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5
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11
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13
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15
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17
18
19
20
21
22
23
24
25

INDEX

Statement by the Court	Page	3
Public Comments:		
Cassandra Butler		5
Mayor Ella Jones		10
Statement by Mr. Carey		15
Statement by Ms. Glass		36
Statement by Ms. Tidwell		46
Statement by Mr. Carey		55
Statement by the Court		59

1 **(Proceedings convened in open court at 10:02 a.m.)**

2 **THE COURT:** Good morning. We are here in the case of
3 United States of America versus the City of Ferguson, Case
4 No. 4:16-CV-180. This is the quarterly public hearing
5 regarding the Ferguson -- City of Ferguson Consent Decree
6 with the Department of Justice.

7 Before we begin, I do want to state that this
8 proceeding is being live-streamed, as I understand it. The
9 audio is being live-streamed. So I want to remind everyone
10 who is listening, as well as, of course, those people here
11 in the audience, that any recording or broadcasting or
12 photographing in any way of this proceeding is forbidden by
13 the national rules of the federal judiciary, and so please
14 do not do that. If anyone should do it, that could result
15 in your being banned, might make us have to stop doing the
16 live-streaming, so please don't do that. I assume everyone
17 will follow those rules as everyone has so far.

18 All right. So we're here to hear from the public.
19 Before I do, I'll ask the lawyers to introduce themselves
20 for the record. Would counsel for the plaintiff, Department
21 of Justice, please identify yourselves for the record.

22 **MS. GLASS:** Good morning, Your Honor. Nancy Glass for
23 the United States. And with me here this morning are
24 Amy Senier and Jorge Castillo.

25 **THE COURT:** All right. Thank you.

1 And for the City of Ferguson?

2 **MR. CAREY:** Good morning, Your Honor. Apollo Carey
3 with the City of Ferguson.

4 **THE COURT:** And for the Monitoring Team?

5 **MS. TIDWELL:** Good morning, Your Honor.
6 Natasha Tidwell on behalf of the Monitoring Team.

7 **THE COURT:** Thank you, Ms. Tidwell.

8 So I think we're going to begin -- we only have two
9 people who signed up to give public comments today. We do
10 have the procedure we've used in the past where there's a
11 light box on the lectern that we came up to -- when you come
12 up to talk, and it will be green, and it's a five-minute
13 limit. When you get to four minutes the yellow light will
14 come on and when your five minutes is up the red light will
15 come on. I know that the people who've signed up to speak
16 have spoken here before and have no problem with that. And
17 once you've spoken then we're going to hear from the
18 lawyers. So we'll hear from you all first.

19 I do want to say that I have been, as always, talking
20 with the lawyers and monitoring what's going on, talking to
21 the Monitor, monitoring what's been going on, which is
22 required as my role as the judge overseeing the compliance
23 with the Consent Decree, and progress is being made. I'll
24 let the lawyers tell you about it.

25 There's -- as always, there are things we wish were

1 happening faster, but I am generally pleased with the
2 progress. But I definitely want to hear what any members of
3 the public have to say. As I said, only two people signed
4 up, but after we hear from those two people, if anyone else
5 does wish to speak, we've got time for that to happen.

6 So, Ms. Butler, if you'll come up to the lectern.
7 And, as I think you know, since you've been here before,
8 start by stating your name, and then I'll be happy to hear
9 anything you have to say.

10 **MS. CASSANDRA BUTLER:** Thank you, Your Honor.

11 My name is Cassandra Butler. I'm a resident of
12 Ferguson, and my talk is -- or my comment is going to be on
13 behalf of the Neighborhood Police Steering Committee.

14 So that committee has written a statement. I think we
15 planned to deliver it at the September, but it's still
16 relevant today, so I'm going to read the statement on behalf
17 of the Neighborhood Police Steering Committee. I might
18 stumble a little bit because I'm realizing I need reading
19 glasses.

20 **THE COURT:** No problem.

21 **(Ms. Tidwell hands Ms. Butler a pair of glasses.)**

22 **THE COURT:** There we go.

23 **MS. CASSANDRA BUTLER:** Helpful. Thank you.

24 Good morning, Your Honor. I am speaking on behalf of
25 the Neighborhood Police Steering Committee.

1 We are concerned that the current composition of the
2 Ferguson City Council is not receptive to input from certain
3 sectors of the community. Section 3 of the Consent Decree
4 requires that the City Council "receive input from a diverse
5 and broadly representative set of members of the Ferguson
6 community," quote, unquote, and established the NPSC as a
7 formal vehicle with which to receive input from those
8 community members.

9 Hearing the diverse opinions, preferences, and need of
10 our community, and responding to them in a respectful and
11 constructive way are essential for building trust between
12 the City of Ferguson and its residents, and trust is the
13 basis for every provision of the Consent Decree.

14 We are here to present one particular troubling event
15 concerning the relationship between the City Council and the
16 NPSC. The City reauthorizes their conflict of interest
17 ordinance every two years. In preparation for this year's
18 renewal, the NPSC spent many months prioritizing discussion
19 of this ordinance in our monthly meetings. We felt that the
20 ordinance needed to be revised to more closely match the
21 needs of the Ferguson community and cover important issues
22 not addressed by state statute.

23 On March 22nd of this year, the NPSC made a formal
24 presentation to the Ferguson City Council with our
25 recommendations for changes to the Conflict of Interest

1 ordinance. When the presentation ended there were no
2 questions or comments from the Council.

3 Over the next several months the NPSC repeatedly asked
4 for a formal response to our presentation. Because of our
5 persistence, the Council finally put their response on the
6 agenda for the June 14th meeting. The response was quick.
7 Without allowing comment or clarification from the NPSC,
8 they asserted that we were out of our lane and dismissed our
9 recommendations with disrespectful and demeaning comments.

10 We believe review this ordinance is an important part
11 of the NPSC duties as provided by Section 21-D and 23 of the
12 Consent Decree. The Consent Decree specifically tasks the
13 NPSC to "provide recommendations to the City Council with
14 regard to reform and amendments to the Ferguson Municipal
15 Code," end of quote.

16 These provisions do not limit the NPSC's review to
17 ordinance specific to community policing. We are also
18 justified in reviewing the Conflict of Interest ordinance
19 because it has important associations with community
20 policing. The stated purpose of this ordinance is to insure
21 that decisions by Council be independent, impartial, and
22 responsible to the people, and that the public has
23 confidence and integrity in the government. Perceived
24 violations of these trust issues by government led to the
25 unrest that followed the killing of Michael Brown, Junior.

1 Trust is crucial.

2 I see I'm limited in time.

3 **THE COURT:** You can go ahead and read the rest of it.

4 **MS. CASSANDRA BUTLER:** Okay.

5 Furthermore, the ordinance helps provide transparency
6 on the Council members' backgrounds and mindset as they set
7 new policies. Some of these policies directly affect
8 community policing. Some examples: The choice of companies
9 supplying material to the police department or directives to
10 the FPD on how they police certain neighborhoods and
11 business areas and the methods of enforcing code in levying
12 fines.

13 Rather than consider or comment on the NPSC's
14 recommendation to tailor the ordinance to our community's
15 particular need, the Council voted to eviscerate the entire
16 Conflict of Interest ordinance and limit the compliance to
17 the obligations set by the state.

18 By dismissing the NPSC comments, the current Council
19 majority showed it has little interest in receiving nor
20 appreciating community input. There have been many examples
21 of this attitude. One example, Mayor Jones' proposed task
22 force to solicit ideas and support from noted leaders in the
23 St. Louis area was dismissed with the comment, "We have all
24 the expertise we need right here on this dais."

25 That statement represents the typical mindset and

1 approach. Certain members of the Council have little
2 interest in hearing alternate voices of the community. The
3 NPSC sees this attitude as particularly threatening to the
4 success of the Consent Decree. This attitude brings some
5 Council members to these quarterly hearings to tell you to
6 retire; to demand that you dismiss the Monitoring Team; that
7 they be included in every meeting between the Department of
8 Justice and the Ferguson Police Department, as if they
9 understand and represent the opinions and preferences of the
10 entire Council, the NPSC, and the community at large. It is
11 the same attitude that allows certain Council members to
12 bring all of Ferguson's problems on the Consent Decree,
13 continuing to inflame race relations by fueling white
14 grievances while dismissing the mistreatment of Ferguson's
15 black population.

16 As long as the City Council maintains this "we note
17 all" attitude, the future of the Consent Decree is in
18 jeopardy. Police policies that were reviewed and approved
19 by the NPSC are already being modified without our
20 knowledge. There's little to insure that our new policing
21 policies will remain in place once the DOJ oversight ends.
22 There will always be tension between public safety and
23 equitable policing.

