_	ED STATES DISTRICT COURT ERN DISTRICT OF MISSOURI EASTERN DIVISION						
UNITED STATES OF AMER	RICA,)						
E	Plaintiff,)						
ν.) No. 4:16-CV-180-CDP)						
CITY OF FERGUSON, MIS	SSOURI,)						
E	Defendant.)						
	STATUS CONFERENCE VIA VIDEOCONFERENCE						
BEFORE THE HONORABLE CATHERINE D. PERRY UNITED STATES DISTRICT JUDGE							
	JANUARY 12, 2021						
APPEARANCES: Independent Monitor:	Natashia Tidwell, Esq. SAUL EWING ARNSTEIN & LEHR LLP						
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(Produced by com	nputer-aided mechanical stenography.)						

INDEX

Statement	by	the	Court .			•		•		•		•				•	•	•	Page	3
Statement	by	Mr.	Carey .	•		•	•	•	•	•	•	•	•	•		•	•	•	Page	5
Statement	by	Ms.	Nicolle	Ba	art	cor	1	•	•	•	•	•	•	•	•	•	•	•	Page	6
Statement	by	Mr.	Carey .	•		•	•	•	•	•	•	•	•	•	•	•	•	•	Page	10
Statement	by	Chie	ef Jason	Aı	cms	stı	or	ng	•	•	•	•	•	•	•	•	•	•	Page	11
Statement	by	Mr.	Carey .	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	Page	19
Statement	by	Ms.	Glass .	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	Page	20
Statement	by	Ms.	Tidwell	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	Page	25
Statement	by	Chie	ef Jason	Aı	cms	stı	or	ng	•	•	•	•	•	•	•	•	•	•	Page	34
Statement	by	Ms.	Nicolle	Ba	art	cor	1	•	•	•	•	•	•	•	•	•	•	•	Page	40
Statement	by	Ms.	Glass .	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	Page	41
Statement	by	Ms.	Tidwell	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	Page	43
Statement	by	the	Court .	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	Page	44
Statement	by	Ms.	Glass .	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	Page	45
Statement	by	Ms.	Caruso	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	Page	46
Statement	by	the	Court .	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	Page	46
Statement	by	Ms.	Tidwell	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	Page	47
Statement	by	the	Court .	•	•	•	•	•	•	•	•	•	•	•	•	•	•		Page	48

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1	(Proceedings commenced at 10:59 a.m.)
2	THE COURT: All right. Thank you. And I did I
3	guess I would ask, Ms. Glass; I thought you were going to have
4	other attorneys on the on the video as well.
5	MS. GLASS: Your Honor, our plan this morning, if
6	it's acceptable to the Court, would be for my colleagues,
7	Megan Marks, Charles Hart, and Amy Senier, to be present but
8	off camera, and I'll be the unless something unexpected
9	comes up, I'll be the one presenting for the United States.
10	Mr. Volek will not be joining us this morning.
11	THE COURT: All right. That's fine. So and let
12	me ask the clerk; are we is the YouTube started?
13	DEPUTY CLERK: Yes. We are live with YouTube.
14	THE COURT: Okay. The livestream has started. All
15	right. So this is the case of the United States of America
16	versus the City of Ferguson. It's Case No. 4:16-CV-180, and
17	we are here for a quarterly status conference and hearing that
18	is open to the public and is being provided to the public
19	through both a telephone line and a YouTube livestream, which
20	is audio only, and I do want to mention and I may, if I
21	remember, mention this again later to any of the people who
22	are observing the hearing that under the policy of the United
23	States Courts, you are not allowed to broadcast or record this
24	proceeding in any way, and if anyone should do that and we
25	were able to figure out who it was, there could be

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1	consequences, including having you be barred from further
2	proceedings.
3	So with that said, I would ask counsel for the
4	department, the United States, to please identify yourself for
5	the record.
6	MS. GLASS: Good morning, Your Honor. Nancy Glass
7	for the United States.
8	THE COURT: All right. And I would ask counsel for
9	the City of Ferguson to identify yourself for the record.
10	MR. CAREY: Good morning, Your Honor. Apollo Carey
11	for the City of Ferguson, Missouri.
12	THE COURT: All right. And I would ask counsel for
13	the the Monitor and counsel, associated counsel, to please
14	identify yourselves for the record.
15	MS. TIDWELL: Good morning, Your Honor. Natashia
16	Tidwell and Courtney Caruso on behalf of the Monitoring Team.
17	MS. CARUSO: Good morning.
18	THE COURT: All right. Good morning.
19	So all right. We are here to hear, you know, the
20	updates that you all have provided. I do hope that the
21	pandemic ends soon or we can all get vaccinated in a way that
22	we will be able to have these hearings in the courtroom, but
23	as of now, we are having only very limited hearings in public,
24	and they are mainly in criminal cases where the interests of
25	justice require that we go forward and that we have them in

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1 person. It's not so much whether they're public or not. It's
2 whether they're in person. And so we don't have the ability
3 to do that at this time for this case. So that's why we're
4 doing this again by videoconference.

5 So I would start, Mr. Carey, by asking you to make 6 any -- excuse me -- statements or provide the updates that you 7 wish to give at this time.

8 MR. CAREY: Thank you, Your Honor. I appreciate the 9 opportunity to do so this morning. Just so that Your Honor is 10 aware of -- you know, obviously, when we're in person, I 11 always like to introduce the folks in the room, but, you know, 12 just so that the Court and the public is aware of who is all 13 participating today for the City of Ferguson, on the camera 14 view, as you can see, to my left is Chief Jason Armstrong, our 15 Ferguson police chief, and then to my right is our consent 16 decree coordinator, Ms. Nicolle Barton. Who you don't see, 17 who is also in the room, but we have -- you know, she has 18 decided to sort of stay in the dead space -- our court 19 administrator, Courtney Herron, who is sort of in the dead 20 space there. On the line, I am aware of our city manager, 21 Jeff Blume, being on the line. Also, I believe our mayor, 22 Ella Jones, is -- is attending as well. I'm not quite sure. 23 There may be a couple of other council people on the line, but 24 I haven't been notified of their presence yet, so -- and how 25 we'll do this, Your Honor, if it's okay with you, is we'll

1	6 start off with our consent decree coordinator providing
2	some some pretty some very crucial updates about some
3	status of the outstanding issues on the Consent Decree, and
4	then we'll allow our police chief to supplement that with a
5	couple of additional comments if that's okay with you.
6	THE COURT: I just did the I forgot to unmute
7	myself, which I'm always telling lawyers they're not muted or
8	they're muted. So I apologize for doing that myself.
9	Ms. Barton, we'll go ahead and hear your updates.
10	Thank you.
11	MS. BARTON: Thank you, Your Honor. Good morning.
12	I'll start out by while working on our use-of-force
13	forms and our use-of-force review forms and benchmarks, we
14	realized we needed to make some minor language changes on some
15	of our use-of-force policies. We've been working with the
16	Department of Justice on amending the language to ensure these
17	policies meet best practice standards. We are currently
18	working on a supervisor checklist for our use-of-force
19	investigations and benchmarks to ensure supervisors are
20	performing a thorough and complete review of the use-of-force
21	reports. We hope to have our use-of-force forms, vehicle
22	pursuit forms, and use-of-force review forms finalized and
23	ready to go live by the end of January.
24	Once our use-of-force forms are live, we will begin
25	working with Benchmark on our accountability modules. This

section will include tracking complaints, early intervention 1 2 systems, and performance of officers. I'm working with the Department of Justice on creating what we hope to be an ideal 3 stop, search, and arrest form. FPD has been meeting with 4 5 REJIS in hopes that we would be able to customize these forms 6 to provide us with a system to fit our needs and Consent 7 Decree requirements. We will be working with the Department of Justice and the Monitor Team over the next quarter to 8 9 review these forms and ensure they capture the outcome 10 assessments required under paragraph 435.

