

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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

STATUS CONFERENCE

BEFORE THE HONORABLE CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

DECEMBER 12, 2017

APPEARANCES:

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 UNITED STATES DEPARTMENT OF JUSTICE

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1 (Proceedings commenced at 1:11 p.m.)

2 THE COURT: All right. Good afternoon. So I --
3 we're here in the case of United States of America versus City
4 of Ferguson. This is Case No. 4:16-CV-180, and as you all
5 know, it is my intention to hear comments from the public, but
6 before we do that, I do want to hear from the parties. Before
7 we begin, though, let me ask each of the counsel for the
8 United States to please stand and introduce themselves.

9 MR. VOLEK: Jude Volek. Good afternoon, Your Honor.

10 THE COURT: Good afternoon.

11 MS. BRETT: Sharon Brett.

12 THE COURT: Good afternoon.

13 MS. SENIER: Amy Senier.

14 THE COURT: Ms. Senier.

15 MR. HART: Charles Hart.

16 THE COURT: Mr. Hart.

17 And then for the City of Ferguson.

18 MR. CAREY: Apollo Carey, City of Ferguson, Your
19 Honor.

20 THE COURT: All right. Thank you.

21 And then I'm pleased to introduce Natasha Tidwell,
22 who has been selected by the parties as the new lead of the
23 Monitoring Team, the Lead Monitor, and I've approved her
24 appointment. I will be doing so by formal order probably next
25 week, but welcome. Thank you for taking this on, Ms. Tidwell.

1 MS. TIDWELL: Thank you, Your Honor.

2 THE COURT: All right. And so I will start by asking
3 the United States to make any presentations about the status
4 of things they'd like. Mr. Hart, I understand you're the one
5 up today.

6 MR. HART: Yes, Your Honor.

7 THE COURT: Thank you.

8 MR. HART: Thank you.

9 Good afternoon. I'd first like to begin our remarks
10 by acknowledging the Ferguson City Council's recent approval
11 of Natasha Tidwell and the Court's approval of Natasha
12 Tidwell to be the Lead Monitor for implementation of the
13 Consent Decree. Ms. Tidwell has played an important role and
14 a critical role in the work of the Monitoring Team thus far,
15 and we believe that under her leadership progress will
16 continue to accelerate.

17 We will allow Ms. Tidwell to speak on the upcoming
18 work for the Monitoring Team, but from the Department of
19 Justice's perspective, we know that she is developing concrete
20 plans for moving the process forward, and we are very grateful
21 for her leadership and eager to see the results that will
22 follow.

23 Even in the absence of an official lead monitor for
24 part of the time since our last hearing, Your Honor, the
25 parties continued to work together, along with a few members

1 of the Monitoring Team, to advance implementation of several
2 subject areas in the Consent Decree. I'll provide the Court
3 with a brief overview of some of the work that has been
4 underway since our last hearing in September, much of which is
5 focused on community engagement and the transparency aspects
6 of the decree.

7 First, community engagement. We'll highlight some of
8 the developments with regard to the Neighborhood Policing
9 Steering Committee or NPSC. The NPSC is comprised of a number
10 of devoted, creative, and passionate individuals who have
11 eagerly sought to fulfill the responsibilities of the
12 committee outlined in the decree, responsibilities that seek
13 to further positive relationships between law enforcement and
14 civilians in the Ferguson community, that seek to build trust,
15 and that seek to improve the overall effectiveness of policing
16 activity in general.

17 During this period, the NPSC made strides towards
18 improving the committee's internal workings, and we have
19 noticed that the last few general body meetings were a marked
20 improvement from some of the meetings that occurred earlier in
21 the year, and we've attended every general body meeting since
22 earlier this year. The more recent meetings of the NPSC have
23 been characterized by more concrete decision making and better
24 facilitation practices. One recent decision by the NPSC that
25 we hope will yield long-term results was the selection of

1 Dr. Amber Johnson, a professor of communication at St. Louis
2 University, to provide facilitation training for members of
3 the committee, with the first training scheduled to begin next
4 week, on December the 21st. We look forward to the results of
5 that training and will continue to make DOJ resources
6 available to provide supplemental guidance for improving the
7 NPSC's overall function and organizational structure.

8 In recent weeks, the NPSC provided organized,
9 detailed input for Commander McCall and the Ferguson Police
10 Department to incorporate into the development of the
11 community policing policy and the community engagement plan,
12 as required by the decree. The parties modified the draft
13 community policing policy to reflect those recommendations and
14 provided the revisions to the NPSC for further comment and
15 review before finalizing that policy. We look forward to the
16 NPSC's continued collaboration as the community policing
17 policy and the community engagement plan are further
18 developed.