24 It only takes a little to tilt the balance back to the
25 policies that led to the events of 2014. The Consent Decree

1 obligates the City to seek input from all parts of our
2 community. The City Council must do this to understand the
3 needs of the community, to insure that those needs are being
4 met, and that trust is being built to insure a positive
5 future for Ferguson.

6 Thank you, Your Honor.

7 **THE COURT:** Thank you, Ms. Butler.

8 All right. The other person who signed up was
9 Mayor Jones. If you will step forward and, as usual, make
10 your statement.

11 **MAYOR ELLA JONES:** Good morning, Your Honor, and thank
12 you for the opportunity to speak before you. And I just
13 would like to say welcome to our new Consent Decree
14 Coordinator, Betty Johnson.

15 The Ferguson Police Department has engaged in
16 community policing with the community in various ways,
17 including efforts from "Balling With a Cop," gun violence
18 seminar with the Boys and Girls Club, hiring fairs at
19 Harris-Stowe State University, to working with the YMCA Good
20 Food For All program, and the North County Mayors and Chief
21 Collaborative Conversation Cohort concerning behavioral
22 health, and the Deference Law Center report addressing
23 violence in the City and in the County.

24 Also, as we speak, the Ferguson Police Department,
25 with four cadets, along with officers and staff, they are

1 doing "Shopping With a Cop," and I think they've been doing
2 this for at least four or five years. And I'm pleased to
3 say that the IBEW, the International Brotherhood of
4 Electrical Workers, of Local 1 always donates \$5,000.

5 There are two things that the Ferguson Police
6 Department stands out. Number 1, Susan Lord from the
7 World's Affair Council of St. Louis, the exclusive partner
8 in Eastern Missouri for the International Visitors
9 Leadership Program. This program is overseen by the U.S.
10 State Department as a premier international exchange program
11 for professionals. One of the primary goals of the IVLP
12 program is to further citizen diplomates through frank
13 discussions between the U.S. and international partnership,
14 encouraging them to learn from each other.

15 I'm pleased to say that on Friday, October the 28th,
16 they came to the City of Ferguson, and I'm pleased to note
17 and I'm pleased to say that Chief McCall and his command
18 staff, along with Erica Brooks, Dr. Nina Thompson from the
19 community, were in attendance. The chief and his staff were
20 more than willing to discuss the Consent Decree, the
21 policies which are derived from the Consent Decree, the
22 development of the CRB, and more. The Brazilian delegation
23 was amazed at the work and the working relationship between
24 the police department, the community leaders, stakeholders,
25 and that we work together.

1 The second one I would like to stress is the active
2 shooter safety drill. Councilwoman Phedra Nelson, the
3 acting executive director of the Emerson Family YMCA
4 contacted Chief McCall to send over their favorite -- their
5 favorite eye candy officer to conduct the training, and the
6 staff --

7 **THE COURT:** Favorite -- who's the favorite eye candy
8 officer?

9 **MAYOR ELLA JONES:** The YMCA has several officers that
10 they love to call on, and they come up there to spend time
11 with them and teach them various things. So if anything
12 happened at the YMCA, they want their favorite eye candy
13 officers to come up there.

14 **THE COURT:** I'd never heard that description, so thank
15 you.

16 **MAYOR ELLA JONES:** I thought I'd put that in there.
17 The staff is better prepared for anything that would
18 happen at the YMCA.

19 On a different note, what our experience have taught
20 us is that in the City of Ferguson, not just the police
21 department, but the entire city needs a robust community
22 engagement strategy that can be implemented. The days bring
23 about a host of complaints and concerns from the
24 encroachment [phonetic] of petty crimes and speeding and
25 unsightly condition of dilapidated homes, blight, and

1 abandoned properties. We work hard to address these
2 problems, but a comprehensive strategy to address the
3 underlying cause that helped to create these conditions has
4 yet to be developed.

5 Ferguson Police Chief Frank McCall and Ferguson police
6 officers are doing their duty to combat crime in various
7 ways. Chief McCall drives an unmarked car around the city
8 to spot the hotspots and submit the information to the
9 Mobile Response Team.

10 Ferguson Police Department reminds us that one way
11 that we can deter crime in our neighborhoods is by locking
12 our cars when we get out of them. There are several signs
13 posted around town like, "Lock It or Lose It" and, "Slow
14 Down." The "Lock It or Lose It" signs will help to keep a
15 multitude of crimes off the streets in our community.

16 A task force has been created by the Chief of Police
17 in St. Charles, the Chief of Police of Lake St. Louis, the
18 President of the St. Louis Area Police Chiefs, and mayors of
19 the above-mentioned cities. The purpose of the task force
20 is to combat the rising crime in their areas. This task
21 force works. Since 2020, the task force has seen a major
22 decline in crime, especially auto thefts, by offering this
23 proactive approach to crime in their areas. The chief
24 encouraged all duty officers to work the task force and be
25 compensated with overtime hours. This can only be achieved

1 with off-duty officers. Officers are not expected -- all
2 duty officers are not expected to participate with the task
3 force. This is initiative to put more officers on the
4 street.

5 Due to the success of the task force model in
6 St. Charles area, the Lake St. Louis area, the Missouri
7 Municipal League is exploring two task force concept for
8 North County. We have gone to Governor Parson to schedule
9 meetings and we have gone to Governor Parson with a meeting
10 of delegation of mayors to discuss overtime funding for the
11 officers and establish a timetable when MML will create a
12 task force for North County.

13 This task force model would be used after successful
14 task force, which is already in operation. I am one of the
15 mayors who will be attending the meeting scheduled on
16 December the 20th at 10:00 a.m. with Prosecuting Attorney
17 Wesley Bell and other mayors. We will explore the process
18 of creating this task force from the crime that are
19 committed by youth in the area of North County. We realize
20 that it is not about the lack of enforcement; it's about
21 compliance and accountability.

22 On a personal note, I would like to share that our
23 chief of police, our fire chief, they work good together,
24 and we as a community, we must stop criticizing our police
25 department and start working with them. Cassandra spoke

1 about the task force that I developed. It's disheartening
2 that this, the group of task people that I put together --
3 presidents from various corporations, the St. Louis
4 Partnership, Rodney Crim, Emerson, anyone you can think
5 of -- we were working together on a 2040 plan to implement
6 it, to help Ferguson get a jump start, and it hurts me and
7 the people who I've asked to be on the task force that
8 Ferguson appear to be a silo, that they are not interested
9 in taking help from other people. And that is a sad note
10 simply because we have to work together to move forward, and
11 the only way that we can do that is allowing other people to
12 come in to support our efforts.

13 Thank you.

14 **THE COURT:** Thank you, Mayor Jones.

15 All right. I then will hear from the counsel for the
16 parties. Mr. Carey, even though you're the defendant, we
17 ask you to go first. Usually we have a strict rule, you
18 know, the plaintiff goes first and then the defendant, but
19 since -- given the nature of this, we're doing this. And
20 I'm glad to see you here today.

21 **MR. CAREY:** Yeah. Your Honor, I anticipated being in
22 Chicago in a deposition but some things happened with that
23 and now, you know, over the course of a few days things can
24 change and so now you get me instead of --

25 **THE COURT:** We'd be happy to hear from your partner as

1 well if she needs to sub for you.

2 **MR. CAREY:** Absolutely. She's awesome, and she was
3 ready to go but, you know, my plans fell through so I
4 thought I would appear here before you.

5 Well, thank you again for the opportunity, Your Honor.
6 As you know, what I normally do is, I start by sort of
7 introducing the folks with the City who have joined us today
8 to continue to demonstrate the City's interests and
9 commitment to what we're doing.

10 So in the audience today we have -- obviously, you've
11 heard from Mayor Jones, as well as we have Councilwoman
12 Naquittia Noah, who's seated in the back there. Of course,
13 you know our Police Chief, Frank McCall. Next to him is
14 Lieutenant Tim Harris. And then next to Tim Harris is
15 Shahidah Siraaj, who is the executive assistant for the
16 police chief.

17 We also have in attendance today our Court
18 Administrator, Tanya Webber; our City Manager,
19 Eric Osterberg; and also our newest edition to the
20 Consent Decree team -- and Ms. -- Mayor Jones already
21 welcomed her, but Ms. Betty Jones, who is our Consent Decree
22 Coordinator, recently brought on in October.

23 And so I don't think I forgot anybody staff-wise. So
24 we have a little bit smaller of a crew than I really
25 expected today, but I think maybe the weather might have

1 something to do with that. And we don't typically have
2 these on Fridays either, so I don't know if it's a Friday
3 thing as well.