I'm working with the Department of Justice, the Monitor Team, and Community Mediation Services to develop our 2021 schedule for the next series of small group dialogues between the community and police. We plan to use the outcomes of our community dialogues to continue building our community policing and engagement plans.

17 Captain Dilworth is finalizing the search roll call
18 training materials to provide to the Department of Justice for
19 their approval. This training will be added to the 2021 roll
20 call schedule.

In regards to our Training Plan Committee, we have recruited two professors from local universities, Professor Lee Slocum from University of Missouri and Professor Joseph Schafer from St. Louis University. They have been a great addition to an already dedicated Training Plan Committee, and

	1/12/2021 Status Conference
1	8 we are so pleased to have them on board.
2	We are entering into Phase I of our use-of-force
3	audit, and we have provided all requested information to the
4	Monitor Team for this phase of the audit.
5	During this quarter, we have finalized all the
6	body-worn camera and in-car camera policies and completed the
7	roll call trainings on these policies.
8	We have been working with the Department of Justice
9	on our correctable citation policy, and this is finally ready
10	to submit to the Monitor Team for review.
11	I have been working with Suffolk County, New York,
12	who will be providing Ferguson Police Department with a "Train
13	the Trainer" model of bias-free policing training in February.
14	This is a 24-hour training, and all FPD certified trainers
15	will be attending this training. With the Department of
16	Justice and Monitor Team's approval, this will become
17	Ferguson's bias-free policing in-service training, and all FPD
18	staff will be required to complete this training in 2021. We
19	are so excited to implement this training.
20	And, finally, we have turned over the after-action
21	reports and use-of-force documentation from the May 2020
22	protests as requested by the Department of Justice.
23	Thank you.
24	THE COURT: Either Mr. Carey or Ms. Barton, I just
25	would ask I know in the when you were discussing the

accountability module, you mentioned Benchmark, and when you 1 2 were talking about other reporting, you mentioned REJIS. Would you just state for anyone who might -- a member of the 3 public who might be listening who doesn't know -- who those 4 5 people or those entities are that you're referring to? 6 MS. NICOLLE BARTON: Yes, ma'am. 7 So Benchmark is a software system that we have hired 8 to help us develop all of our of use-of-force policies, 9 tracking system, our use-of-force review, vehicle pursuit 10 tracking system, and that will also house our early 11 intervention systems. So we'll track our system complaints 12 and track officer performance. REJIS is a regional system 13 that tracks all of the crime analysis data and our records 14 management system. So they're two totally separate systems 15 that house different information and track different data 16 requirements for our Consent Decree. 17 So REJIS is -- what we're hoping to do with REJIS is help us track all of our stop, search, and arrests because 18 19 that's a system that the officers are able to use when they're 20 pulling someone over for a traffic stop, when they're issuing

21 a citation, and it has all those required fields that are

22 required by not only the State but now our Consent Decree to

23 track the data that we need to use for tracking for the

24 Consent Decree as well.

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THE COURT: All right. Thank you.

And, yes, under the Consent Decree, we do need to be 1 2 able to monitor the performance and track what is happening, and that is -- has -- does require a lot of -- well, we used 3 to call it paperwork, but now it's data collection and forms 4 5 and things that are readily able to be collected and analyzed, 6 and so that's what, as I understand, is going on here and 7 you're working on. 8 Yes, Mr. Carey, next. 9 MR. CAREY: Yes, Your Honor. One of the things that, you know, we talked about during our status hearing in the 10 11 past and some of our citizens have expressed some concern 12 about is a situation -- excuse me -- are situations where, you 13 know, other police departments or officers from those police 14 departments are called in to the City of Ferguson to assist 15 FPD with, you know, a particular function. For example, two -- two situations come to mind. Of 16 17 course, in the past, when we've had protests, we've talked about our Code 1000 situations where we've had planned 18 19 protests, where we know we're going to need additional backup 20 for FPD to -- to sort of help police those situations, and 21 then we also have those situations where we have unplanned 22 occurrences, emergency occurrences that just happen, where FPD 23 may need to call in a backup from a different police 24 department. 25 So Chief Armstrong is going to explain for the

public's benefit and also for the Court's benefit the difference between those two situations as it relates to the Consent Decree and how the City is functioning in those two situations and also maintaining its compliance with the Consent Decree. So if Chief Armstrong would like to do that, that would be great.

7 THE COURT: All right. And as I understand it, what 8 you're talking about is this is sort of an explanation for why 9 if the citizens see police departments, police officers from 10 other departments responding to things going on in Ferguson, 11 you know, there's a reason for that, and these are some of the 12 reasons, and so -- and the situations where that might occur. 13 MR. CAREY: Absolutely, Your Honor.

14 THE COURT: Right. And so, Chief Armstrong, yes,15 we'd be glad to hear from you.

16 CHIEF JASON ARMSTRONG: Thank you and good morning, 17 Your Honor. So the first thing that I wanted to talk about is 18 a program and a system that we have here in St. Louis County 19 called the Code 1000, and what the Code 1000 system is -- it's 20 a system we created for when there is an event going on in a 21 particular jurisdiction and they may not have the resources to 22 effectively and safely manage or respond to that event. We 23 have a Code 1000 system where other agencies, other 24 jurisdictions, you know, send officers, send resources into 25 the jurisdiction where the incident is going, is going on at,

and -- and so the Consent Decree, you know, addresses these occasions because, you know, they recognize, you know, what happened with the unrest in 2014, that, you know, a lot of police departments had to come in here to help Ferguson manage and respond to what was going on.

6 And the Consent Decree has language in it that talks 7 about when we have these, these incidents, going on when we 8 need to bring in other agencies to help and assist us, you 9 know, what that help should look like and what the -- what are 10 the mandates that the Consent Decree puts on us when we're 11 getting this help. And -- and what the Consent Decree 12 explains is, you know, when we're getting this help, you know, 13 it is Ferguson Police Department's responsibility to request 14 that the agencies that are coming in to help and assist us, 15 you know, follow certain provisions that are spelled out in 16 the Consent Decree or things that we instituted into our 17 policies here at Ferguson Police Department.

18 And so what we've done, you know, since I've been 19 here, when we've had to call on the resources of the Code 20 1000 -- so the Code 1000 primarily is built for events that we 21 know about beforehand, planned events. So say if there's a 22 planned protest, and so if we know there's going to be a 23 protest on a particular date, then I can call and activate the 24 Code 1000 group, and we can go ahead and start working on what 25 resources we may need, and so as part of that planning, we

always create an incident action plan, and so anybody familiar 1 2 with, you know, the Incident Command System or the National Incident Management System, it's all these forms and 3 documentation that we use in public safety and first 4 5 responders that, you know, just kind of spell out everybody 6 that's going to be a part of that response; everybody gets the 7 same documentation so everybody understands what's going on 8 and everybody can be on the same page so we all know what to 9 expect and what everybody's roles and responsibilities are, 10 you know, as we're responding to the event.