19 In addition to the NPSC activities, the City of
20 Ferguson and DOJ held a question and answer session on
21 November the 15th to provide a status update to the community
22 and answer any questions regarding the Consent Decree,
23 implementation of the Consent Decree. The event was well
24 attended and involved a productive exchange of ideas, but one
25 special note that we want to make about that event and the

1 subsequent policy forums was the presence of several young
2 participants from a Fellows Program that is run by Urban
3 Strategies, a nonprofit group that the City has teamed with,
4 and it's based in St. Louis. These young women and young men
5 offered personal insights about policing in Ferguson that were
6 remarkably thoughtful and creative, and the value that they
7 added to the Q and A session in addition to the policy forums
8 was readily apparent. Their presence highlighted how critical
9 it is for the City of Ferguson to continue to seek more
10 meaningful ways to engage local youth in the conversation
11 about policing and criminal justice.

12 THE COURT: Can you do me a favor? Will you pull
13 that mike down?

14 MR. HART: I'm sorry, Your Honor.

15 THE COURT: We had a very tall person standing there
16 before.

17 MR. HART: Okay. All right. Sorry.

18 THE COURT: Go ahead. Thanks.

19 MR. HART: It's much louder now.

20 I'd like to here note that there are a number of
21 community stakeholders in the Ferguson area, individuals as
22 well as organizations, working to address the relationship
23 between youth and law enforcement -- excuse me -- and even
24 though they are working in the same issue area and engaging
25 with the same populations, they sometimes do not appear to

1 know or communicate with each other in an effort to enhance
2 the value of their collective contributions. We are trying to
3 do our part at DOJ to connect these stakeholders in
4 conversation, and we encourage the City and the NPSC to
5 consider leading an effort to coordinate introductions between
6 the various stakeholders and identify opportunities for FPD
7 engagement with those stakeholders to promote better
8 relationships with youth. The idea of a youth summit was
9 actually something that was mentioned in several meetings that
10 we had with stakeholders. So that might be something that the
11 NPSC and the City of Ferguson can help to coordinate in the
12 coming months.

13 Now I'll turn to a few comments about policy
14 development. In addition to holding the question and answer
15 session on November the 15th, the City and the Department of
16 Justice also held two policy forums on November the 28th and
17 the 29th. These forums were designed to solicit community
18 insight on the values and principles that the community would
19 like to have codified in FPD's use-of-force policies and
20 yielded a bounty of insight that will be incorporated into
21 FPD's use-of-force policies as they are developed further.
22 During each of these forums, the attendees split into three or
23 four small facilitated groups and discussed a series of
24 questions designed to elicit feedback about the values and
25 procedures that community members thought should be part of

1 the policies and the review mechanisms after uses of force.
2 As noted earlier, the Urban Strategies youth fellows also
3 contributed immensely to the discussions at these policy
4 forums. We found the feedback from these forums to be
5 extremely helpful and are working together with the City to
6 incorporate that feedback into the development of the
7 use-of-force policies as appropriate, and we are working on
8 designing similar forums in the future to address other policy
9 areas beyond use of force.

10 But I also want to note here that looking forward to
11 those events, the other policy forums that we hope to hold in
12 the coming months, and with the hindsight of the last few
13 months, we encourage the City to develop a more consistent
14 plan for publicizing events, such as the Q and A and the
15 policy forums, in order to ensure that community members are
16 well informed of time, place, and subject matter.

17 Work has continued not only on the use-of-force
18 policies but in other policy areas as well. We made
19 significant progress on policies related to body-worn and
20 in-car cameras, community engagement, as we previously
21 mentioned in discussion about the NPSC, and with regard to
22 accountability, and one of the things -- with regard to the
23 accountability policies, the CRB, the Civilian Review Board,
24 plays a critical role in the department's transparency and
25 accountability systems and has been involved in the

1 development of the internal -- and review of the internal
2 investigations policy. That policy was revised after CRB
3 input and is currently being reviewed further for -- in light
4 of the input that -- the feedback that CRB gave. We attended
5 the November meeting of the CRB and found an organization that
6 is fully up and running. Members of the CRB have completed
7 their required training and are prioritizing two immediate
8 tasks -- the development of internal CRB policies and
9 procedures to govern their internal workings and also the
10 creation of a public education campaign to inform the
11 community and civilian population about how it is that you can
12 make a complaint and, once a complaint is made, what the
13 process is that follows.