4 I have been -- you know, historically we've given
5 these updates, and maybe for the last two years the Consent
6 Decree Coordinator was the person in front of you doing
7 that. But being that our Consent Decree Coordinator is new,
8 we're going to do, at least now, and it could be for a
9 short -- the short foreseeable future, I will provide some
10 detailed updates to the Court and the Department of Justice
11 and the Monitor.

12 Of course, I've done this in concert with the
13 Consent Decree Coordinator as well as the other players for
14 the City as it relates to Consent Decree implementation. I
15 apologize if you might have a detailed question I might not
16 exactly have the specific answer to, but I hope my summary
17 will give you enough to where you sort of at least
18 understand from the City's perspective where we are with
19 these implementation efforts.

20 So before I get into sort of the detail, one of the
21 things I would like to sort of step back and say -- and, so,
22 for the benefit of the Court and the public, you know,
23 Consent Decree implementation is just a difficult thing to
24 do. It -- you know, quite frankly, the City of Ferguson,
25 when negotiating a signing the Consent Decree, you know, I

1 don't know that they knew exactly how much that they were
2 biting off in terms of, you know, the resources and the
3 staff and the dedication that you needed to do this kind of
4 work. Obviously, the size of our decree is a larger decree
5 with, you know, a small staff, and so we've had all those
6 issues.

7 And, as you know, historically we've had turnover
8 issues. You know, we've replaced our Consent Decree
9 Coordinator several times, we've replaced our Police Chief
10 several times, our City Manager several times. And, so,
11 Consent Decree implementation in and of itself, even if you
12 had the same staff, would be difficult.

13 On top of that, the City deals with all these turnover
14 issues that we've had historically in trying to remain
15 consistent in implementing the Consent Decree, as well as
16 just, you know, the general day-to-day that you have of
17 restructuring the administration of your department to make
18 sure you're achieving constitutional levels of policing, and
19 balancing that with actually -- you're doing the policing,
20 responding to emergencies, responding to the community,
21 providing service to the community, interacting with the
22 community.

23 And, for the most part, within the City of Ferguson
24 you have the same cast of characters sort of doing it all;
25 right? And so the speed at which we do this, I think we

1 all -- you know, when we first signed the Consent Decree and
2 we had all those dates and we were like, hey, you know -- at
3 some point we realized we were being very ambitious with
4 those dates, but you know, I think we're all -- we would all
5 like to be a little further along than where we are today.
6 However, when you consider where we were in 2014, 2015, and
7 2016 when it was signed, when you consider that and you
8 consider where we are today, and just the general feel that
9 you get from where -- you know, from the strategy, the
10 tactics that the police department have been implementing
11 and using, the policies, the response that we get from the
12 community, the response that we get from citizens, you know,
13 as it relates to how FPD is doing, when you consider where
14 we were to where we are today, I think the general feeling
15 has to be one of success; not necessarily completion in
16 terms of the work isn't complete and we still have a ways to
17 go, but there is a feeling, I think generally, a general
18 feeling of success when we think about how far we've come.

19 So I wanted to sort of preface my specific comments
20 with that general thought process.

21 So the first specific comment I'll give to you and the
22 parties and the people in attendance, we'll talk a little
23 bit about recruitment efforts. As you know, the City, in
24 its recruitment efforts, we've been sort of hamstrung by,
25 you know, not just local issues that we have, not just

1 internal issues that we've had with the police department,
2 but also just national trends; right? We've been impacted
3 by the fact that there are just, you know, not as many good
4 candidates as there used to be for police officer positions.
5 Maybe folks are looking into doing different things with
6 their lives than becoming a police officer because, you
7 know, the way of policing now is trending towards, you know,
8 maybe being a little bit more accountable than maybe
9 historically people would have liked to be, being a little
10 more transparent than maybe folks would like to be, so we
11 just don't have the same numbers in terms of folks wanting
12 to become police officers.

13 But I will tell you that we are happy to report that
14 we in Ferguson are actually receiving a healthy stream of
15 applicants for our open officer positions, and we weren't
16 always doing that. You know, I recall two or three years
17 ago standing up before you telling you that we just -- you
18 know, we weren't getting as many applicants as we thought.
19 But it seems like that is trending in a different direction,
20 and we are getting numerous applications for our police
21 officer positions that we have now. The issue of whether or
22 not those folks are qualified and whether they actually make
23 it through the gauntlet so to speak in terms of their
24 qualifications is another issue, but at the very least we're
25 receiving a healthy pool of applicants.

1 We do -- and we're also happy to report to the Court
2 that we currently now have four cadets in the St. Louis
3 County Police Academy, which will start in January. And, to
4 my recollection, that is the most we have had in a very long
5 time at one time to be in the St. Louis County Police
6 Academy, so we're very excited about that.

7 Some of the struggles, however, that we have
8 experienced with recruitment is -- actually is related to --
9 well, actually, it's not really recruitment; it's more of a
10 staffing struggle. We have several open command staff
11 positions -- lieutenants, sergeants, captains -- and, you
12 know, we've recently sort of just -- we recently completed
13 our collective bargaining process with our police union.
14 And what I can say about that is, sometimes the collective
15 bargaining process impacts what a command structure might
16 look like because we're dealing with demands from a
17 bargaining unit as well as a limited pool of funds and how
18 we're going to sort of pay everybody.

19 And so I think, to the extent that we were engaged in
20 collective bargaining, I will just tell you, I just, two
21 days ago, received a signed Collective Bargaining Agreement,
22 and we've been bargaining since --

23 **THE COURT:** A long time. You've been telling me that.

24 **MR. CAREY:** I just yesterday, or two days ago,
25 received a signed Bargaining Agreement from the bargaining

1 unit, so now that process is complete. But during that
2 process there was simply a -- the City was slow to fill some
3 of these open command positions because we didn't -- there
4 were just some items during -- items that were the subject
5 of bargaining that would have had an impact on those things.

6 And, so, you know, we understand that -- you know,
7 what our commitment is under the Consent Decree, and
8 sometimes -- you know, we like to move at the speed that
9 maybe the Department would like us to move, Department of
10 Justice would like us to move. We'd like to move faster
11 ourselves than what we've moved, but there's certain
12 practical realities of operating a city, operating a police
13 department that, you know, might impact the speed with which
14 we do things. However, that speed does not necessarily
15 impact our desire to get the things done, and that's what I
16 want to make clear to the public and the Court.

17 We also -- another sort of challenge we've had is with
18 our Training Coordinator position. You know, I probably
19 have stood before you -- not me; I guess it was our
20 Consent Decree Coordinator, our previous Consent Decree
21 Coordinator who stood before you three or four times telling
22 you we've got all these applicants for this position and,
23 you know, we're going to -- we were supposed to have started
24 that process of interviewing for our Training Coordinator
25 position.

1 As you know, that position is crucial to
2 Consent Decree implementation because, well, number one,
3 it's called for in the Consent Decree. Number two,
4 developing a robust training program is simply in the best
5 interest of the City of Ferguson and its citizens to have a
6 training program that reinforces constitutional policing,
7 reinforces the policies that we have crafted and are
8 continually crafting as, you know, best practices change,
9 and also keeps abreast of those best practices. So having
10 that person dedicated to that inside of the police
11 department we understand is very important, but we have
12 really -- we have dropped the ball as it relates to the
13 speed of hiring that person.

14 And, so, since we have spoken with you last, our City
15 Manager has upped his efforts in making sure that the speed
16 that we -- the speed with which we hire this person or the
17 process for hiring this person is advanced. And so what I
18 have been told and guaranteed by our Police Chief is that
19 our process for hiring this person starts next week. And it
20 will -- you know, as you know, in the City of Ferguson, when
21 we hire people it's -- you know, we have to have panels and
22 we have to get the community involved. And so, you know,
23 I'm not telling you that the person will be hired next week.
24 What I am telling you is that the actual interview process,
25 people will be contacted, interviews set up, panels will be

1 formed, and so that process will start as early as next
2 week. Like I said, the City realized that we had not been
3 moving at the speed that I think maybe the Department and
4 the Court, maybe the public would want us to move. And, so,
5 through efforts of our Police Chief and our City Manager,
6 we're just going to move that into hyper drive to make sure
7 we get it done.

8 **THE COURT:** You know, I'm very glad to hear that. I
9 will say that, just like -- we all remember what things were
10 like when we finally got a dedicated Consent Decree
11 Coordinator who didn't have other police duties, or not --
12 police duties that people who were doing it before had, how
13 that did move things forward. And then, of course, having
14 Ms. Johnson come on did, too. I think having this Training
15 Coordinator is going to do that for training, and that's
16 what I'm hopeful of because there's so much training
17 necessary, and everybody's been working on the policies and
18 the training. This is very good news.