11 And so -- so every Code 1000 that we've had -- since 12 I've been here, I speak to -- when we put together the 13 incident action plan, a part of that document has specifically 14 been the paragraphs from the Consent Decree that are spelled 15 out that we have to make the formal request to agencies that 16 are coming to assist us and -- and the requests that we're 17 making to them of, you know, what actions they can take or 18 they should take or what we would like to see, and so, you 19 know, what's documented in every one of our incident action 20 plans that we've had to put together in the last year and a 21 half or so -- that exact verbiage has been copied from the 22 Consent Decree and put in that document because that document 23 is sent out to every agency that is participating in the Code 24 1000 response, and so that's kind of our way of documenting 25 for Consent Decree purposes just to be able to show that we

are making that request, you know, when we do have these Code
 1000 responses.

3 And so as we looked at the Consent Decree and the verbiage in there and, you know, what -- what it appears the 4 5 intent behind the verbiage that was in the Consent Decree --6 you know, me personally, you know, I feel it was largely 7 surrounding, you know, big events such as a protest or if you had, you know, an active shooter or just -- just some big 8 9 event where you just had just a large amount of police 10 agencies converging into Ferguson to help and assist, and so 11 that's kind of how we -- you know, we managed that with the 12 Code 1000 response.

13 So another -- another instance that we have where we 14 may get some outside help is for unexpected events, which are 15 more -- you know, we would more so classify those as just 16 emergency situations, you know, that arise. And, you know, I 17 don't necessarily know or my takeaway is not necessarily that, you know, the verbiage in the Consent Decree is really 18 19 addressing this, and so we really haven't had a lot of 20 conversations surrounding what that looks like for us as it 21 pertains to the Consent Decree because I just don't think that 22 was really at the heart of what the Consent Decree was 23 addressing, but recently, some concerns, you know, have been 24 brought up from some of our citizens because they saw some 25 officers from another police department that responded to an

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address here in Ferguson, and so I just wanted to share some 1 2 information on what contributed to that and what happened with 3 that, and, you know, naturally, this is something that, you know, it wasn't really on our radar previously the way that 4 5 this shaped out, and so this is something that we've been in 6 contact with -- communication with the DOJ about, and we'll 7 continue to talk through this to see, you know, exactly what 8 this looks like for us moving forward.

9 But on the day in question, a 911 call came into our 10 dispatch center, and the lady on the phone was very panicked 11 and was in a frantic state, and she told us that there were 50 12 people outside of her house that were coming to beat up her 13 son or fight her son, and she also said that somebody in the 14 crowd had brandished a gun already and somebody had busted out 15 her window. And so this lady is calling in; she's screaming 16 like, you know, "Send help. Send help. Send help. Send help. now." 17

And at the moment that that call came in, all of our 18 19 officers, all of the Ferguson officers, were on other calls, 20 so we had -- so nobody was in service at that exact second, 21 and so when we have a situation like that happen, you know, we 22 start calling the supervisor and telling him, "Hey, we got 23 this call over here. You know, we need officers to start 24 breaking free," but there is a lag time in that process. If, 25 you know, an officer is standing there talking to you about,

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you know, a concern or an issue that you have, you know, we don't just turn and just run out. You know, there's a -there's a dialogue that goes along with that just out of courtesy, you know, to the citizens and to the residents.

5 And so on that particular day, given the gravity of 6 what the caller told us, "There's 50 people outside," and in 7 addition, as we were talking to the caller on the phone, she 8 stopped talking to us, and so when I say she stopped talking 9 to us is she didn't hang the phone up; she just stopped 10 communicating. So the phone line was still open, and the 11 dispatcher keeps calling her and calling her, "Ma'am, ma'am, 12 are you still there? Are you still there?" And there's 13 nothing but silence on the line. And so, you know, those -those are critical, you know, incidents that have the 14 15 potential to be critical incidents.

16 And so at that time, our dispatchers, who we also 17 dispatch for the neighboring city to Ferguson, Calverton Park, so we can see them on our screen. So we can see if they're 18 19 busy on calls or if they're in service, and so the Calverton 20 Park officers were in service at that time, and so with the 21 gravity of the situation, our dispatchers called Calverton 22 Park and asked them if they could go ahead and respond to that 23 location while we were simultaneously working on getting some 24 Ferguson officers to break free from the calls and the 25 services that they were providing so we could get them over

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there to that, to that location, and so that's what happened is Calverton Park officers responded to that location because of the gravity of the situation, and Ferguson officers responded also. We just got there after the Calverton Park officers got there because all our officers were tied up.

And so that's a little bit different scenario really 6 7 than what the Consent Decree, you know, kind of highlights and 8 really addresses, and so, you know, with this coming up and 9 some of the dialogue that's come along with it, you know, it's 10 one of the things we recognize that we need to have some 11 further conversation on and look and see, you know, how we can 12 best address, you know, scenarios like that because they are going to arise and they are going to happen, and my primary 13 14 responsibility here is if somebody needs help, I have to get 15 them help. If somebody's in danger, I have to get them the 16 help that they need, you know, in that moment.

17 And so, you know, so situations like that are not 18 uncommon. They don't happen frequently, and when -- when 19 those outside agencies respond to help us in a case like that, 20 they're there in a support role, and so, you know, their 21 primary responsibility is just -- is for the safety of people, 22 and so their ideal thing is to get there and just try to make 23 the scene safe. And we get there; we handle the report; we 24 handle the accident; we handle everything. Those agencies 25 aren't coming in here and writing the reports for us or

anything like that. We handle everything. It's just that 1 2 they have to do anything before we get there. It's almost like they're a witness to our report at that point in time. 3 And so we're going to write the report and all the 4 5 documentation, and any officer that had to contribute anything 6 to that response, they have to write a statement, essentially, 7 you know, as a witness to what they did or what they saw when 8 they got there, when they showed up, and so that's primarily, 9 you know, how it's done or how it's worked.

10 And so it's just as these concerns have recently been 11 brought up that we've been talking about, you know, we just 12 have to have some more conversations with the Department of 13 Justice to see exactly, you know, how we would classify that 14 and if there is something specific to the Consent Decree that 15 is addressing, you know, when we have, you know, those 16 incidents or issues arise. You know, we just have to get 17 together and work through it a little bit more to see what that should look like, that, you know, we would still be in 18 19 compliance with everything that the Consent Decree, you know, 20 requires of us.

But that particular incident that day, it was just about getting somebody the help that they needed when they needed it, and that always should be a top priority for us. THE COURT: All right. Thank you. And I do -- I think that's a good explanation of the two different types of

19 situations where someone would be called in from another 1 2 jurisdiction. 3 All right. Mr. Carey. MR. CAREY: Yes, Your Honor, just -- you know, just 4 5 to conclude that point, you know, that Chief Armstrong was 6 making, that does present, you know, a situation where we, you 7 know, have to just sort of work through the logistics of what those unexpected emergency calls look like for Consent Decree 8 9 compliance purposes, whether or not the Consent Decree was 10 even designed to touch those, you know, and if so and if the 11 Consent Decree was, then, you know, what do we need to do 12 policy wise to -- to help flesh out, you know, those situations. So, you know, I think the parties will get 13 14 together and figure out that dilemma and, you know, have 15 something to share with the public, you know, in the future on 16 those things. 17 THE COURT: All right. And, Mr. Carey, can you just keep your voice up just a little? You're a little quiet. 18 19 MR. CAREY: For sure. No worries. 20 THE COURT: Thank you. 21 MR. CAREY: I'll talk up a little bit, but I'm 22 actually done talking for now. The City is actually done with 23 our presentation, so we'll yield the floor to -- to Your Honor 24 to decide. I mean I can't remember if the Department of 25 Justice goes next or if it's the Monitor.