14 Now I'll make a brief mention of developments with
15 regard to the courts. At the last status hearing, there was
16 significant discussion about the amnesty provisions and the
17 cases that were filed before January 1st of 2014 and that were
18 in need of review, and over the last several weeks, including
19 a meeting this morning, we've worked closely with court staff
20 and the City to help develop a concrete plan for addressing
21 this issue, which will be described further by Mr. Carey in
22 his comments. But the process that's been developed, we
23 think, will allow for thorough review of files over the next
24 few months and will ensure that those appearing in court in
25 the interim will have their cases reviewed appropriately under

1 the amnesty provision.

2 A few additional items to mention before I close,
3 Your Honor. Also this week, representatives of FPD and our
4 team met with the Ferguson-Florissant School District to work
5 together on the contract between FPD and the school district
6 regarding the SROs, to begin developing a manual for SROs that
7 comports with the decree.

8 We are beginning to think ahead to the policy forums
9 and think our next policy area of focus and development will
10 likely be that involving stops, searches, and arrests.

11 The -- and I think that Ms. Tidwell will comment on
12 this further. With regard to the community surveys, the
13 community surveys are also a priority, and we look forward to
14 working with the Monitoring Team to make sure that we move
15 ahead with that as expeditiously as possible. The police
16 survey was already administered, and we had mentioned that in
17 previous court hearings. The data from that survey, we
18 presented -- we have given to an expert who is currently
19 analyzing that data, and we received a summary this morning
20 but not the actual -- the actual analysis will be provided in
21 the next couple of weeks, and we expect that those results
22 will help us to develop a better way or even help FPD to
23 develop ways to improve policing in Ferguson and also to help
24 improve officer well-being within the department itself.

25 Overall, the last several months have been extremely

1 encouraging. We are grateful for the continued dedication of
2 the City of Ferguson and the Ferguson Police Department,
3 especially encouraged by the community engagement efforts that
4 are underway, and will continue to work collaboratively with
5 them -- the City of Ferguson, community members, and other
6 stakeholders -- to bring about effective implementation of the
7 decree.

8 Thank you, Your Honor.

9 THE COURT: All right. Thank you, Mr. Hart.

10 Mr. Carey, I'll hear what you wish to say on behalf
11 of the City, your report.

12 MR. CAREY: Thank you, Your Honor.

13 So as is customary -- I'm going to adjust this up
14 again. I'm sorry, Charles.

15 THE COURT: Yeah. No. That's the whole point.

16 MR. CAREY: Right. All right.

17 THE COURT: Move it so it fits you.

18 MR. CAREY: Okay. I appreciate the opportunity to be
19 here again, Your Honor, in front of you. As is customary,
20 I'll start off by introducing to you some of the City
21 officials --

22 THE COURT: Yes. Thank you.

23 MR. CAREY: -- that have come for today's hearing.
24 I'll start with our mayor, Mr. James Knowles, is here. And
25 Councilwoman Ella Jones. So those are two of our elected

1 officials, and they are regulars here at these hearings.

2 THE COURT: Yes. I recognize them because I've seen
3 them here at these hearings. I appreciate your being here.

4 MR. CAREY: Right. And, of course, next to Ms. Jones
5 is Lieutenant Colonel Al Eickhoff; Frank McCall, who is our
6 Consent Decree coordinator; De'Carlton Seewood, who is our City
7 Manager; and Chief Delrish Moss, who is the police chief in
8 Ferguson. Of course, these are the folks who are here every
9 status hearing because these are the folks who -- you know, as
10 well as our other elected officials and folks who, you know,
11 are just really interested in the process, dedicated to the
12 process, and want to show the Court and the public their
13 interest and dedication.

14 So as the Department of Justice has said, we also
15 want to express our extreme happiness that we have Natasha
16 Tidwell who has assumed the role of leader of the Monitoring
17 Team. It's been said to you before, but Natasha obviously
18 played a critical role in the prior Monitoring Team. An
19 example of that would be -- and the last time we were here,
20 Your Honor, we spoke about our court audit that we had in
21 August of this year. Natasha was instrumental in developing
22 the court auditing methodology for that audit, and now that
23 she has assumed the role of Lead Monitor, she will then -- you
24 know, one of her -- I know one of her priorities is to kind of
25 circle back to that audit and, you know, provide the results

1 so that the City now has a direction in terms of where we go
2 from there with regard to the municipal court audit. So we're
3 just really happy to have her on board, and we look forward
4 to -- you know, to having her lead the team.