19 **MR. CAREY:** That's right. I think so as well,
20 Your Honor. We appreciate that recognition from the Court.

21 You know, we just want to -- again, like I said,
22 sometimes the timeliness of it isn't exactly what we want it
23 to be, but that does not decrease at all, nor is it a
24 reflection of the lack of desire or the lack of
25 determination to try to get these things done.

1 So the next update I'd like to provide for the Court
2 is on our bias-free training pilot. And this is, again,
3 another area where the City has -- from a pace perspective,
4 we've struggled. And I don't know necessarily it's all
5 related to pace. We did have sort of the changeover of the
6 Consent Decree Coordinator, and essentially, you know, our
7 bias-free training pilot, we were supposed to have that done
8 a while ago.

9 You know, we -- with our outgoing training --
10 Consent Decree Coordinator, excuse me -- our outgoing
11 Consent Decree Coordinator, we had an understanding that we
12 were at a point where we could actually have the delivery
13 date for the training. Once our Consent Decree Coordinator
14 left and we were in the process of hiring a new one, it
15 became known to the City that maybe we weren't ready to
16 deliver the training and that there were still some steps
17 that needed to be taken.

18 And, so, our Captain Dilworth, who is not here today,
19 but who is a Consent Decree warrior and who is really a very
20 pivotal -- just a pivotal person in the City's efforts in
21 Consent Decree compliance, completed the portions -- I guess
22 our PowerPoint and training material that we thought were
23 completed beforehand but have not been completed, or we
24 found out weren't completed, he did complete them on the
25 21st of November. And, so, now Captain Dilworth has been in

1 talks with the Monitor and the DOJ to make some final edits,
2 and I think we should be ready to present that training in
3 short order.

4 So I just wanted to let the Court know that because I
5 know you -- like I say, you've told the public that you
6 talked to us about this, and I know you heard about this
7 from the Department of Justice the last time we talked, but
8 I wanted to update you on where the City's -- from the
9 City's perspective in terms of where we are with that.

10 The next substantive update I'll provide for the Court
11 is on actual PTO training; right? And, so, if you recall,
12 Your Honor -- and just for the benefit of the public, our
13 PTO training is our police officer -- Police Training
14 Officer training, and another area where, from a timeliness
15 perspective, we struggled a little bit in getting our
16 training -- our Police Training Officer situation deployed.

17 Essentially, with the Police Training Officer, we have
18 a Training Committee that we have to interact with as it
19 relates to this particular requirement, Consent Decree
20 requirement, and we also have to interact with our
21 neighborhood Police Steering Committee. And those two
22 entities have an impact on the material and the structure
23 and the curriculum for this type of training.

24 And so, there was a period of time where I think the
25 City solicited feedback from these entities, and they may or

1 may not -- I don't recall whether or not they got input from
2 the NPSC. I'm sure maybe they did, but what was lacking was
3 the input from the Training Committee. And if you -- our
4 Training Committee consists of community members who are
5 supposed to have a direct impact on this training curriculum
6 that we're doing for the PTO training. And so we submitted
7 that information to the Training Committee. We weren't able
8 to get, in a timely manner, as much input as we needed.
9 Actually, we didn't get any input the first time we
10 submitted it. And so we have -- as you know, in Ferguson
11 sometimes getting community input on particular things has
12 been somewhat of a struggle. If you recall, like when we do
13 our surveys, you know, we don't get as much input as we'd
14 like. And so sometimes getting community input takes more
15 effort from the City; right? And so we can't just put it
16 out once and say, *Okay. Well, we didn't get input, so we'll*
17 *just move the training along and do it ourselves.*

18 So we try to put it out multiple times. We try to
19 solicit input in multiple ways. That's no different than
20 what we did with the PTO training, submitting this to our
21 Training Committee to try to get input, and so that causes a
22 delay because we just don't -- you know, we'd like to take
23 the ball and run with it, but we need that community input
24 to make sure that, you know, what we're putting together
25 takes that into account.

1 So, currently the PTO training is in the -- I believe
2 in the hands of the Department of Justice, and they are
3 looking at it to make sure that it is where it needs to be.
4 But, you know, again, from a timeliness perspective, it's
5 just sometimes difficult to manage various different
6 entities or various different players when folks have input
7 on what it is we're doing, so -- and the Department of
8 Justice, of course, will correct me if I'm wrong about where
9 that training is right now.

10 Our ICAT training, Integrated Communications
11 Assessment and Tactics training, that is also another
12 requirement, a very important requirement of the
13 Consent Decree. And the ICAT training, really it's training
14 that offers police departments and police forces a new way
15 of thinking about the strategy and tactics related to uses
16 of force. You know, one of the main reasons why, you know,
17 we find ourselves in a Consent Decree with the Department of
18 Justice is, you know, uses of force historically that, you
19 know, may not have been consistent with people's
20 constitutional rights. So this issue or this subject of
21 ICAT training is super important. And, you know, from a --
22 from our perspective practically, you know, the concept of
23 ICAT has really been woven into a lot of the policies that
24 we have already drafted, you know, our use-of-force policy
25 and some of our internal investigation policies. But the

1 ICAT training is a specific type of training which, again,
2 forces, or puts police departments in a position to where
3 they have to think strategically about new ways to use force
4 and to implement new ways of training police officers to use
5 force.

6 And so, I'm happy to report that we will be -- the
7 Ferguson Police Department will be attending that training
8 in February of this year. The 14th through the 17th is the
9 current date that I've been -- that's been communicated to
10 me. And so I just wanted to update you and the public on
11 that particular training.

12 So what I'll do now is move to some general policy
13 updates that we have. And I'm sorry I'm a little longwinded
14 here but, you know, this is what happens when you get the
15 lawyer out here doing this, not the Consent Decree
16 Coordinator, who's probably a little more succinct.

17 Our First Amendment policy is being updated by the
18 Consent Decree Coordinator to incorporate citizen feedback.
19 This is another sort of thing that we probably should have
20 been done with, which is updating this particular policy,
21 but again, the process of receiving -- of getting and
22 receiving, and I will say synthesizing community feedback is
23 a challenging process for the City, but we're, again,
24 dedicated to getting those things done.

25 Our correctable fix-it violation policy, the DOJ has

1 submitted the policy to the Monitor for approval. As you
2 know what that is, the fix-it correctable citation policy is
3 related to our municipal court operation, and I know you've
4 been briefed on that before, but the public should know that
5 that policy is in the Monitor's hands right now for final
6 approval.

7 The Limited English Proficiency Policy, that is now in
8 the City's hands to update the policy, and that is, you
9 know, simply the policy which requires the Court to
10 accommodate folks who may not be initial English speakers,
11 to be able to accommodate them and to be able to communicate
12 with them and to have, you know, a policy or a process in
13 place to accommodate those folks.

14 I know our mayor gave some really, really good updates
15 as it relates to Ferguson's community engagement efforts.
16 As you know, we do have a community engagement policy, we
17 have a community engagement plan. But I think it's
18 important for the Court, as well as the community, to
19 know -- and, again, this sort of piggybacks off of the great
20 updates that the Mayor gave. But I think it's important to
21 sort of stress that the community involvement from the FPD
22 is at an all-time high. You know, one of the, sort of the
23 tenets of constitutional policing, you know, right now is
24 the foundation that the police force interweave itself into
25 the community and not just be this sort of agency that's,

1 you know, there overseeing things, but to actually be active
2 with the citizens, to actually meet with citizens, you know,
3 possibly out of uniform, to disarm citizens, to sort of show
4 that the police force is not just an agency to oversee
5 things but that we're there to help the community and to
6 also be a part of the community.

7 So I'll give you a couple of Ferguson community
8 engagement updates. I hope I don't repeat anything that the
9 said, but I just want the community to know and the Court to
10 know that these efforts are ongoing.

11 So the Ferguson Police and Fire Department have been
12 involved with Boys to Mentors, which is sort of a pun off of
13 a popular singing group in the '90s, Boyz II Men. So, it's
14 called Boys to Mentors, and young adult female mentoring
15 program with children and families, and the department is
16 sponsoring families for the holidays. So we have a, sort of
17 a sponsorship program where police officers sponsor needy
18 families for the holidays.

19 We also have a program where FPD will be distributing
20 twenty \$100 gift cards to random citizens involved in
21 traffic stops, whereby the result of the stop would have
22 been a verbal warning in lieu of a citation, but they're
23 also getting, you know, a gift card from the police
24 department. And those were donations from the local North
25 County church in the area, the gift cards were. So it was

1 just a little something that the police department came up
2 with to sort of lighten the burden of being stopped by a
3 police officer for, you know, a stop that you would have
4 just normally gotten a warning for.