I think the Department of Justice does, 1 THE COURT: 2 and we'll ask them for any comments, and then, obviously, we can discuss all of this once we've heard from everybody. 3 So, Ms. Glass. This is Nancy Glass on behalf of the 4 5 Department of Justice; correct? MS. GLASS: That's right, Your Honor. Good morning 6 7 and thank you for this opportunity for us to brief the Court 8 and the public on progress in implementing the Consent Decree. 9 We also wanted to say we appreciate all the public comments 10 that we got before today's hearing. We really find the 11 feedback in these comments helpful and appreciate the time and 12 effort that individuals and groups took in putting those 13 comments together. I'm going to try to address as many as 14 possible of them as I can in my remarks. 15 As Ms. Barton and Chief Armstrong's presentations 16 made clear, Ms. Barton has really been critical in 17 coordinating and moving forward the City's compliance in implementing the Consent Decree, and we're just very grateful 18 19 to her for her diligence and her work with these efforts. As 20 she reported, more progress has been made in virtually every 21 area of the Consent Decree. I'm just going to add a few 22 points beyond the updates that Ms. Barton already provided. 23 In general, we'd like the public to know that in this 24 year five of implementation, we intend to shift somewhat in 25 our focus. Certainly, there are some foundational tasks in

implementation that still need to be done and, for example, in training and policy writing, but in addition to getting those tasks done, we do intend to focus more on evaluating the City's progress on the ground and auditing its compliance with the new policies that have been issued.

So our work on cameras is a good example of this 6 7 shift in policy. As Ms. Barton reported, the City says that 8 it's now completed its roll call trainings on the new camera 9 policies. So at our virtual site visit in December, we asked 10 the City to provide documentation relating to how cameras are 11 being used. There's no audit scheduled yet, but the point is 12 we're planning ahead, and when the time comes, we want the 13 City to be ready to provide the documentation that's needed to 14 show that these new policies are being implemented correctly.

15 On use of force and the First Amendment, we are 16 waiting for documentation from the City related to use of 17 force at the protest in August. As Ms. Barton reported, the City has provided its after-action reports relating to the May 18 19 protests. After we received that report after the last 20 hearing, we did ask the City to provide us the documentation 21 that was underlying that report. The City provided that last 22 week. So we now have the incident reports, use-of-force and 23 investigative reports that the after-action report was based 24 on, and we're working on reviewing those. We've also asked 25 for but -- and are waiting to receive the police department's

we get that, we'll review it carefully.
I wanted to respond to a public comment expressing
concern about the scope of our review of police department
action for the summer protests, and we absolutely agree with
the point that our review cannot be limited to simply
reviewing what police officers write in their reports. So to
that end, when we our review of the video will be very
important.
We also in the event that any complaints about
police conduct are filed with the CRB or with the police
department, we will review those, and we invite members of the
public, in particular, individuals who were at the protests,
who have information, to share. They're welcome to share it
directly with us. The best way to do so is by email.
On the community survey, we're glad to hear from the
Monitoring Team that the survey will be active soon, and we do
look forward to getting valuable feedback from the community
about how community police relations, the public safety,
the municipal courts, among other topics covered by the
survey. We agree with the public comments expressing concern
about the lack of representative responses in the last survey,
and we appreciate the Monitoring Team's efforts this time
around to ensure that they get a more representative sample.
We just wanted to say as well we appreciate Mayor Jones' offer

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1 of mobile hotspots and laptops to -- for use in getting survey 2 responses from the public efficiently and safely on the 3 ground.

On the CRB, there's been a lot of activity since the 4 5 last court hearing in meetings between the CRB and the City, 6 and they have made progress in working out agreements, 7 particularly, around sharing information. There are a few 8 areas that still need to be resolved, as reflected in the 9 public comments, and we expect to discuss those issues 10 directly with the CRB and the City in meetings over the next 11 month. The CRB does have an important role to play, both 12 under the Consent Decree and the municipal code. We expect 13 that role to last well beyond Consent Decree implementation, 14 and we're really glad the work that the City and the CRB are 15 putting in to institutionalizing their practices and 16 relationship.

17 Relating to the NPSC, there was a public -- some 18 public comments expressing concerns about lack of capacity of 19 the NPSC during the pandemic. That is concerning, and we 20 certainly agree that the City should be providing any 21 resources that the NPSC needs to do its important work, and we 22 would just urge the NPSC to reach out to the City if there are 23 particularly -- particular resources they need.

24 On the issue Chief Armstrong and Mr. Carey discussed 25 regarding the difference between Code 1000 responses and other

jurisdictions responding to emergency calls for service, the only thing I would just add is that, you know, we have spoken, as Chief Armstrong mentioned, with the City to clarify expectations. The particular incidents that gave rise to the public comments and concerns, we think -- we didn't have concerns with how that was handled, at least with regard to implicating the Consent Decree, and we'll continue monitoring.

8 Finally, just two areas that are still probably more 9 accurately characterized as being in Phase I of compliance, 10 and that's training and data. Now that most of the critical 11 policies are complete, the police department is working on 12 issuing roll call trainings on those policies, and because 13 this came up in a comment to us and also has come up at other 14 hearings, I just wanted to take a moment to discuss the role 15 of the roll call trainings, which is to brief officers as 16 efficiently as possible on the changes in policy because the 17 policies can't come into effect and officers can't be held accountable until they've been told about changes in policy, 18 19 but no one thinks that the roll call trainings, which are 20 really just performing a briefing function, could replace a 21 comprehensive, scenario-based training program, which is 22 required by the Consent Decree. We absolutely recognize and 23 agree with the public comments stating that the policies will 24 remain just that, on paper; they won't become part of 25 department practice until there's also a robust in-service

training program to put them into practice, and we do expect 1 2 in year five that the City will be turning its attention to 3 creating a training program. Finally, on the data, Ms. Barton gave a good overview 4 5 of all the progress with regard to use of force, and I just wanted to add that we do intend as well to turn to thinking 6 7 about how annual reporting will be done as well. And that's all I had, Your Honor, unless the Court 8 9 has any questions. 10 THE COURT: I do not have any questions at this time. 11 I think I'd prefer to hear from the Monitor next, and then we 12 can see if there are further questions we all might want to 13 discuss. So, Ms. Tidwell. MS. TIDWELL: Thank you, Your Honor, and thank you to 14 15 the City and to DOJ for their updates. We look forward to 16 working with the parties on getting more clarification on the 17 issues of mutual aid and Code 1000 and sort of what the distinction or sort of what the Consent Decree's applicability 18 19 to both is, and we'll be working with the parties on those 20 issues in the coming weeks and months. 21 Just to pick up on one of the issues that Ms. Glass 22 raised in her remarks with regards to the community survey, so 23 we do have -- the Police Foundation has agreed to launch the 24 survey. It's active now online, and we will send out an 25 announcement with the URL or the login address to our listserv

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1 members and to the parties so that they can distribute it as 2 well and put it on the City's website. So the City -- so the 3 survey is active for online participants.