5 So as you know, I won't get -- the Department of
6 Justice has already talked about the policy review initiatives
7 that we've had. They've already talked about the community
8 engagement stuff that we had. The City was very -- you know,
9 we've made a lot of progress in terms of participating in
10 those types of things. We did have the question and answer,
11 and from the City's perspective, that question and answer
12 session went very well. The policy forums also went very
13 well. We thought the citizens were very well engaged in
14 those, asked some really good questions. They actually showed
15 up. It was cold those two nights, and so we actually had
16 people who came out and showed up, and I think it just shows
17 the level of interest and the level of civic involvement that
18 the Ferguson community has. And so, you know, we'll continue
19 to cooperate and participate in those things with the
20 Department of Justice and the Monitor because we do believe
21 that they help aid in our goals of community involvement and
22 transparency.

23 So the meat of my comments, Your Honor, will be
24 focused on the comprehensive amnesty provisions that are in
25 the Consent Decree. We -- as you know, the City -- this has

1 been a concern of the City for the last several status
2 conferences -- the amount of outstanding cases that the City
3 has to review under the good-cause standard that the City
4 developed under the Consent Decree. We talked about those
5 number of cases the last time we were here, and I think I
6 threw out a number of 20,000, somewhere around there, and I
7 can tell you where that number came from. So in our ITI
8 system, you know, sometimes it's difficult to tell whether or
9 not cases in that system have a disposition or they don't have
10 a disposition. So in reviewing those cases and trying to come
11 up with a number for the public as well as the Court, the
12 20,000 number was used, but I'm happy to report here today
13 that there's actually far less than 20,000 cases pre-2014 that
14 are still outstanding, you know, to be reviewed under the
15 good-cause standard that we've developed. The actual number
16 of cases -- and I'm going to be specific for the record -- is
17 7,933 pre-2014 cases still outstanding that have to be, per
18 the Consent Decree, reviewed under the good-cause standard.
19 So, again, that number is much better than 20,000, a lot more
20 manageable than 20,000.

21 And so, as mentioned by the Department of Justice,
22 you know, we've been meeting with the Department of Justice to
23 come up with a system to address these cases efficiently,
24 effectively, and, you know, consistent with what our
25 requirements are under the Consent Decree, and we think we

1 have developed a system that will allow us to do that. The
2 system, Your Honor, will involve, you know, dedicated
3 employees within the municipal court that, you know, are
4 constantly engaging in the review of these cases. It will
5 involve weekend overtime for court employees who will be
6 involved in the review. It will involve additional time from
7 our prosecutor, our city prosecutor, who, you know, has
8 dedicated himself to adding additional days in the office, so
9 to speak, in order to come up with a way to effectively move
10 through these cases.

11 And so with the now manageable number of, you know,
12 approximately 8,000 cases, we anticipate a time frame of about
13 maybe five to six months. So what we would like to do is to
14 come back before the Court in the second quarter of 2018 and
15 report to the Court that we have exhausted the 7,933
16 outstanding pre-2014 cases; we've looked at them all; they've
17 either been dismissed or continued pursuant to our good-cause
18 standard.

19 THE COURT: And let me ask you this.

20 MR. CAREY: Sure.

21 THE COURT: I know you mentioned to me earlier that
22 if there was -- if people have a case -- if there's a case
23 that's on a docket, you're going to deal with that as it comes
24 up on the docket rather than in this overall review. So some
25 will be being dealt with as you move forward, right, just as a

1 matter of course?

2 MR. CAREY: Right. Yes, Your Honor. So there's kind
3 of a -- so there's simply kind of two systems we've put in
4 place, and I'm glad you mentioned that because I did neglect
5 it. I neglected to say that. So the overall kind of review
6 system of the cases is what I've been discussing now, but in
7 terms of the three municipal court dates that we have per
8 month, there is a mini system that has been put in place
9 whereby the court clerk and the prosecutor will review the
10 docket prior to the court date and, you know, review those
11 dockets, pull the pre-2014 cases, apply the good-cause
12 standard, either dismiss or continue, and so we've
13 essentially -- you know, this is part of the overtime and the
14 extra hours I mentioned to you before. We've essentially,
15 almost in real time or at least the day before court, you
16 know, have kind of developed this system, which we think will
17 help.

