consent decree. We are also
12 pleased to hear that the City is reevaluating the need for a
13 training coordinator. We would be remiss, of course, under
14 the category of pushing our luck here, Your Honor, if we did
15 not renew our recommendation that the City similarly revisit
16 the community engagement coordinator role as well. These key
17 positions, when coupled with Ms. Barton's demonstrated project
18 management skills, would drive implementation forward and
19 really put us on the homestretch towards substantial
20 compliance.

21 Moving forward, in keeping with the process we
22 established at the start of year three, the Monitoring Team,
23 specifically, Ms. Caruso, is working with Ms. Barton on a work
24 plan for year five, the release of which will coincide, as it
25 has in years past, with the release of the Monitoring Team's

1 semiannual report. The report, which we expect to file with
2 the Court later this fall, will include an update on the
3 progress of the Comprehensive Amnesty Program, which, as the
4 Court knows, is long overdue, and although Ms. Barton stole
5 most of my thunder on this topic, I will soldier on.

6 By way of some explanation and not as an excuse for
7 the delay, the Monitoring Team lost a key member to a medical
8 emergency late last year. At that time, the November 2019
9 municipal court audit had been completed, but a report of the
10 results was not generated before the team member's departure.
11 We hoped that our teammate would return in the spring and held
12 off on reporting on the audit with that expectation. Sadly,
13 it did not work out as we planned, meaning that the remaining
14 team members and I, with the invaluable assistance of
15 Ms. Marks from the DOJ and Ms. Herron, the court
16 administrator, have essentially had to reconstruct the
17 November 2019 audit remotely to develop a clearer picture. We
18 are near completion of that endeavor and, as I mentioned, will
19 provide a full update in the forthcoming semiannual report;
20 however, I wanted to provide a preview, with the Court's --
21 begging the Court's indulgence, of what we think will come out
22 of our review or encapsulation of the amnesty program's
23 progress to date.

24 As you know, Consent Decree paragraph 327 calls for
25 complete implementation of the Comprehensive Amnesty Program,

1 including the elimination of all relevant charges, fines, fees
2 from pending cases as set forth in paragraph 326. Paragraph
3 326 has four components, two of which -- 326(b) and (c) --
4 were implemented and completed prior to that first audit.

5 The remaining two components of paragraph 326 were
6 the focus of our first audit in August 2017 and all the audits
7 that have since followed. 326(d) requires the City, in all
8 cases in which a defendant has made total payments that exceed
9 the amount of the initial fines and fees imposed, to stay the
10 remaining fine amounts and close the case without further
11 action. From the start, the municipal court has tracked the
12 amounts waived pursuant to 326(d), and the Monitoring Team, as
13 part of its biannual audits, has reviewed one out of every 10
14 of those cases to confirm that the fines were reduced or cases
15 were dismissed in the amounts indicated. We hope to have a
16 total dollar figure to report in the upcoming semiannual
17 report, but as previously mentioned, we believe it is well
18 into the tens of thousands of dollars and probably higher.

19 The last component of paragraph 326, which has
20 required the most work by the Monitoring Team and the parties
21 is paragraph 326(a), which requires the City to decline
22 prosecution in open cases not yet adjudicated that were
23 initiated prior to January 1st, 2014, and elimination of
24 warrants associated with those cases except where the
25 prosecutor finds good cause to continue prosecution. A few

1 notes about 326(a). The requirement that the City decline
2 prosecution in these cases only applies to cases not yet
3 adjudicated, meaning that the defendant had yet to appear in
4 court to contest the charge or to enter a guilty plea and pay
5 the fine or implement a payment plan. In the initial audit in
6 August 2017, the City and the Monitoring Team identified
7 nearly 8,000 pre-2014 cases that fell within the Comprehensive
8 Amnesty Program. Today, that number is roughly 1,100, meaning
9 that more than 6,500 cases have been removed from the court's
10 docket through the City's efforts and DOJ's assistance. The
11 overwhelming majority of the eliminated cases were a result of
12 the city prosecutor's decision to nolle pros the matter. Some
13 were the result of guilty pleas, outright dismissals, or the
14 discovery of duplicate entries. We are working to clearly
15 define that breakdown and will finalize it in the semiannual
16 report. In that first audit where the 8,000 cases were
17 identified, it became clear that the concept of good cause
18 could not be left in the eye of the beholder, and the parties
19 began working to develop a set of criteria to guide the city
20 prosecutor's review --

21 SIRI: Here's what I found.

22 MS. TIDWELL: Sorry. Siri is yelling at me.

23 -- the city prosecutor's review of those 8,000 cases
24 as well as to provide a mechanism by which the court, via the
25 Monitoring Team, could assess compliance. The parties agreed

1 upon and implemented the five good-cause criteria around the
2 spring of 2018.