As Your Honor remembers and as we've discussed in 4 5 prior court hearings, one of the issues is that, you know, we 6 can't do in-person -- you know, our plan to do some in-person 7 surveying to boost representation in areas that were 8 underrepresented in the last survey -- we are unable to do that due to COVID, and so working with the parties and with 9 10 Dr. Leigh Anderson, our community engagement consultant, we've 11 tried to figure out ways or sort of work with the parties and 12 with the City -- and Mayor Jones has been really helpful in 13 this regard -- in trying to overrepresent or sort of 14 oversample in some of those harder-to-reach areas of the 15 Consent Decree to sort of -- to hone in on.

16 And so the Police Foundation has worked with us. 17 They go out and develop the survey and handle reporting, but they worked with us on development of a postcard that would be 18 19 sent to not only people who have had recent interaction with 20 the municipal court in Ferguson but also to a sample, a 21 representative sample, of registered voters within Ferguson, 22 and the postcard would contain both the URL or the web address 23 for the survey, but also to address and to hopefully mitigate 24 the digital divide and the inability of some people to access the survey online, we'll also include a phone number to my 25

27 firm in Boston where a person can request that a survey be 1 2 mailed to them along with a self-addressed return envelope, and so we have -- the postcards have been developed. 3 The issue now with the Police Foundation mailing them out is just 4 5 we just have to finalize the contract between the Monitoring 6 Team, the City, and the Police Foundation because, Your Honor, 7 the payment structure for the Consent Decree is that our 8 bills, the Monitoring Team's bills, get submitted through the 9 City, and so that would include our subject matter experts and 10 any other consultants that we engage, to include the Police 11 Foundation, and so we have -- last week, we gave the City a 12 revised contract for -- from the Police Foundation, and my 13 hope is that Mr. Carey and the City officials will be able to 14 review that and return that back to us relatively soon so that 15 we can get the postcards mailed out, but the Police 16 Foundation, knowing sort of the -- you know, the anticipation 17 for the survey and getting it started, has agreed to launch 18 the survey even though the contract is not fully executed at 19 this point. And the --

THE COURT: And so just so it's clear, the survey is up and live now. So although it doesn't -- for people who don't have the capacity to go online to get it, the postcards and the phone number aren't out, distributed yet, but they will be shortly, and -- but people can go in online, and then this is where the mayor, I believe, did offer some places

1/12/2021 Status Conference 28 where there would be hotspots or ability for people to -- if 1 2 they didn't have Internet -- to, perhaps, answer the survey 3 online. Is that correct? MS. TIDWELL: That's right, Your Honor, and then we 4 5 will also -- when we send out the announcement with the web 6 address, the URL for the survey, we'll send the phone number 7 for people to request to have a survey mailed to them. So you 8 certainly don't have to wait to get a postcard in the mail 9 with the phone number. The phone number will be sent out as 10 well so that people could call and have a survey mailed to 11 them. 12 Right. And I would encourage if there THE COURT: are people listening to this, members of the public and, of 13 course, anyone else who -- you know, people associated with 14 15 the City, to please, you know, publicize this to the extent 16 you're able to. Tell your friends and neighbors that there 17 will be ways to do it even if you don't have Internet access, 18 and try to get -- we'd like to see as much participation as 19 possible. Everyone wants that. 20 All right. Go ahead, Ms. Tidwell. 21 MS. TIDWELL: Thank you, Your Honor. And then we did 22 have some radio spots. St. Louis Public Radio was able to 23 help us with that to -- to, hopefully, boost participation or

25 that the survey is coming, and Dr. Anderson will be planning a

at least sort of to get people knowledgeable and sort of aware

trip, a return to Ferguson, to do some, you know, not 1 2 in-person survey taking but, certainly, some -- some more publication and on-the-ground sort of promotion of the survey 3 4 in the coming weeks. 5 THE COURT: All right. Thank you. MS. TIDWELL: And so moving on from there, Your 6 7 Honor, the -- as we reported during the court hearing in, I 8 think it was, June and in September, one of the issues that 9 we've faced this year is in trying to push out or issue our 10 second semiannual report for calendar year 2020, and I 11 decided -- I had made the decision that we would issue an 12 update on the Comprehensive Amnesty Program along with that 13 report, and that just took longer to put together than I had 14 anticipated, and so rather than issuing an interim report or 15 providing some other means to sort of update as to what had 16 gone on, to provide some update as to the work of the parties 17 or the -- the City, in particular, during this year, we held 18 back the report while we tried to sort of piece together the 19 Comprehensive Amnesty Program. And, certainly, as part of 20 some of the feedback that we've gotten, some of the helpful 21 feedback, you know, we'd look to -- we don't anticipate 22 another kind of delay as to what happened this year, but 23 certainly, we would look to ways to update the community as to 24 these delays, some other mechanism beyond sort of coming to 25 these court hearings and saying that it was delayed. We will

1 find some other way to get that out because we know that it is 2 important for people to be updated on the status of these things, but the semiannual report has now been given to the 3 parties who would have -- I think it's 15 days under the 4 5 Consent Decree to look through it, to get us back any helpful 6 feedback that they might have, and then we would issue that 7 report after the parties complete their review. So we sent 8 that to them this morning so that we would be able to say to 9 you at the court hearing today that we had sent the report to 10 the -- to the parties, and so we have done that, and we look 11 forward to hearing from them.

12 The report will include the work plan for year five, 13 for 2021, and so this is much like last year at this time. 14 The work plan for the year comes out -- it came out, I think, 15 at the end of January last year, so we anticipate that that 16 will be about the same this year. Just, you know, as 17 Ms. Glass mentioned, some of the issues or areas of priority for year five will be training, the training plan. We're 18 19 happy to hear Ms. Barton again reiterate that the City has 20 some help from two folks from the academic spaces in the 21 St. Louis/Ferguson area, and so we hope that they'll be 22 helpful in the development of the robust training plan that's 23 needed under the Consent Decree, something beyond the roll 24 call training, as Ms. Glass mentioned. We, again, sort of --25 you know, our call for the City to engage someone for that

task specifically, as they did for the consent decree 1 2 coordinator position, but also to have someone dedicated to the training function who has skills in that area. We, you 3 know, again, affirm sort of our belief that that would be 4 5 really helpful in terms of putting together curriculum and 6 navigating or figuring out sort of where the State-required 7 POST certification trainings and the Consent Decree trainings 8 overlap and identifying gaps and figuring out how to address 9 those. Excuse me. So we hope that the City will consider 10 that still or if the academic support that they've gotten from 11 the area colleges are not able to fulfill that, that they look 12 to hiring out either on an interim basis or for a long term.

13 The other areas that we would be looking to in year 14 five would be auditing. As Ms. Glass mentioned and 15 Ms. Barton, the City did respond to the Monitoring Team's 16 response for records for the use-of-force audit, and so now 17 the -- the Monitoring Team, Bob Stewart and I, will look through the City's response and determine what level of 18 19 records we need in order to conduct a fulsome audit of 20 use-of-force reporting. The -- rather than wait for Benchmark 21 and the other data related, which will certainly make auditing 22 easier, we decided to move forward with the use-of-force audit 23 even before the use-of-force report was generated 24 electronically through Benchmark because the policies in that 25 area were far enough along that we felt that it was time to

1 start auditing in that area, and so we will be doing it the 2 old-fashioned way with paper. Mr. Stewart will schedule a 3 site visit to the City to conduct a review of reports that 4 we've identified that fall within the audit reports. So our 5 body-worn camera footage or whatever it is that's needed to 6 assess compliance with the use-of-force provisions and the 7 use-of-force reporting provisions.