18 And, you know, one of the complaints we were getting
19 was, you know, folks would show up in court and they'd have to
20 wait, you know, two hours until their name was -- or maybe not
21 two hours but some amount of time until their name was called
22 on the docket, and so what we have hoped to accomplish by this
23 system is to kind of speed that process up to not
24 inconvenience folks whose cases would probably rightfully be
25 dismissed under the good-cause standard anyway. You know,

1 it's not going to be a perfect system, but, you know, the City
2 is doing what it can to try to alleviate, you know, all of the
3 various different issues and concerns that go along with
4 having such a backlog of cases.

5 And so one of the things I thought I'd do -- we heard
6 both in recent meetings -- last night, we had a "Meet the
7 Monitor" event at City Hall, where some folks expressed some
8 concerns specifically about the good-cause standard that we've
9 developed and they wanted to kind of know what that standard
10 was. That same sentiment has been expressed in prior meetings
11 involving our citizens, both council meetings as well as the
12 question and answer session that we had on November 15th. And
13 so what I thought I would do was endeavor to read -- and maybe
14 not read but at the very least summarize here -- I know it's
15 kind of a thing you don't want a lawyer standing here reading,
16 but I do want to at least kind of summarize our good-cause
17 standard for the record so that folks in the audience who have
18 been asking about this, who kind of want to know what the
19 standard is in terms of what our city prosecutor is looking
20 for with regard to the cases that he's reviewing -- they would
21 have an idea of the standard and how he's -- and at least what
22 the -- what the criteria are for the standard.

23 So, essentially, our comprehensive amnesty program,
24 pre-January 1st, 2014 cases, the default is dismissal; right?
25 So the default is you dismiss everything prior to January 1st,

1 2014, unless an exception applies, and there are four
2 exceptions, and these four exceptions constitute the
3 good-cause exception to dismissal of the cases.

4 The first exception is an offense originally charged
5 involving assaultive behavior or reckless endangerment to
6 others, to include driving while intoxicated. So that's the
7 first one.

8 The second kind of exception to dismissal for the
9 pre-January the 1st, 2014 cases -- the offense originally
10 charged involves an identified victim who is available to
11 assist in further prosecution of the pre-2014 case. So, as
12 you can imagine, you know, the availability of a victim to be
13 able to actually put on a case can sometimes -- the older a
14 case gets, sometimes that can be a challenge; right? And so
15 that standard is included and that specific language is
16 included to recognize that that can sometimes be a challenge,
17 getting folks who, you know, have old cases to come forward
18 and actually support the case.

19 The third standard: The offense originally charged
20 is driving while license suspended or driving while license
21 revoked, and the defendant has picked up an additional charge
22 involving one of those offenses since 2014. So that is the
23 third good-cause criteria.

24 The fourth one and the last one is the city
25 prosecutor reasonably believes that in the interests of

1 justice and public safety the case should proceed. For cases
2 left open under this provision, the city prosecutor shall
3 articulate the factors leading to the decision to continue
4 prosecution in a written statement or finding. So as you can
5 see, that last one is sort of a catchall; right? It gives the
6 prosecutor some discretion with regard to what he believes is
7 in the best interests of the public and safety. Typically, I
8 know -- and this is not -- you know, I'm not the prosecutor,
9 so I don't want to speak for him, but in talking to the
10 prosecutor, I know one of his main criteria in terms of this
11 number four was whether or not there was a victim. It's this
12 idea of there being a victim and this idea of there being
13 someone in the community who was actually wronged has been --
14 although that is, you know, an explicit criteria in number
15 two, it also plays a role in the prosecutor's -- I believe
16 also plays a role in the prosecutor's discretion under number
17 four as well, and it has done so so far. You know, again, I'm
18 not speaking for him, so I'm not saying that's the only thing
19 he considers, but I know that's a big one for him in terms of
20 the use of his discretion.

21 So I just kind of wanted to give the Court as well as
22 the folks in the audience and the folks who will be reading
23 this transcript an idea of what the prosecutor is looking at
24 with regard to these amnesty provisions. And, again, it's our
25 hope -- it's the City's hope that by when we come before you

1 in June of 2018, that we're able to tell you that we have gone
2 through this 7,399 cases and that we are now only dealing with
3 post January the 1st, 2014 cases.