3 Applying the criteria, the City reported during the
4 fall of 2018 audit that there were 1,744 cases it identified
5 as falling within the good-cause criteria. The Monitoring
6 Team requested a breakdown of how each of these cases were
7 categorized. Criteria number one, which involves assaultive
8 behavior or reckless endangerment, there were 316 cases or
9 charges identified. Criteria number two, involving an
10 identified victim who is available to assist in further
11 prosecution, 563 cases were identified. Criteria number
12 three, involving driving while -- with a license suspension or
13 a revoked license, 857 cases were identified. Criteria number
14 four, involving a defendant who since January 2014 has been
15 convicted of an additional offense involving assaultive
16 behavior, there were zero cases classified under that
17 criteria. And, finally, criteria number five, where the city
18 prosecutor reasonably believes that the case should proceed in
19 the interests of justice and public safety, there were eight
20 cases identified.

21 During that audit, the Monitoring Team reported a
22 review of 10 percent of the cases in categories one through
23 three and all of the criteria number five cases. At that
24 time, we reported our concern that the cases categorized as
25 meeting criteria number two did not contain any notation in

1 the file of recent attempts to contact the identified victim
2 and assess his or her availability. At the time, we noted
3 that many of the offenses were shoplifting and similar
4 offenses where large retailers were listed as identifiable
5 victims. In response, the parties set out to develop a
6 protocol for assessing availability of victims pursuant to
7 good-cause criteria number two. That process involved the
8 mailing of letters to identified victims, asking that they
9 indicate their preference to continue the case or not within a
10 finite time period. Where there was no response, the case was
11 disposed of.

12 During the November 2019 audit, the Monitoring Team
13 requested and received a breakdown of the process for
14 addressing whether the 563 cases should be kept open under
15 good-cause criteria number two. In short, the City reported
16 to us that there were 428 cases where there was no response
17 from the victim to the letter. In eight cases, the victim
18 indicated a desire to continue with the prosecution. In 13
19 cases, the victim responded to the letter by stating that they
20 did not wish to proceed with the prosecution. One case was
21 kept active without a response from the victim based on a
22 companion charge in a domestic assault case that prompted the
23 city prosecutor to continue that case. Between the time of
24 the letters being sent out and the identification of the cases
25 in good-cause criteria number two, roughly 25 cases were

1 closed due to a guilty plea. Today, there are nine good-cause
2 criteria number two cases that remain open, down from 563.

3 We estimate that there are an additional 225 cases or
4 charges left open pursuant to good-cause criteria number one.

5 Good-cause criteria number five remains at eight.
6 Many of these cases are related to yard maintenance or public
7 works cases that were brought. So we may need some follow-up
8 on that front with the City to determine whether that --
9 whether that meets the criteria of public safety or interests
10 of justice.

11 And then, finally, the remaining cases, roughly 700
12 or so, are categorized as good-cause criteria number three,
13 which relates to driving with a license revocation or
14 suspension.

15 Before the Monitoring Team can report that the
16 Comprehensive Amnesty Program has been successfully
17 implemented, we would need to confirm that these cases fully
18 meet the criteria as stated in the good-cause criteria the
19 parties agreed to. It is a multipronged and somewhat nuanced
20 analysis, which I believe will require some additional
21 attention. We hope to have some further details in the
22 semiannual report, but it's unclear at this point as to what
23 the review of those cases will entail and how we will
24 accomplish that in this remote environment.

25 But, again, I would reiterate, Your Honor, and thank

1 the court staff, the City, and DOJ on their work in getting
2 the Comprehensive Amnesty Program to where we are today. Down
3 from nearly 8,000 to about 1,100 is where we are now. We're
4 not at the finish line yet, but we're close, and I think that
5 it's really commendable that as much work and attention to
6 this important project has been undertaken.