8 And lastly, Your Honor, just with regards to the 9 municipal court and the Comprehensive Amnesty Program, as the 10 semiannual report will -- will detail in a little bit more, a 11 little bit more at length, the Comprehensive Amnesty Program 12 is just about completed. The City is at or near complete 13 implementation with the exception of two provisions of the good-cause criteria, good-cause criteria number three and 14 15 good-cause criteria number five.

16 And so good-cause criteria number three deals with 17 license suspension and cases kept open if the defendant has an open "operating after suspension" charge and if that charge 18 19 did not, essentially, stem from the defendant having failed to 20 appear at another court hearing or failed to pay a fine at 21 another court hearing. And so there are about 800 cases that 22 remain open under good-cause criteria number three, and so 23 within this year, the Monitoring Team will be working with the 24 parties and with the Court to try to determine how the -- the 25 city prosecutor and how the City determine that the cases left

open did not fall, were not generated from a defendant having failed to appear or the defendant having failed to pay a fine, and so as soon as we have some sort of comfort that the cases that were left open under this criteria were assessed or evaluated to make sure that they actually fall within that criteria, then we'll be able to sign off on compliance with good-cause criteria number three.

8 The remaining criteria, good-cause criteria number 9 five, deals -- is the sort of catchall provision that permits 10 a case to be kept open in the interests of justice, and as we 11 noted in -- in our report, I think, in 2019, in looking at the 12 eight or so cases that were kept open under good-cause 13 criteria number five, I think about six of them deal with yard 14 maintenance and sort of those kinds of things, and so we'll be 15 working with the City to try to delve a little bit deeper as 16 to whether or not, you know, a six- or seven-year-old failure 17 to maintain your yard or whatever it is falls within sort of in the interests of justice needs to be kept open under 18 19 good-cause criteria number five.

And, oh, one other point just on auditing, Your Honor. In year -- in this year, the next area of our focus would be the accountability provisions even though, you know, once again, Benchmark may not be -- the module for that may not be at completion, but we would be working with the City and with the parties to start auditing in that area as well.

	34
1	And I think that's it.
2	THE COURT: All right. Thank you.
3	Mr. Carey, can you discuss in a little more detail
4	the issue of training and the comprehensive training plan and
5	where the City stands on that? I know the citizens are very
6	interested in what's going on. I know the roll call training
7	has been, you know, successfully done on many of the policies,
8	but we need to, you know, add the rest, and so I and this
9	was raised, I think, in one of the citizen letters, and so I
10	think that's one thing I'd like to hear you comment on a
11	little more.
12	MR. CAREY: Your Honor, yes. I think it'd probably
13	be appropriate for Chief Armstrong to give a little more
14	detail to you on where we are with that aspect of the
15	training.
16	CHIEF JASON ARMSTRONG: Yes. Thank you, Your Honor.
17	So as was mentioned earlier, there are really two
18	components when we talk about training. We have the roll call
19	trainings, which, as Ms. Glass explained, that's nothing more
20	than just a review of a policy, and so that is not an
21	extensive, in-depth training class, and so what the Consent
22	Decree calls for is for us to have pretty much an extensive
23	in-service training platform, a program that we want to make
24	sure that our officers are getting the training that they need
25	and also the training that is required as to the Consent

Decree. And so the Consent Decree, you know, spells out what 1 2 those trainings should look like and what they should include, and as we try to develop those, you know, we have to send them 3 to the DOJ for their approval and so on of what that looks 4 5 like, and we're a small department. We're a small department. We are understaffed, and we do not have a training 6 7 coordinator. We do not have a dedicated training professional 8 on this police department, and so we have people that have 9 other duties and other responsibilities that also try to work 10 on this training in addition to the other duties that they are 11 fulfilling.

12 And so one of the things that we tried last year --13 we, you know, had pretty much worked through the bulk of our 14 use-of-force policies, and we took a stab at trying to create 15 our own in-service, use-of-force training, and so the process 16 that we utilized in doing so is we communicated with some 17 other cities across the nation that are under consent decrees 18 that already have DOJ-approved use-of-force training programs 19 and training classes that they are implementing, that they're 20 working off of, and so we got some examples, you know, from 21 some other cities, and so we took that, and we compiled it to 22 try to create our own use-of-force training that would meet 23 the standard of our in-service training, the standard demanded 24 under the Consent Decree. And so we put that training class 25 together and sent it to the DOJ to see what they thought about

36

1 it, and -- and that training and the feedback that we got from 2 the DOJ is that we were nowhere near what their expectation 3 was for what they would want to see in that training class and 4 how they would want to see that training provided, and -- and 5 it took us an enormous amount of time to do that work and to 6 put that together, and when we got it to them, you know, the 7 response was, "No, this is not what we're looking for."

8 And so that really laid the foundation for, okay, you 9 know, we -- as we are currently set up and as we are currently 10 staffed, you know, we don't have that professional with that 11 background that has took the time to dedicate to creating 12 these trainings that -- that would -- that would commute the 13 standards and the requirements under the Consent Decree, and 14 so after that, we kind of went back to the drawing board, and 15 we had some additional conversations, you know, with the 16 Department of Justice, and so I think, you know, they sent us 17 some recommendations, and I think that's how we got to some of the professors here in the St. Louis area, for us to try to 18 19 talk with them and see what other kind of additional help or 20 resources we could get in that area because typically and what 21 every other city or what every other police department in the 22 state of Missouri works off of is Missouri Peace Officer 23 Standards and Training Council, so Missouri POST. And so --24 you know, so Missouri POST mandates that every police officer 25 in the state of Missouri has to get a minimum 24 training

hours each year, and they dictate, you know, some of those 1 2 training hours have to be in specific areas, and then the other hours can just be in electives, you know, for the 3 officers, and so we have -- you know, regionally, we've had --4 5 so, locally, we have the St. Louis County Academy that they 6 put on training classes that all of their training classes are 7 Missouri POST-approved, and so an officer goes to that 8 training class, and then they get their POST credit that goes 9 towards their mandated 24 hours so they're able to maintain 10 their law officer certification.

11 And so when we first started working on our training 12 program, that was largely what we looked at, to see what 13 classes were provided at the St. Louis County Academy and see how that matched up with, you know, the requirements of the 14 15 Consent Decree. The problem that we ran into or the problem 16 that that presents to us is -- I can't say every last one of 17 them, but for the most part, what we've looked at with the 18 training that was offered and provided that meets the State of 19 Missouri's level and authorized mandates for training does not 20 meet the Department of Justice standards of training, and so 21 those training classes where we could go there and we could --22 we could -- you know, we could get the training and then just 23 authorize -- it's approved training through the State of 24 Missouri, but it doesn't meet the Department of Justice 25 requirements and demands for how the training is to be taught

38

and what -- you know, what all the components, you know, have to go into it and everything that has to be provided to the Department of Justice for them to sign off that we've met our Consent Decree requirements.