4 And so with that, Your Honor, unless you have any
5 questions, I will allow the Monitor to come forward.

6 THE COURT: Thank you, Mr. Carey.

7 MR. CAREY: All right.

8 THE COURT: And so, yes, I would ask Ms. Tidwell
9 to -- I know you only officially became the Lead Monitor in
10 the last few hours or days.

11 MS. TIDWELL: Right.

12 THE COURT: But I know you have been working all
13 along. So I would ask anything you wish to report at this
14 time.

15 MS. TIDWELL: Thank you, Your Honor.

16 I first want to thank the parties for their
17 confidence and their joint selection or approval of my
18 appointment as the Monitor. I don't take that responsibility
19 lightly, and I look forward to continuing the work that the
20 Monitoring Team has, you know, done heretofore, and with that,
21 I want to thank the parties again for keeping things moving
22 during this sort of, you know, brief pause in the work or the
23 engagement of the Monitoring Team.

24 You know, as the parties have reported, they've made
25 significant development in policy development. I have heard

1 from them throughout the past few months while we've been
2 waiting to iron out the details of my formal appointment, and
3 I'm confident that the collaborative effort that they've put
4 forth so far will continue because, obviously, it's crucial to
5 both my success as the Monitor and in the full implementation
6 of the terms of the Consent Decree. So I want to thank them
7 both, both the parties, for that.

8 So I'm going to be brief because I know we have many
9 folks here who are looking to speak to Your Honor, and I
10 did -- as Mr. Carey mentioned, I did get an opportunity to
11 speak to the community last night at a "Meet the Monitor"
12 event. So many of the things that I'm going to say now were
13 things that I alluded to last night. So I apologize to those
14 of you who are hearing it for the second time. Hopefully,
15 I'll deliver it much better this time around, but we'll see.

16 So I have identified some priority areas, some things
17 that the Monitoring Team needs to do, that I need to do to
18 sort of get right out of the gate to start working on, and one
19 of them, the main one, is the reports, specifically, the
20 report of the audit that I conducted in August in the
21 municipal court as well as just sort of an update on where I
22 think the team is going in terms of year two of the
23 Monitorship and beyond. As you know, Your Honor, the Consent
24 Decree requires that the Monitor issue sort of status reports
25 on a biannual basis, and so my plan is to have those issued.

1 There's a review period for the parties prior to my submitting
2 them to the Court. So my hope is to have the first report to
3 the parties well in advance of the March status conference so
4 that we can officially report on what's contained in that at
5 the next status hearing.

6 The next big area is team composition. I'm fortunate
7 to have two members of the Monitoring Team still remaining.
8 Delores Jones-Brown and Kimberly Norwood have each expressed
9 their interest and their desire to continue working on the
10 Monitoring Team, but that leaves us with, you know, a few
11 folks that we need to add on, and for me, the most important
12 or the priority in that area is a community liaison, someone
13 who is a part of the Monitoring Team but acts as the
14 Monitoring Team's eyes and ears in the community and can, you
15 know, report back on things that are happening but can also
16 take on a facilitation role in sort of how the Monitoring Team
17 engages with the community and how the Monitoring Team reports
18 and communicates the progress of things to the community. So
19 that -- you know, I have already sort of put out some feelers
20 to the parties about folks that I'm thinking about adding in
21 that role. As you know, Your Honor, before anyone can be
22 added to the team, the parties have to approve. So, you know,
23 the community liaison as well as other police subject matter
24 experts and a data technology person, data systems person --
25 those are the -- the three or four team members that I'm

1 looking to add in the short term.

2 Another addition to the team would be someone to
3 assist with the survey process, and so we've got -- we were
4 fortunate to have some help from a professor out at Arizona
5 State in the administration or the analysis of the most recent
6 police survey. I'm looking, hopefully, to have similar
7 relationships with local universities here, but I also would
8 like to have someone within the Monitoring Team who can help
9 in the development of surveys and, hopefully, in the
10 administration. I think Professor Jones-Brown is already --
11 she was instrumental in the police survey. So I assume that
12 she will continue in that role with the community surveys, but
13 we also need to sort of identify some other folks to help with
14 that. Much of the groundwork for that was laid previously by
15 my predecessor. So I think that there are -- you know, we've
16 got work that exists that we can sort of pick up on. I know
17 of one agency that there have already been discussions with
18 about developing a survey instrument. So I just -- you know,
19 hopefully, we're -- I don't think we're starting from scratch
20 in that area, and we can move forward with that.