7 And, finally, Your Honor, just a few additional
8 points. The community survey. Dr. Leigh Anderson, our lead
9 on community engagement for the Monitoring Team, has connected
10 with Dr. Nyron Crawford, a professor at Temple University, who
11 is assisting us in developing and implementing methods to
12 boost participation in this year's survey given the public
13 health constraints. Dr. Crawford has contacts at St. Louis
14 University who have already done survey work in the greater
15 Ferguson area, and we hope to leverage that and build from
16 that to administer our survey in the coming weeks. We are
17 working through some budget and logistical issues but
18 anticipate that the survey will go live by mid October.

19 A virtual town hall. Building from the City's pilot
20 program and the structured community dialogues and other
21 creative uses of Zoom to connect with the community, the
22 Monitoring Team and the parties are working collectively to
23 plan a virtual town hall event for sometime next month that
24 will be timed with the release of our semiannual report, and
25 we'll report details on that as they become available through

1 our collective listservs.

2 And then, finally, as mentioned, we have completed
3 implementation on several policies, and since we're moving
4 into year five, the Monitoring Team has several audits cued up
5 for next year, first, in the municipal court area to finalize
6 the Comprehensive Amnesty Program but also in the use-of-force
7 area and in accountability. Our subject matter consultant for
8 training and use of force, Bob Stewart, has developed a
9 protocol for an audit in use-of-force reporting that we are
10 finalizing and fine-tuning. We will submit a notice to the
11 City in the coming weeks detailing the documents and reports
12 we need for the review, and we'll report back to the Court
13 with the results. Similarly, we will conduct an audit of the
14 accountability measures in the Consent Decree to include the
15 City's engagement with the -- with the CRB as well as its
16 investigation of its own internal complaints.

17 And with that, Your Honor, I'll conclude. I'm happy
18 to answer any questions you might have. Thank you.

19 THE COURT: The -- thank you. And I appreciate the
20 comprehensive reports that we've gotten from each of you all.

21 We did receive some -- the Monitor received and then
22 passed on to me some of the comments from the public that were
23 sent in because that was the mechanism we provided so that
24 people could make comments even though they weren't able to be
25 here, you know, be doing it in person, and most of those

1 comments have been addressed. At least most of the ones that
2 I considered -- well, most of the comments that were specific
3 comments. Several of the comments did reflect frustration
4 with the slowness of the progress of the work, and I think
5 everybody here shares that frustration, but those who have
6 been working on it closely, as the parties and Monitor have
7 been, have seen a huge turnaround in the pace of completion of
8 what we need to complete since Ms. Barton came online, and I
9 think that's been a very positive -- you know, positive
10 development, and so I do appreciate the, I think somebody
11 said, renewed engagement or, you know, really pushing forward
12 the progress, and I think she has done that, and I, you know,
13 appreciate the City doing that, and I think it's, frankly,
14 exciting to think that the City could hire someone to do the
15 same thing for training, and it would be, of course, wonderful
16 if the City could find a way to do that for community
17 engagement. I understand that there's only so much the City
18 can do at this point, but I would encourage everything they
19 could do.

20 There were concerns -- I guess this is really for the
21 City. One of the concerns was that the Civilian Review Board
22 had complained about not receiving all the reports that it
23 thought were necessary, and I believe Ms. Barton said that
24 those are now -- that has been worked out and those are now
25 being provided. Mr. Carey, is that -- is that your

1 understanding?

2 MR. CAREY: Yes, Your Honor. In particular, what has
3 been expressed by the Civilian Review Board is they have
4 requested that they have access to disciplinary records, prior
5 disciplinary records of all officers that, you know, arrive on
6 the scene at a complaint, at an incident that resulted in a
7 complaint, and the City's position with that has been, you
8 know, we -- you know, you have to balance the, you know,
9 providing them information that could be prejudicial as to
10 whether or not something actually happened and then also
11 giving them enough information to make a decision. So what
12 the City has done is that they've taken the position that, you
13 know, prior disciplinary records will be provided once the CRB
14 has made the decision as to whether or not the act actually
15 happened that's being complained about, and then at that
16 point, when the CRB is in the phase of deciding punishment
17 or -- excuse me -- recommendation for training or
18 recommendation for discipline, then prior disciplinary records
19 would be provided to the CRB at that time. I think, you know,
20 there's been some disenchantment with that position by -- you
21 know, by the City, but, you know, as you can imagine, you
22 know, providing certain records about people's pasts or
23 officers' pasts could potentially be prejudicial as to whether
24 or not they actually did what's being complained about in the
25 actual complaint. And so that's sort of the basis for what it