5 Our mayor did mention -- I think she mentioned Shop
6 With a Cop, where officers go out and purchase gifts for
7 kids that have been identified at the local schools that are
8 in need, and so that program is going on.

9 We have Dads with Donuts, an event that's advertised
10 in the city where FPD insures that officers are meeting and
11 interacting with the community.

12 And the City is also working with our Community
13 Mediation Services to ramp up the program of Let's Talk
14 Ferguson, which is -- as you recall, we've had these small
15 group dialogues that were required by the Consent Decree.
16 And so the City would like to -- the City, as well as
17 Community Mediation Services, would like to sort of figure
18 out how to continue that and make it sort of a staple within
19 the community. And so, you know, the two entities, the City
20 and Community Mediation Services, are brainstorming ways to
21 sort of come up with a longterm plan to keep that program in
22 the City, as well as the mediation program that we have. As
23 you know, the Consent Decree requires the City to implement
24 mediation programs in several different areas, and we are
25 also working with Community Mediation Services to try to

1 increase community involvement in those programs.

2 The final update I'd like to give -- final few updates
3 I'd like to give to the Court specifically about -- one of
4 them is specifically about our Consent Decree Coordinator.
5 Since she's been here, she's hit the ground running and has
6 done an outstanding job of sort of, you know, picking the
7 ball up and trying to run with it. And she's been involved
8 in meeting with all of the various different entities that
9 the City has related to the Consent Decree, whether that be
10 the Civilian Review Board, the NPSC, the Training Committee.
11 And so she's just really doing an outstanding job. And for
12 someone who is not from the community, from a completely
13 different state, for her to just sort of come in and pick up
14 where she has and to be as far along as she has, I just want
15 to let the Court know that we're really happy with what
16 she's been doing.

17 **THE COURT:** I can tell that from the telephone call we
18 had most recently where she did -- I mean she gave a very
19 complete report of what she'd been working on.

20 **MR. CAREY:** She did.

21 **THE COURT:** I'm glad to see that everybody's -- I
22 think everybody's really glad to have her on board.

23 **MR. CAREY:** Absolutely. It's been great so far, for
24 sure.

25 And the very last update I'll give you is with regard

1 to the municipal courts. You know, I think, Your Honor, you
2 recall the last call that we had, we talked a little bit
3 about our industry program and basically not being as far
4 along as we thought maybe we were in terms of number of
5 cases that need to be dismissed. We -- again, you know, as
6 a result of turnover, we had a court administrator -- court
7 administrator turn over, and then the -- you know,
8 practically what happens, Your Honor, is when somebody
9 decides they're leaving the City, then their efforts become
10 about winding up and not necessarily transitioning things to
11 the next person. And, so -- and, you know, honestly, we --
12 the City would like to keep a relationship with the
13 employees that leave the City to sort of help the transition
14 of the new employees that come in, but sometimes that just
15 doesn't always work out.

16 And so, in terms of the number of cases that we have
17 to dismiss under our good cause criteria, Number 2 and
18 Number 3, which is -- Number 2 is identifiable victims
19 available to assist, and Number 3 was driving with suspended
20 or revoked licenses, and there are some other criteria as
21 well, but in terms of what we had left to dismiss, we
22 thought our world was about 400 cases. We've recently found
23 out that it may be a little larger than that, so we're in
24 the process of trying to wrap our minds around how many
25 more. I wouldn't anticipate it's like another 400, but

1 somewhere, you know -- but definitely greater than the 400
2 that we thought we had to dismiss.

3 However, you know, there's no question from our
4 perspective, from the City's perspective, that the structure
5 that we've worked with the Monitor on and the Department of
6 Justice on in terms of how we're going to go about analyzing
7 and dismissing those cases remains the same. So it's not an
8 issue at all, a substantive issue of any sort of
9 disagreement with what it is we have to do; the issue is
10 just getting it done. So I just wanted to let the Court
11 know that and let the public know that, you know, we
12 continue to work through that and we continue to try to, you
13 know, divert as many resources as we can to that effort.

14 So, outside of that, I don't have anything else,
15 unless the Court has any questions for me. Again, I'll let
16 the Department of Justice or the Monitor correct anything
17 I've said that might not be consistent.

18 **THE COURT:** I think you've touched on many of the
19 things that I expected -- that we had questions about that I
20 expected to hear from about today, so I think I don't have
21 any questions at this time.

22 **MR. CAREY:** Okay. And you know where I am in case you
23 do.

24 **THE COURT:** I do.

25 **MR. CAREY:** All right.

1 **THE COURT:** Ms. Glass?

2 **MS. GLASS:** Thank you, Your Honor, and good morning.

3 **THE COURT:** Good morning.

4 **MS. GLASS:** We appreciate this opportunity to brief
5 the Court and the public on progress in implementing the
6 Consent Decree.

7 And, in particular, the United States wanted to
8 highlight the efforts of three people here in the courtroom
9 today over the last quarter. That is Mr. Osterberg, the
10 City Manager. He has worked very hard to make sure that a
11 new Consent Decree Coordinator was brought on efficiently,
12 and we really appreciate his efforts in doing that.

13 Of course, Ms. Johnson, the new Consent Decree
14 Coordinator, we appreciate her enthusiasm for the position
15 and the very hard work she has put in to orient herself to
16 the many different parts of this case and get up to speed to
17 where she needs to be in order to be able to fulfill her
18 role.

19 And, finally, of course, Chief McCall, who always has
20 been working diligently to move the Department forward, but
21 especially over the last quarter had to take on some extra
22 duties in the absence of a Consent Decree Coordinator, and
23 we really appreciate his work as well, and just wanted to
24 highlight that.

25 At the same time, we do want to note some concern over

1 the slow pace of the City's progress over the last quarter.
2 Some of this Mr. Carey has alluded to. At the last hearing
3 we did highlight five projects that we thought were
4 achievable for the Department to complete by the end of
5 2022. These projects we selected, these were conservative
6 goals, acknowledging at the time that the City did not have
7 a Consent Decree Coordinator, so we thought these were five
8 projects that, even with that limitation, could be
9 completed, and, unfortunately, here we are in December and
10 only one of them has been completed.

11 The Court will not be surprised to see that many of
12 the projects had to do with training, and that's because we
13 come here every quarter and repeat to the Court that
14 implementing training is crucial in order to make sure that
15 the Department puts into practice all of the important work
16 that has gone into writing policies under the
17 Consent Decree.

18 So the first of these projects was the Police Training
19 Officer, PTO, training. As the Court knows, PTOs are the
20 experienced officers who take new recruits and give them
21 their hands-on training in their first weeks on the street
22 after coming out of the academy, so it's a really important
23 role to the department.

24 The FPD highlighted about a year ago that getting the
25 training, the 40-hour training, for new PTOs to give these

1 mentor officers what they need in order to fulfill their
2 role, the City highlighted that getting that training
3 finished was a high priority. So, recognizing that -- they
4 also came to the Department of Justice and asked us for help
5 getting this done, so we sent our subject matter expert to
6 Ferguson in March for a week, and he sat in a conference
7 room with counterparts from the FPD and they worked together
8 and they wrote this 40-hour training. At the end of that
9 week they hadn't quite gotten everything done --
10 understandably, it was a big task -- so they had a list of
11 projects for each of the lesson plans in the training,
12 things like writing out role play scenarios or writing a
13 learning activity.

14 And, Your Honor, it was a fair amount of work, but
15 honestly, I can't imagine it would take more than about a
16 day for one person, so maybe conservatively, I think if
17 someone had really attended to this it could have been done
18 over the course of about two weeks.

19 But here we are nine months later and those tasks are
20 not completed. The training is not with DOJ. We have
21 reviewed what they've given us and we've told the Department
22 in different ways, over email and in meetings, listed for
23 them these missing tasks that need to be completed, that the
24 trainer will need in order to deliver this training. So we
25 had thought that actually delivering this much needed

1 training was achievable by the end of the year but, instead,
2 we're in a situation where it's not looking promising at the
3 current pace for even completing this training.

4 The second project was we had set as a goal for the
5 end of the year, delivering an eight-hour training in
6 bias-free policing. Now, again, the Department of Justice
7 arranged for trainers in another police department to travel
8 to Ferguson in February of 2021, so almost two years ago, to
9 train FPD trainers in how to deliver this material and
10 actually shared their training materials with the
11 Department. So this was a training that FPD was getting
12 almost for free.