5 And so, you know, like I said, we're a small 6 department, so we don't have our own training academy, we 7 don't have our own training division, you know, to create all 8 of those things, and so it's really us trying to figure out 9 how do we get this done and -- and what additional resources 10 can we get at our disposal to assist us in getting this done 11 really is what the challenge is before us because there are 12 plenty of training classes out there, but like I said, there 13 is just different levels of requirements and standards, I 14 would say, as far as what, you know, every other police 15 department and every officer is authorized to get compared to 16 what Ferguson has to get. And so really, we're just -- you 17 know, it doesn't exist in this area, and we're having to 18 create it or find ways to create it.

And so with the bias-free policing program, you know, we were able to contact another agency that has gone through the DOJ process and has an approved training, and they're coming here to put it on for us, but, you know, that takes a lot of heavy lifting, and so, you know, that's not something that we could do every month -- have a different agency come into town just to put on this training. So it's -- you know,

it's a lengthy process in us trying to get there, and so, you 1 2 know, we are trying to get some more help and some more assistance and resources on the training front to where we 3 could create, you know, more of that content ourselves and get 4 5 it approved by the DOJ where we have more flexibility on how 6 it gets presented because, you know, part of the challenge for 7 me is, you know, we could have somebody come, but now, you know, I have to be able to send officers, you know, to the 8 9 training class. So now I'm taking officers off the road, you 10 know, that need to be out there responding to things. So now 11 we're talking about scheduling: How many officers do I have 12 on this team? How many officers on that team? So there's a 13 lot that goes into this. Because of our staffing level right 14 now, you know, that makes it, you know, a challenge for us, 15 and that's why it's difficult for us to be able to use an 16 outside entity like St. Louis County Police Academy. You 17 know, even if they had a class that met the Department of Justice standards, those classes may be put on four or five 18 19 times a year at most. That's not enough for me to get all of 20 my officers into that training, for all Ferguson officers to 21 attend that training in a year because if it's only offered 22 five times, I don't have enough people to be able to send 23 enough people to the training class each time that it's 24 offered. So those are some of the challenges, you know, that 25 are presented to us, and we're looking at it to try and find a

1 way to work through those to make sure that we're meeting the 2 requirements of the Consent Decree.

3 THE COURT: Well, and as you indicated, the work that you're doing with the New York -- Suffolk County, New York, on 4 5 bias-free policing training is a good model, but there are 6 other ways to do this. Am I correct in understanding that the 7 two professors that Mr. Carey mentioned are people who are 8 going to assist you in at least figuring out a little more on 9 how you might be able to do this? Is that correct? Is that 10 what part of what you -- what they're working on?

11 MS. NICOLLE BARTON: Hi, Your Honor. It's Nicolle. 12 So the two professors that we've recruited actually have 13 joined our Training Plan Committee, and I just want to 14 piggyback off of what Chief Armstrong said, you know, that we 15 don't have our own police academy. When I got here, myself, 16 Assistant Chief McCall, and our Training Plan Committee did a 17 thorough review of what St. Louis County Police Academy does offer, and we took a look at -- we set it side by side with 18 19 our Consent Decree, and we realized really quick though 20 St. Louis County Police Academy does offer trainings in lots 21 of areas, that they only touch on areas. They may touch on 22 certain policing. They may touch on problem-solving policing; 23 they may touch on bias-free policing, but it's not really a 24 robust training with the requirements that we would need to 25 have, and so we realized really quickly -- when we looked at

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that, we did a thorough gap analysis of what St. Louis County has and can offer us and what we need to have in-house, and we realized that we did need to look outside of that to help us create or to help us find departments that had really good, robust, in-service training that we could work with them on, and that's how we ended up working with Suffolk County, New York, for our bias-free policing training.

So, you know, and as Chief Armstrong stated, we're 8 very short-staffed and we just don't have, you know, the 9 10 manpower to dedicate someone to do that, and our two 11 professors that we've added to the Training Plan Committee --12 we haven't had an outside discussion on if they can help us or 13 consult with us as far as our overall training. They're 14 offering their insight and their expertise on our training 15 plan and looking at, you know, our -- our PowerPoint 16 presentations and helping offer assistance in that area. So 17 we really still need a dedicated person that can help us with 18 the development of training overall.

19THE COURT: All right. Ms. Glass, do you have any20comments on the City's efforts in this regard and where we21think we're headed next?

MS. GLASS: Thank you, Your Honor. I just wanted to be clear on one point in Chief Armstrong's comments relating to the use of County courses. DOJ has no objection to Ferguson using -- making use of the -- at least in part of the

42 community or -- excuse me -- of County resources for classes 1 2 and having that be part of its training plan. In a lot of ways, that makes a lot of sense to not create everything from 3 scratch. We've never been given a set of lesson plans or 4 5 details about a County course and assessed it and said it 6 doesn't pass muster. So my understanding was that the City 7 was turning more to creating its own resources more because of staffing issues and its own needs, but in the event that, at 8 9 any point, the City decides that it wants to use the County 10 courses it has available, we're certainly open to reviewing 11 those materials and seeing if they would meet the Consent 12 Decree requirements both in method of presenting 13 information -- so best practices for adult learning and that 14 kind of thing -- and also for the content that's required by 15 the Consent Decree, and we do intend to continue discussions 16 with the City about the resources needed to actually build a 17 sustainable training program.

THE COURT: Yeah, and as I understand what Ms. Barton 18 19 is saying, that the City did do the kind of gap analysis or 20 whatever analysis of what the County offers and does see that 21 there are -- that the offerings may lack the specificity in 22 certain areas that are needed, but what you're saying is the 23 training offered by the County academy may provide a basis or 24 at least a ground-level training that would be appropriate but 25 they'd need more, and so I hope you all will continue to

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1	discuss this with one another because it is a crucial area,
2	and we've you know, we've talked about it a lot, and I know
3	everybody wants to get it done. The City's lack of resources
4	is always a continuing problem.
5	Ms. Tidwell, do you have anything to add on this
6	training issue?
7	MS. TIDWELL: I would just say, Your Honor, you know,
8	I agree with Ms. Glass that having the conducting a gap
9	analysis or at least sort of getting the City to start the
10	trainings with what the County provides and then looking to
11	what's you know, what's leftover and maybe thinking of a
12	way to develop that separately, it could be you know, it
13	could be as simple as, you know, a couple of provisions of the
14	Consent Decree that aren't covered or a couple of areas that
15	the police department may internally be able to put together
16	itself or to to develop on its own, but we won't know until
17	we sort of get it in front of us and we take a look. And so,
18	hopefully, the resources that they've brought on board, that
19	they've recruited will help them to sort of look at it with
20	that kind of critical eye to see maybe it could be developed
21	internally, whatever the gaps are. Certainly, having Suffolk
22	County come in and do this "Train the Trainer," even though
23	it's specifically for bias-free policing, may help the City to
24	identify its own internal capacity for providing training, and
25	maybe some of these folks who are doing the "Train the

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Trainer" can be people who can train in other areas or sort of provide that bridge between what the County provides and what's required under the Consent Decree. So I'm hopeful that, you know, if everybody rolls up their sleeves, that we can get there, but it's just -- you know, it's just a matter of we just have to see it, and then we can assess and sort of move on from there.