1 is you're getting from that letter, and, you know, we've been
2 working with the CRB to try to explain to them that, you know,
3 you can have what you need; it's more of a matter of timing
4 and when are you -- you know, when should the City provide
5 that to you. So that's kind of where we are in that
6 discussion, and you can kind of see from that letter what
7 their position is as well.

8 THE COURT: Yeah. Does either -- anyone else wish to
9 comment on that, either from the Department of Justice or from
10 the Monitor?

11 Okay. I do -- I do recognize what the City is
12 saying. It's analogous to the Federal Rules of Evidence that
13 when someone is charged with wrongdoing we try to decide
14 whether they did something wrong at that time and not based on
15 something they may have done before. It's a basis for why, in
16 most criminal cases, for example, we don't put prior
17 convictions into evidence when the jury is trying to decide
18 that --

19 MR. CAREY: Right.

20 THE COURT: -- particular case. There are
21 exceptions. I would encourage the City and the CRB to
22 continue working on that and try to see if there are cases
23 where you believe there may be an issue that it should be
24 presented, and certainly, if -- you know, if it has -- if the
25 CRB believes that an incident did take place, that makes --

1 it's a little different than when they're trying to make their
2 decision, and so I do hope that the City will make sure that
3 they get what they legitimately need, and I don't -- I can't
4 take a position on what's right or wrong on this because I
5 don't know enough about both sides, but I do think that you
6 all should continue working. I think that there has been --
7 I'm pleased to see that the CRB is really functioning now,
8 which took awhile to get up and running for a variety of
9 reasons, and I think that that is -- you know, I would
10 encourage as much cooperation between the police department
11 and the CRB as can possibly be given.

12 The other -- I do have another question. Well, let's
13 see. From the letters, I believe most of what -- you did talk
14 about evaluating the August incident and getting use-of-force
15 reports and -- or -- I'm sorry -- post-action evaluation, and
16 I think that's important. I think Ms. Tidwell has addressed
17 that.

18 And I do understand the other citizen comments, and I
19 would encourage you to keep making your comments. You know,
20 the Monitor is sharing with me when there are things that
21 should be shared and before each hearing, and I hope that at
22 the next hearing we'll be able to have people making live
23 comments if we can figure out a method to do it. We
24 actually -- we actually have started having jury trials in our
25 courthouse as of September, but they have -- they're very

1 limited and -- because we have to limit the number of people
2 who can come into the courtroom at any given time. Our
3 courtrooms aren't big enough for everyone, but I'm hoping
4 that, perhaps, we could do some kind of limited in-person
5 hearing, perhaps, in January, but we do have to wait and see
6 how things go. It's really a -- it's a -- it's a slow speed
7 to figure out how things are really going to work, and we
8 obviously need to protect everyone from the spread of this
9 disease, and that's -- that's just essential.

10 I believe -- let me just see if I have other
11 questions. Yeah. The -- the Code 1000 issue, I think, is a
12 continuing concern when there are outside police departments
13 brought in. That was mentioned in some of the letters as
14 well, in particular, and I knew that the Department of Justice
15 and the Monitor are looking at that. It's not something that
16 is being ignored, and they're on the ground, trying to see if
17 there are problems and see what kind of changes should be
18 made, and so I just wanted to make sure the public knows that
19 this is not something that's not being looked at, but right
20 now -- especially with regard to what happened in August, and
21 so recently, there hasn't been resolution, but it's -- the
22 parties are really working on it.

23 I guess the other thing I would say is I have been
24 really impressed in the last few months when we've had all
25 these limitations with the pandemic that people cannot, you

1 know, get together; I've been impressed with the efforts that
2 everyone in this group -- both the City, the Department of
3 Justice, and the Monitoring Team -- with all the efforts that
4 they've been doing to try to make sure that we can have
5 progress even during this time. One of the sayings we have
6 here at court is that everything takes three times as long now
7 that we have the -- under the pandemic as it did before.
8 Even, you know, everything we used to do is much more
9 difficult, and I know that is true for the City and the police
10 department and the Department of Justice and the Monitoring
11 Team, and so I do appreciate how much you have been able to
12 achieve even during this time, and the community engagement
13 piece -- I think it's great that you're figuring out virtual
14 ways to do that because that is so important, and I hope it
15 can continue and can improve as time goes by.