21 So looking forward to the rest of year two, the
22 months that are left, I've got some priority areas that I
23 would like to see moving forward in the implementation of the
24 Consent Decree. We've heard from the parties about the --
25 where they are with policy development within the priority

1 areas that they previously identified. So what I'd like to
2 see is -- and I'd like the Monitoring Team to begin doing some
3 assessments in those areas, particularly in use of force;
4 stops, searches, and arrests; and internal investigations. So
5 those are three policy areas that the parties have identified
6 as priorities, and so as the policies are being developed and
7 refined, my hope is that the Monitoring Team will be able to
8 review reports, whether use-of-force reports or arrest reports
9 or field inquiry reports from the police department, to see
10 where this department is because we can't really tell what we
11 need to put into policy or what the training gaps are until we
12 know what is actually being done. And so I think it would be
13 helpful both for the Monitoring Team to have that baseline of
14 how things exist in the department, but it will also help us
15 in the form of providing technical assistance and guidance to
16 the department in developing new policies, like here are some
17 of the areas that you probably need to either bump up your
18 training or this is -- there seems to be this disconnect, and
19 I think all of these things, whether use-of-force reporting or
20 how stops, searches, and arrests are done and field inquiries
21 are done, dovetail into your accountability policies as well
22 because there has to be some mechanism by which where people
23 fall short of what the policy expectation is that there's a
24 mechanism that -- not to prevent people from making mistakes
25 or to sort of punish that, but there has to be some system in

1 place that says, "Here's what we -- you know, here's what we
2 want, and here's what we expect from our officers when they're
3 policing the community."

4 As Mr. Carey mentioned the municipal court, we are
5 moving through the audit. I am, you know, getting the report
6 structured so I can let the parties know the results of the
7 audit. I will say that one of the areas that we looked at was
8 the policy development, the development of protocols and
9 procedures for the court. I think much like the police
10 department process where we have Commander McCall who works
11 with DOJ and with the Monitoring Team, you know, when we are
12 available or now that we'll be more available to develop these
13 policies, the municipal court needs a Commander McCall, and it
14 might not be -- it probably won't be Commander McCall, but
15 they need someone who's sort of dedicated to developing clear
16 and consistent policies that not -- that we don't have sort of
17 one document for this particular area and one for that, that
18 there's a comprehensive sort of manual that explains what
19 happens in the court in Ferguson that is publicly available
20 and sort of explains, you know, different processes, whether
21 it's ability-to-pay determinations or indigency or how the
22 trials are conducted. All of those things sort of need to be
23 laid out in a streamlined manner, and I think having
24 someone -- and I've spoken to Mr. Carey and the parties about
25 trying to get someone on board who can assist them with that.

1 In terms of the comprehensive amnesty program, I
2 won't add too much to what Mr. Carey has already said, but I
3 will say just sort of that, you know, the reduction of the,
4 you know, tens of thousands of cases down to where we are -- I
5 think one distinction that, you know, I didn't make clear and
6 I'm not sure that I, you know, was articulating clearly is the
7 distinction between cases with a disposition and cases without
8 a disposition. And I think when we talk about the 7,000 some
9 odd cases that are up for review under the good-cause
10 standard, those are the cases with no disposition, where
11 there's been no movement on that case since it was originally
12 opened, and, you know, there are -- in our search of the ITI
13 database, we could not make that distinction. It was just
14 sort of we're looking at the number of pre-2014 cases at large
15 without sort of drilling down on which cases had no
16 disposition. And I think -- you know, so I apologize for --
17 you know, for not articulating that clearly, and so,
18 hopefully, now that we've got -- we've identified that number,
19 we can move forward with the review process.

20 And as far as the good cause, the application of the
21 good-cause standard, we have asked that within the list that's
22 maintained by the court of the cases to be reviewed that they
23 start to designate which cases have been kept open by the
24 prosecutor so that the Monitoring Team can go back and audit
25 specifically not the cases that were closed. I mean we'll be

1 keeping an eye on the number that are closed, but more
2 importantly, what is being kept open and which standard did he
3 use? Which of the three explicit criteria did he use? Or in
4 the case that he uses the fourth sort of catchall, how did he
5 articulate and what did he articulate as the bases for good
6 cause? So that's something that the Monitoring Team will be
7 keeping a running tally of, and we've asked them to keep those
8 cases separate so that they can be part of our ongoing review
9 not only during the audit process but sort of on an ongoing
10 basis.