13 **THE COURT:** From is the Suffolk Police Department?

14 **MS. GLASS:** That's exactly right, Your Honor.
15 Exactly.

16 So we had understood, again, that all that needed to
17 happen was this training needed to be scheduled for
18 delivery. The Department of Justice arranged for a pilot of
19 the training to be scheduled, and that pilot showed us that
20 actually more work needs to be done. And I think part of
21 the problem is the lapse of time between when the trainers
22 were trained and the present.

23 So, again, this training isn't going to be delivered
24 by the end of the year, and we're looking at a situation
25 where the DOJ and Monitor are going to give feedback, and

1 that feedback will need to be incorporated into the
2 training. So that training needs some more work as well.

3 The third project was onboarding a Consent Decree
4 Coordinator. We're glad that this has moved forward, that,
5 as Mr. Carey said, that hiring process has not yet started,
6 so --

7 **THE COURT:** You said Consent Decree Coordinator.

8 **MS. GLASS:** I'm sorry. Thank you, Your Honor. The
9 Training Coordinator. Of course, we're very glad
10 Ms. Johnson is here.

11 So, the -- while the position -- at the last hearing
12 our understanding was the position had been written and just
13 needed to be posted, so we thought this person could be
14 onboarded, but we're not at the place in the process where
15 that's going to happen by the end of the year.

16 The fourth project was incorporating public comment
17 into the Department's First Amendment protest policy. And,
18 just to be clear, it's not Ms. Johnson's job to incorporate
19 the public comment; it's the Department's job to gather the
20 comment and incorporate it into the policy, and we
21 understand that the process has happened but we have not yet
22 received a marked-up version of the policy reflecting that
23 public comment.

24 We can report that the fifth project was completed.
25 This was delivering a roll call training on the strip and

1 cavity search policy that was completed and approved by the
2 monitor in March. And over the last quarter FPD did manage
3 recently to deliver a roll call training on that policy.

4 We -- I just want to reiterate that our concern is not
5 directed at the efforts of the people in the courtroom
6 today. We know that they are working very difficult -- very
7 hard under difficult circumstances. Rather, we're just
8 expressing concern that the City needs to commit sufficient
9 resources to the police department in order for it to be
10 able to do -- not just comply with the Consent Decree but to
11 have a functioning and sustainable police department.

12 And I wanted to underscore that part of the reason we
13 thought that the two trainings, the PTO and the bias-free
14 training, should be doable to deliver them by the end of the
15 year was because of the substantial technical assistance
16 that the United States had provided to the police department
17 and our understanding that just a small amount of extra work
18 needed to be done by the police department to have these
19 trainings actually delivered.

20 So, Mr. Carey did promise that I'd be able to correct
21 any issues that I heard in his presentation, and I did want
22 to note, I imagine the Monitor was a little surprised to
23 hear that she has the correctable violations policy. I want
24 to assure her, through the Court, that's not quite right.
25 It's close to being finished but we have given the municipal

1 court a chance just to -- because this was last picked up in
2 spring of 2021 -- to just have a chance to make sure they're
3 aware of what the police department is doing. So --

4 **THE COURT:** So, it went to the Department of Justice,
5 and you've had the municipal court take a look at it. And
6 then, assuming it's okay, then it would go to the Monitor;
7 right?

8 **MS. GLASS:** Most likely early next week, assuming no
9 issues, Your Honor.

10 **THE COURT:** Okay.

11 **MS. GLASS:** The training that Mr. Carey described for
12 February, I just wanted to give a little bit more
13 information about what that is.

14 It's -- this was, again, some technical or some
15 assistance provided by the United States. We connected FPD
16 with the Police Executive Research Forum that provides this
17 training to departments at quite a substantial cost usually,
18 but we have been able to work out a reduced cost to the City
19 for getting this training. And the thinking here is that
20 this essentially can function as use-of-force in-service
21 training for the department. It doesn't fulfill every
22 requirement of the Consent Decree but it can get the
23 department a lot of the way where it needs to go, and it's a
24 training that they're getting at a very reduced rate as a
25 result of the PERF, the Police Executive Research Forum,

1 helping the department.

2 I wanted to respond briefly to the comments of
3 Mayor Jones and Ms. Butler. We appreciate them coming to
4 court this morning and sharing their feedback. Mayor Jones
5 and Mr. Carey highlighted some community-based projects that
6 the department has been engaged in. We think the work is
7 important and we appreciate their highlighting these
8 projects.

9 Of course, we do agree with Mayor Jones' comment that
10 more is needed, a "comprehensive strategy" she called it,
11 and this is what the Consent Decree calls for.
12 Specifically, it's a comprehensive community policing plan
13 that the department needs to develop with the NPSC and other
14 stakeholders. That policy needs to be finalized and the
15 department needs to have sufficient personnel on staff to be
16 able to implement it when it is.

17 With regard to Ms. Butler's comments, we, the
18 Department of Justice, have met with representatives of the
19 NPSC about this issue. We understand their concerns about
20 the way that the NPSC's feedback or input on conflict of
21 interest provisions was received, and we agree with
22 Ms. Butler that it's essential to the Consent Decree that
23 the NPSC and the council, and also the community and the
24 council -- the NPSC is supposed to be one way of voicing the
25 concerns of the community -- that they have a good working

1 relationship.

2 We've recommended that the NPSC and the council work
3 together so that -- and collaboratively so that any future
4 projects that the NPSC takes on, particularly with regard to
5 the municipal code, that the council knows what they're
6 working on in advance and everyone's on the same page.
7 That's not to imply that the council didn't know here. I
8 understand the NPSC did brief the council along the way.
9 But that might be one way to try to avoid this issue going
10 forward of working hard on a project, presenting it to the
11 council, and having it be something the council -- that some
12 members of the council were surprised to hear the NPSC was
13 working on.

14 So just going back to -- on concerns about the slow
15 pace over the last quarter. We want to reiterate, it's not
16 directed at the individuals here today, but the City does
17 need to commit the resources needed to get this work done
18 and, obviously, the onboarding of the Training Coordinator
19 should help. We agree with Mr. Carey that this position is
20 essential. If this person had been on board, I think it
21 certainly would have been achievable to deliver those two
22 trainings by the end of the year.

23 Now that that position is in the works, forgetting
24 that the Training Coordinator on staff, we are glad to see
25 that the department is training -- turning to the other

1 supervisory vacancies. It was good news that in the past
2 week they have posted openings for sergeants and
3 lieutenants. And just with the Training Coordinator, these
4 positions are crucial for the department to come into
5 compliance with the Consent Decree but also to have a
6 functioning police -- well-functioning police department.

7 We saw, with Ms. Johnson's hiring, that the City is
8 certainly capable of moving efficiently to do hiring when
9 needed and we're glad to see that hiring for these positions
10 is underway, and we expect to be continuing to talk and work
11 with the City on this particular issue of supervisory hiring
12 over the next quarter.

13 And I don't know if the Court has any questions, but
14 those were all of my remarks this morning.

15 **THE COURT:** I don't believe I have any questions.

16 I knew that, you know, these topics were things you
17 were concerned about and that Mr. Carey's addressed them.
18 I'm glad you've clarified to the extent it was necessary.
19 And, yeah, these are all things that are very important to
20 move forward on. You are correct, so -- and Mr. Carey
21 sounds like he's -- I think the City has gotten the message
22 that these need to be moved forward on.

23 **MS. GLASS:** Thank you, Your Honor.

24 **THE COURT:** Ms. Tidwell, I always call you the
25 Monitoring Team. Of course, you are the Monitor, but you

1 have a team behind you and, you know, I just -- I want to
2 hear, on behalf of your whole team and yourself, anything
3 you wish to say.

4 **MS. TIDWELL:** Thank you, Your Honor.

5 So I'd like to echo the welcome that Mr. Carey and the
6 Court and DOJ extended to Ms. Johnson, the new
7 Consent Decree Coordinator. We're happy to have her aboard,
8 and the Monitoring Team remains on stand-by to do whatever
9 it can do to help with her onboarding and getting her going,
10 but it seems like she's a pretty self-sufficient,
11 self-functioning person, so she's done a lot on her own.

12 I'd also like to thank Ms. Butler and Ms. Jones for
13 their commentary, some of which I'll touch upon in my
14 remarks here.

15 One of the benefits of going last is that the parties
16 usually detail all the good stuff that's going on, so I
17 don't -- so I can limit my remarks and be relatively brief.
18 I would like to highlight a few of the tasks or activities
19 from other members of the Monitoring Team who aren't here
20 and, of course, address any questions that the Court might
21 have.