16 You know, I -- I too share the frustration that many
17 people have that things have not moved as quickly as we had
18 all contemplated four and a half years ago when we approved
19 this. It's not quite four and a half years but close to it,
20 and -- and I -- but I think that it has not been for lack of
21 trying, especially in recent times, and so the -- I am
22 reassured that everybody is pushing this and being -- handling
23 it and taking it very seriously, and I would want to again
24 tell the public, members of the public, that although I know
25 that there are times -- well, I know it's never perfect, and

1 it's not. I'd like it to be perfect, but this is human beings
2 doing what human beings do, and they're working hard, and I
3 believe everyone does have their heart in the right place and
4 are trying to do this, and I know that, you know, I've not
5 seen any reluctance on the part of the City to stop complying
6 with the Consent Decree, and that's what my job is -- is to
7 see whether there is noncompliance and, of course, relying
8 heavily on the Department of Justice and the Monitor because
9 this is an adversarial process, and so -- but I do want
10 everyone to -- you know, I'm very pleased with the progress we
11 are making now, and although I wish, you know, it had happened
12 yesterday, that's -- that's just how things are, and I think
13 we're doing -- people are doing as much as they can under all
14 of these difficult circumstances, but we're not going to stop.
15 I don't want anybody to think we're letting things up.

16 So anything further from any of the parties?
17 Anything further, Ms. Tidwell, from the Monitoring Team?

18 Okay. I see you shaking your head.

19 MS. TIDWELL: No, Your Honor. Thank you.

20 THE COURT: Okay. And from the Department of
21 Justice, anything further?

22 MS. MARKS: No. Thank you, Your Honor.

23 THE COURT: All right. Ms. Marks, thank you.

24 And, Mr. Carey, anything further from the City?

25 MR. CAREY: No. Thank you.

1 THE COURT: All right. Again, I want to thank
2 everyone for all the efforts they've put into this, and this
3 will conclude this hearing. I will consult with the lawyers,
4 and we will come up with a time for the next hearing. I'm,
5 right now, inclined to think it will be in early January just
6 because we usually do it every three months; obviously, we're
7 not going to do it over the holidays, but I think that -- I
8 don't know. We're all looking at the end of the year, hoping
9 that we'll have some progress to report with the pandemic.
10 Then we'll know when we can start getting together again. But
11 I'll talk to the parties about that, and we will send out an
12 order.

13 I will tell everyone, including the people who are
14 listening on the phone, that the -- the pilot project I
15 mentioned at the beginning of the hearing that the federal
16 courts are engaging in to livestream some of the civil
17 proceedings -- I believe that these public hearings do qualify
18 and will continue to qualify.

19 We've been approved; our court has been approved as a
20 pilot. In fact, today, just so you all know, this is the
21 first one in the federal judiciary. So we've -- the staff who
22 put it all together worked very hard on it, and I appreciate
23 what they've done, but I expect fully that we will continue
24 that, and so for the next public hearing, I would hope that we
25 could continue to have both the call-in line like this but

1 also a way that people could watch it on YouTube. It can't be
2 recorded on YouTube. It's simply a livestream. So it's
3 really just a question of what -- which venue people want to
4 use and also our assumption that the members of the public who
5 do listen will follow the rules and will not use other means
6 to record or broadcast the proceeding, and in court, we rely
7 on lawyers following the rules because they do, and so we're
8 hoping also that the members of the public will follow those
9 rules because we appreciate the ability to make this available
10 as we have.

11 So with all of that said, then court is in recess.
12 Thank you, all, very much. That concludes this hearing.

13 (Proceedings concluded at 12:08 p.m.)
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

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

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

I further certify that this transcript contains pages 1 through 46 inclusive.

Dated at St. Louis, Missouri, this 24th day of September, 2020.

/s/ Gayle D. Madden

GAYLE D. MADDEN, CSR, RDR, CRR

Official Court Reporter