8 THE COURT: Right. And so I would encourage the City 9 to follow through with that and provide that information. I 10 mean I think you all can have some discussions with the 11 Training Committee as well as the department or however the 12 City chooses to approach it, but getting, you know, the basic 13 concept that you've all discussed before of taking -- if there 14 is -- you know, if some basic stuff is available from the 15 County or otherwise, doing that, but then as Ms. Tidwell says, 16 having -- figuring out what you can add onto it to bring it up 17 to the level you need, and, perhaps -- I know you've done a 18 lot of work, Ms. Barton -- and the City -- on getting the 19 Suffolk County people in to do this "Train the Trainer," and 20 that may be a good model for you to see how they do it, and it 21 also may identify which of your own trainers may have real 22 interest, you know, your internal people who are doing some of 23 the training for the department, in addition to their other 24 duties. It may identify people who maybe really can take on a 25 higher role in that and devote more resources and more time to

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1 it. So I would just encourage everyone to keep working on it.
2 I know, you know, it's another one of those things we wish
3 could go faster, but just keep working and let's see if, at
4 the next report, we can have -- you know, hear a little more
5 about this.

Are there any other areas, Ms. Tidwell or Ms. Glass, 6 7 that you think I should ask the City about, or is there 8 anything else the City wants to say? I think you all have 9 covered most of the areas that I thought you were going to 10 cover today, and your remarks have dealt with some of the 11 things that were raised in the comments from the public that 12 were sent in, and I appreciate the public remaining interested 13 in this. I know there are some -- there are a number of 14 issues that the parties are continuing to work on, obviously, 15 and so I look forward to getting the Monitor's report and then 16 also seeing how the survey goes as well as the other things 17 you've mentioned here today.

18 Ms. Glass, from the department's perspective, do you 19 have other points or issues you'd like to raise or comment on? 20 MS. GLASS: Thank you, Your Honor. The one 21 additional thing -- with the Court's permission, I just wanted 22 to provide our community email address since I did invite 23 members of the community to share any information, in 24 particular -- well, on any topic but, in particular, relating 25 to the police action in regard to the summer protests. So if

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1	that's all right
2	THE COURT: Yes, please.
3	MS. GLASS: Thank you. It's
4	community.ferguson@usdoj.gov. That's
5	community.ferguson@usdoj.gov. Thank you, Your Honor.
6	THE COURT: All right. And, Ms. Tidwell, I know
7	you've advertised it, but can you also provide the address for
8	where people can send you comments if they wish to do that? I
9	know it's up on the websites.
10	MS. TIDWELL: Yeah. I'm going to ask Ms. Caruso to
11	do that, and then she can probably also give the address for
12	the community survey because I know that I cannot do that
13	because I'll mess it up. So I'm going to turn it over to her.
14	MS. CARUSO: Sure. So the easy one is our email
15	address, which is fergusonmonitor@hoganlovells.com, and that's
16	hoganlovells.com, and then the URL, which is a little bit
17	trickier, so we will, of course, follow up with an email, is
18	https://tinyurl.com/fergusoncommunitysurvey. That one's a
19	little lengthier, so we'll send that out via email if anyone
20	has questions, but, again, it's
21	https://tinyurl.com/fergusoncommunitysurvey.
22	THE COURT: All right. Here's what I'll ask all of
23	the lawyers to do for me is send to me or to my office the
24	appropriate these emails in writing, and I'll ask the
25	City and the City, I'd like to have you include also the

1	47 one where you want the comments, whatever it is, and I'll make
2	sure that we have those appropriately listed on the Court's
3	website as well so that if anyone goes to our court website,
4	which is under moed.uscourts.gov is where we are, but
5	it's but if you look at we'll put we'll make sure we
6	have that prominently displayed on the page for Ferguson.
7	There's a page on the website that says "Cases of
8	significance" or something of that manner, and there's one
9	that talks about has this, this case, and so we'll make
10	sure that we can get those prominently displayed, including
11	the URL for the survey so that that will be an additional
12	place where citizens can go to look for this information, but
13	then you all post it as well, as you've indicated, so we'll
14	try and have alternate places.
15	All right. Thank you, Ms. Glass.
16	Ms. Caruso or Ms. Tidwell, anything else from the
17	Monitor that you think you'd like to add at this time?
18	MS. TIDWELL: Excuse me. One more thing, Your Honor,
19	that I forgot to mention. The Monitoring Team has been
20	discussing with the parties and it was part of the public
21	comment a mechanism for comments that are sent to the
22	Monitoring Team in advance of these hearings, having those
23	posted somewhere so that folks can refer back to them, and so
24	we have discussed it amongst us. We anticipate that they'll
25	be put on the Monitoring Team's website. We're just trying to

	48
1	figure out, sort of navigate sort of what the you know,
2	whether it's everything. We're working with the parties to
3	figure out sort of, you know, how the mechanism for how
4	that's going to happen, but we anticipate that it will be, you
5	know, if not all of them, close to all of the comments in
6	their entirety, but we're just finalizing getting sign-off on
7	everyone on that.
8	THE COURT: Right. And so that will be on the
9	Monitoring Team's website, and I do think that's the
10	appropriate place to put that kind of comments at this time.
11	So that is good once you can get that set up.
12	MS. TIDWELL: Okay.
13	THE COURT: Thank you for reminding me of that.
14	Mr. Carey, anything further from the City with regard
15	to anything?
16	MR. CAREY: No, Your Honor. The City, at this point,
17	rests.
18	THE COURT: All right. Well, I I will just say,
19	you know, to everyone, I know I know this I know I've
20	said this before, and I know it may not be much comfort to
21	citizens who are wishing we had moved faster and that
22	everything had moved faster on this, but progress is still
23	being made, and it is everyone is working hard. The
24	combination of the lack of resources at the City, which is a
25	problem every city and every police department has in the

49

United States, is, actually, during the pandemic, a massive 1 2 problem, but it's a problem that I believe that the City of Ferguson is working to deal with as best they can, but the 3 4 lack of resources and then the issues of the things the 5 pandemic has done to slow down the progress and the inability 6 to have in-person meetings, I know, has been a frustration, 7 and we all just have to hope that we will be -- at some point, 8 be able to be in the same rooms with one another and that the 9 City can reach out to the members of the public and others 10 here can as well, but I do appreciate -- I just -- I will say 11 to the members of the public, please be patient. Don't think 12 that because it may not always be obvious, that work is not 13 being done. There is a lot of work being done.

And I do want the City to step up on the training issue. We've heard that a lot. We want the City to keep doing that, but I do also want everyone to know that we are -everyone is trying to work hard, and it is just even more difficult than it was before because of the pandemic, and we're hoping that things will change.

I will schedule and I will work with the parties to come up with a date for another hearing in a few months, and I hope by then maybe everybody will be able to say we've all gotten our vaccine. No. We'll do it before everybody gets their vaccine because I'm not sure that's going to happen as quickly as we'd like, but we'll do it -- you know, there will

	50
1	be another meeting like this within the next two to three
2	months, probably late March, early April, or somewhere in that
3	range, and maybe end of April. I'm not sure. I'll talk to
4	the parties, but we will do that again.
5	And so I appreciate everyone participating here
6	today, and this concludes this hearing session, and court is
7	in recess. Thank you, all.
8	(Proceedings concluded at 12:13 p.m.)
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CERTIFICATE

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

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

I further certify that this transcript contains pages 1 through 50 inclusive.

Dated at St. Louis, Missouri, this 5th day of February, 2021.

/s/ Gayle D. Madden

GAYLE D. MADDEN, CSR, RDR, CRR

Official Court Reporter