22 First, in the area of community engagement,
23 Dr. Leigh Anderson, the lead subject matter expert for
24 community engagement for the Monitoring Team, continues to
25 assist the City with implementation of the community

1 engagement provisions, specifically the community engagement
2 provisions of the Consent Decree, specifically the small
3 group dialogues between FPD and community members
4 facilitated by Community Mediation Services.

5 Currently the goal is for the dialogues to resume in
6 early 2023. Successful implementation of those provisions
7 hinges on increased community outreach to insure adequate
8 participation among a cross-section of the community and not
9 just sort of the same folks over and over again, and also a
10 variety of different officers meeting with the community so
11 it's not just the -- so that the community engagement
12 function is something that is shared by all department
13 members and not just a few committed individuals.

14 One other question that will come up is whether the
15 sessions will return to in-person or continue remotely. We
16 did sort of a pilot, or the City did sort of a pilot to try
17 to do some of it remotely during COVID, but I think it may
18 be time to go back to in-person because it certainly fosters
19 more robust dialogue. But we appreciate the efforts that
20 FPD has made to engage with the community, as detailed by
21 Mr. Carey and Mayor Jones.

22 One piece that Mayor Jones touched upon and that
23 Ms. Glass identified as well that warrants sort of
24 additional discussion around community engagement is sort of
25 the idea that community policing is not accomplished merely

1 through community engagement. Rather, the quality of life
2 concerns that Mayor Jones articulated require a
3 collaborative problem-solving strategy with two-way
4 communication between the police and the community to not
5 only identify problems but to also work together to come up
6 with solutions that benefit both the police department and
7 the community at large. And so, you know, hopefully with
8 the -- many of the programs and initiatives that Mr. Carey
9 and Mayor Jones identified where Chief McCall and others are
10 out in the community, that's sort of something that could be
11 leveraged to build a problem-solving strategy.

12 The community engagement, community policing plan
13 Ms. Glass alluded to, because the crime prevention and
14 community policing, it all fits in together and so it's not
15 sort of, we do community engagement over here and it's
16 business as usual, sort of traditional policing over here.
17 You hope that the relationship and the trust you build in
18 these initiatives help to inform how you police the
19 community and how you solicit their input to engage them and
20 to police them in the way that they would like to be
21 policed.

22 Dr. Anderson has also been in the community to
23 strategize and lay the groundwork for the administration of
24 the next community survey. Once again, the Monitoring Team
25 is working closely with the National Police Institute,

1 formerly the National Police Foundation. At our suggestion,
2 the survey will be refined slightly to include questions
3 designed to assess how the community feels about critical
4 evidence -- critical elements of the police department's
5 progress and community engagement.

6 Dr. Anderson has started pre-outreach to boost
7 participation, with the assistance of Mayor Jones. We have
8 secured mailing addresses for registered voters and business
9 owners so that we can mail announcements and QR codes so
10 that people can take the survey online. We will once again
11 run radio spots and utilize social media in addition to
12 in-person outreach to encourage participation, which we were
13 unable to do to a large extent last time due to COVID.

14 I have submitted a draft contract from the Police
15 Institute to Mr. Carey and Mr. Osterberg and look forward to
16 hearing from them as to any issues or concerns so that we
17 can move forward with launching the survey, hopefully early
18 next year.

19 In the area of use of force, Darryl Owens, the
20 Monitoring Team's lead subject matter expert in that area,
21 is actually here in Ferguson, or St. Louis, to observe the
22 crisis intervention training that the parties mentioned.
23 He's also working on the second phase of the use-of-force
24 audit, which seeks to examine body camera footage of a
25 specifically identified subset of incidents and arrests to

1 determine whether force was utilized but not reported. He
2 hopes to have that work completed by the end of this year.
3 And then, once completed, we will release a draft of our
4 findings to the parties, as we did last time, and we will
5 discuss any tweaks or any adjustments or any areas for
6 follow-up before we incorporate the results into our next
7 report.

8 In the area of bias-free policing, Professor
9 Kim Norwood and Lisa Holmes, the Monitoring Team's subject
10 matter experts in implicit bias and training, both observed
11 FPD's pilot of its soon-to-be-launched bias-free police
12 training, which Ms. Glass mentioned, and I believe Mr. Carey
13 did as well. In the coming weeks the Monitoring Team will
14 provide its initial feedback of both the training itself and
15 the accompanying materials to the parties and work with them
16 to prepare the training for delivery to FPD officers.

17 I think, as Ms. Glass alluded to, with the delay in
18 time from the time it was initially reviewed or piloted,
19 that may have led to sort of some -- you know, there are
20 additional adjustments or tweaks that need to be made before
21 the training is ready to roll out to the department as a
22 whole. We'd also hope to see in some way that that training
23 could be tweaked or revised slightly so that it could be
24 delivered to the municipal court personnel as well, but
25 that's something else that we can get to.

1 Speaking of the municipal court, I've been working
2 with the parties to complete the remaining policies that
3 remain to be developed in the municipal court, and I'm
4 relieved to know that I do not have the Correctable
5 ViolationS policy on my desk as of yet. I did return the
6 trial procedure policy to the parties yesterday, so
7 hopefully that's one that is near completion, but as soon as
8 the Monitoring Team receives the Correctable Violations
9 Policy, we'll move that one through as well.

10 Mr. Carey has mentioned the status of the
11 Comprehensive Amnesty Program, particularly the dismissal of
12 some of the good cause criteria, two and three cases from
13 pre-2014, and so we'll continue to work with the parties,
14 with Ms. Webber, and DOJ to hopefully close the books on
15 that once and for all. We're almost there, and although
16 this might seem like a step back because we had taken so
17 many steps forward, I'm hoping that with everyone on board
18 we can sort of push this through.

19 But the municipal court is essentially a one-woman
20 operation, and Ms. Webber has admirably tried to do it all
21 alone, but I know that the City is -- has looked to hiring
22 administrative support for her, and I think it will go a
23 long way towards moving the municipal court to full
24 implementation of the Comprehensive Amnesty Program. And I
25 just wanted to highlight Ms. Webber's efforts to do all that

1 she can, despite many requests and emails and requests for
2 meetings from myself and from DOJ. I know she's doing all
3 she can and I'm anxiously awaiting her getting additional
4 help so we can hopefully move these things forward.

5 These same resources used continue to stifle
6 implementation across the board, as everyone has mentioned,
7 and I won't sort of belabor that point. Early in my tenure
8 here as the Monitor, both here in court and in our status
9 reports, the Monitoring Team has articulated the three steps
10 to substantial compliance in completion of the
11 Consent Decree: First, policy development; second,
12 training; and, three, implementation, meaning testing to see
13 that the principles detailed in the policies and learned
14 through training were happening in practice.

15 Policy development, you know, we got through that.
16 The parties working together; DOJ evidencing or sort of
17 putting forth a level of commitment to policy development
18 that I have not seen in other Consent Decree jurisdictions.
19 The fact -- the way that they worked hand-in-hand with the
20 department to get all of those policies developed, it was
21 uncommon, and it accomplished the task that most of the
22 policies have been developed. As we predicted at the time,
23 training would require increased commitment and expertise
24 from FPD. As I put it way back then, DOJ cannot do that for
25 them.

1 And much to -- you know, I was -- I hate to say I was
2 wrong, Your Honor, because I would never say that, but DOJ
3 did put its money where its mouth is and committed
4 considerable resources, through technical assistance, to
5 helping FPD fulfill its training commitments, but there's
6 still work to be done because there is that additional
7 effort that needs to come from the City through the hiring
8 of a Training Coordinator, and not only to the reliance on a
9 committed group, a small group of committed individuals to
10 get everything done.

11 This same principle holds for the development of the
12 Community Engagement Plan, as Mayor Jones eloquently stated.
13 The City and its reliance on a few people to do many things
14 isn't sustainable, and asking these folks to go above and
15 beyond what they've already done is a detriment to their own
16 well-being and their ability to sustain any work-life
17 balance, and it's going to lead to burning out more people
18 and more transition and new people coming in.

19 So, I'm happy, heartened by Mr. Carey's announcement
20 that the City is renewing its commitment and its efforts to
21 identify and bringing on board a Training Coordinator, and
22 we look forward to working with that individual in the
23 coming months.

24 So that's it for me, Your Honor, unless you have
25 questions. I'd be happy to answer.

1 **THE COURT:** I think this has been -- you mentioned
2 Dr. Anderson. Is Dr. Anderson cycling off at some point?

3 **MS. TIDWELL:** Yes. That -- so I will announce today
4 that Dr. Anderson is leaving the Monitoring Team. She'll be
5 joining the City of Cleveland to assist in their
6 Consent Decree implementation efforts, but she has committed
7 to helping us get the community survey to the stage where we
8 hopefully just flip the switch and it's open. She's also
9 working with me to identify her replacement, and so she's
10 already given me a couple names to that effect.

11 **THE COURT:** That's great. And -- that sounds very
12 good. And I think the other changes that we've seen, I
13 guess I'd say on the monitoring -- as things change, it's
14 been pretty seamless as far as I've seen. I don't think
15 that should be a problem. I appreciate everything you and
16 your law firms have done to do that.

17 I don't think I have anything else. I think you all
18 have raised the questions, answered the questions that are
19 going forward. You know, the delay -- I mean we all know if
20 you learn something now and you don't actually do it 'til
21 later, there's going to be -- you know, it makes it harder
22 when you finally get ready to implement it. So that's, you
23 know, a lesson learned again, and we'll take it from here.

24 Mr. Carey, did you wish to add anything further after
25 hearing from the other two people?

1 **MR. CAREY:** Yeah, actually, I do. Very briefly
2 though. Thank you for that opportunity, Your Honor.

3 One of the thoughts or sort of themes that I think you
4 heard consistently from my presentation, the Department's
5 presentation, and also the Monitor's presentation, is that
6 the reality, I guess, for the City of Ferguson is that, you
7 know, when you work for the City of Ferguson, you know, you
8 have a job description, but as it relates to everything that
9 a City employee does on top of -- I mean just running a
10 police department or running the City, on top of that then
11 Consent Decree implementation comes in. You have a small
12 group of people doing a whole bunch of stuff.

13 **THE COURT:** In this building we -- everybody who has
14 that kind of a job we refer to as "other duties as
15 assigned," which means who knows what you might be called
16 upon to do. But this is -- I know that in the City
17 everybody's got a lot of other duties as assigned.

18 **MR. CAREY:** Absolutely. And it's just -- it's the
19 reality of being an FPD employee, from the top all the way
20 down.

21 And one of the things I would like to highlight is
22 that, you know, we -- I think some of the areas where the
23 City's pace has not been maybe up to the expectations of
24 maybe what the Department of Justice might think it should
25 be as it relates to what might be low-hanging fruit, this

1 kind of thing, I think what it does is it highlights,
2 honestly, the really good work that our previous
3 Consent Decree Coordinator was doing. Because at the end of
4 the day she, just like everybody else, was doing far more
5 than what her job description was; right?

6 So you may have heard, you know, from the Department
7 of Justice, *Well, it's not our Consent Decree Coordinator's*
8 *job to do X, Y, and Z. The City has to do these things.*

9 However, our reality is that our Consent Decree
10 Coordinator was actually much more than a Consent Decree
11 Coordinator, and so when that position became vacant and we
12 weren't able to work out a situation where we could have a
13 transition plan, there was just a lot of stuff lost in
14 translation because that particular position was filled by
15 someone who has had so many other duties as assigned and was
16 just doing so much to sort of keep it all connected and keep
17 it all running, you know, forward. And so I think, you
18 know, unfortunately, you know, we weren't able to work out
19 that transition plan.

20 I think with Ms. Johnson getting up to speed, and once
21 we give her an opportunity to sort of get up to speed, the
22 City then will identify situations or circumstances in which
23 we can, you know, provide the help and support that we need
24 to push these things over the hump.

25 The Council is well aware of some of the -- you know,

1 some of the resource limitations that we might have. Of
2 course, obviously, they do the budget every year so they're
3 aware of that, but they are not always aware of some of the
4 smaller day-to-day aspects of maybe what a particular
5 employee might be doing to sort of help the process along
6 because they're several steps removed from that. So while
7 we say it is definitely -- I mean we celebrate the progress
8 of -- and the dedication and the work of the people in this
9 courtroom in doing things and moving the process along, you
10 know, it's not always a simple thing to do to get the
11 resources that you need to move things to the next level.

12 So -- but, again, you know, I think out of all the
13 challenges that we have, we don't see a challenge where we
14 say, you know, *We don't think we can do that. Like that's*
15 *not where we are.*

16 You know, we'd like to meet the deadlines that we
17 have. We'd like to be able to satisfy the Department of
18 Justice's ideas of what might be easy for us and what may
19 not be easy for us. You know, sometimes we'll meet that,
20 sometimes we won't. That has been -- at least while I've
21 been representing the City, there have -- you know, there's
22 always going to be some concerns from a pace perspective
23 that -- until, you know, we get ourselves in a situation
24 where we can get this Training Coordinator hired, where we
25 can get some of these other sort of key positions that we

1 need to sort of keep the ball rolling in a way that, you
2 know, puts us back on pace to push this ball across the
3 finish line.

4 So I just want to reassure the Court and the public
5 that, while we do have our challenges -- and I do think they
6 were fairly highlighted by the DOJ and the Monitor and
7 myself -- there has not been a challenge that we've seen
8 that we've said, *Well, you know, we're just not even going*
9 *to try to do that.*

10 It is just -- the reality is that everybody's doing
11 their job, others duties as assigned. And then when
12 somebody leaves their job we have to worry about their job
13 and then some of the other duties that they were doing that
14 we didn't necessarily know that they were doing, at least
15 not all members of the team understood that that person was
16 doing. So it's all sort of interconnected that way.

17 I hope that explanation sort of maybe gives you a
18 little bit more context as to why maybe some of the
19 information sharing that may have needed to occur between
20 certain people on the team, and when they leave and maybe we
21 didn't get the information, you know, these kinds of things.
22 So I just wanted to give that to you in hopes that maybe you
23 and the public would sort of understand that, yeah, those
24 things happen. But it doesn't deter us from believing that
25 we are going to continue fighting the good fight.

1 **THE COURT:** Well, I do appreciate that, and I think
2 that -- I mean I mentioned before, but I've been very
3 impressed with how Ms. Johnson's done since she's been on.
4 She really did hit the ground running, and there was a lot
5 to do. I suspect the Training Coordinator will also be like
6 everyone else who works in this organization, doing things
7 that -- you know, helping fill in the gaps, and that there
8 will be some ability to take some of the load off of other
9 people. It's a resource issue and I understand that.

10 I think, you know, the City should be congratulated
11 on, one, finally getting the Collective Bargaining Agreement
12 done, which I know is -- you weren't the only people at the
13 table on that, but also moving forward on hiring the
14 Training Coordinator because I think that's going to help a
15 lot. That's a lot of what we're looking at now that really
16 needs to be done, and that person will be able to, I hope,
17 do that. So I'm very hopeful about that.

18 So, unless there's anything further from any of the
19 other people here, I will -- this will conclude this
20 hearing. I once again do want to thank everybody. To the
21 extent there are members of the public listening, I'm glad
22 you are interested in it. I'm glad we have people come to
23 these hearings. We will try to have them -- maybe Tuesdays
24 are better than Fridays. I don't know. This time of year
25 everybody gets tied up doing everything. It's hard to plan

1 a lot of things at this time of year.

2 But we will have -- I will be talking to the lawyers
3 in early January and then we will probably at that meeting
4 set the deadline, the date for the next public hearing.
5 We'll try to publicize it so everyone will know and be able
6 to be here. And as long as we don't get any more pandemic
7 or whatever they're calling it with all the problems of
8 the -- the health problems of this season, then I think
9 we'll be able to keep moving forward.

10 And I do, you know, want to thank the City for
11 everything they've done. I want to thank the Department of
12 Justice for, you know -- well, the Department of Justice and
13 the Monitor and the City for all the work you're doing to
14 get this moving forward. I think the DOJ has gone beyond
15 what it normally would to get help with some of these
16 things, and I also think it sounds like the City's really
17 going to be able to -- I'm looking forward to another big
18 jump. This has gone -- it's not a smooth thing. It's been
19 a step and sometimes a plateau and another step, but I think
20 we're getting to another step, and that's partly because of
21 some of the great personnel that the City has had and the
22 way they've managed it.

23 So, thank you all very much. And, with that said,
24 court's in recess.

25 ***(Proceedings adjourned at 11:34 a.m.)***

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REPORTER'S CERTIFICATE

I, Laura A. Esposito, Registered Professional Reporter and Certified Realtime Reporter, hereby certify that I am a duly appointed Official Court Reporter for 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, that said transcript contains pages 1 through 60, inclusive, and was delivered electronically. This reporter takes no responsibility for missing or damaged pages of this transcript when same transcript is copied by any party other than this reporter.

Dated at St. Louis, Missouri, this 5th day of January 2023.

Laura A. Esposito

Laura A. Esposito, RPR, CRR, CRC
Official Court Reporter