11 THE COURT: Right, to see what -- since they are
12 being kept open, to see how they get resolved.

13 MS. TIDWELL: How they were -- how, yeah, the
14 standard was applied, whether it's consistent, fair --

15 THE COURT: Yeah.

16 MS. TIDWELL: -- specifically, as it relates to the
17 catchall.

18 And then, finally, in terms of year two and where
19 we're going, I would like to see and I'm happy to report that
20 the City -- the police department has designated a training
21 coordinator, as is required by the Consent Decree, a Sergeant
22 Fuller, and so I have not had the opportunity to meet her yet,
23 but I did meet with Chief Moss and Commander McCall yesterday,
24 and I sort of explained what the Monitoring Team would be
25 looking for in terms of the training and the role of the

1 training coordinator in the department and, you know, how the
2 expectation will be that when training is -- whether it's
3 inside the department or outside, that the Monitoring Team is
4 going to need to review lesson plans, curricula, you know,
5 those things to see that the training comports with what's
6 required under the Consent Decree and that we expect to be,
7 you know, reviewing these trainings to monitor what's
8 happening and whether that means that we've got to figure out
9 how to, you know, videotape things so we can watch them later
10 or, you know, how we schedule things, but the training
11 component -- you know, it's great to have a great policy, and
12 I'm sure great policies are being developed and worked
13 through, but the training and implementation is where the
14 rubber meets the road, and we plan to be very involved in that
15 process going forward.

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

18 THE COURT: I do not. I do want to thank you,
19 though. I think it sounds like you are moving forward very
20 quickly now that we've gotten this resolved. So I appreciate
21 that, and I appreciate and look forward to hearing from you
22 further at further meetings.

23 MS. TIDWELL: Thank you, Your Honor.

24 THE COURT: All right. I'm prepared to start hearing
25 from the public then. I have -- I think we have 11 people who

1 signed up or maybe 10, and so, as I indicated, we will hear
2 those in order. The clerk will keep track of the time because
3 everyone is limited to five minutes.

4 And so Michael-John Voss is the first person. If
5 you'll step up here to the lectern, sir, and before you begin,
6 if you will, state your name again for the record so we have
7 it, although we have the sign-in sheet.

8 MR. MICHAEL-JOHN VOSS: Good afternoon, Your Honor.
9 My name is Michael-John Voss. I'm a resident of St. Louis
10 County. I'm a lawyer in St. Louis, a member of the
11 organization ArchCity Defenders. And, Your Honor, I'm just
12 going to speak about three points that I'm aware of based on
13 my experience operating in Ferguson's municipal court that are
14 of concern to me and other lawyers that I work with.

15 We've been representing people in Ferguson's
16 municipal court since 2009, and we have seen dramatic
17 improvement in the way that individuals are treated in the
18 court, most definitely in the last few years under the Consent
19 Decree. That being said, there are still some concerns as it
20 relates to these cases and how we're identifying them as
21 disposed or not disposed of. As of the last hearing,
22 Ms. Tidwell had talked about the fact that there might be tens
23 of thousands of outstanding cases that had been not disposed
24 of, that were still backlogged from prior to -- issued prior
25 to 2014. Those cases -- I'm glad to hear that there's a

1 reduction in the number of those cases that are identified,
2 but the concerns that we have with those cases are that the
3 criteria as set forth by Prosecutor Goodman -- we believe that
4 there's issues with how it's being implemented. Just a few
5 weeks ago, I was in court. I had an individual who had a case
6 from prior to 2014, and I asked Mr. Goodman about the criteria
7 as utilized, and he did outline a few of the points that were
8 mentioned by Mr. Carey today, and he said that if there's a
9 victim, he's going to set it for trial. I asked, "Well, who
10 is the victim in this case?" It was a trespassing case, and
11 the victim was McDonald's in this situation. And so he set it
12 for trial on that day. It eventually got dismissed because no
13 one from McDonald's who was employed prior to 2014 showed up
14 for the hearing. But it's just of concern that there isn't
15 even a deeper dive into looking at what we mean by a victim in
16 these cases.

17 In addition to that, you know, there are some
18 concerns that we have as to the issues of cases that are not
19 being reviewed that are from before 2014 that might be
20 considered to be disposed of or at least that there be some
21 disposition. For example, basically, on my understanding of
22 this, "disposition" means that the person has pled guilty or a
23 finding of guilty has been made in these cases, and then
24 they've been assessed a fine. Well, individuals who have been
25 assessed a fine from a case prior to 2014 will still be coming

1 to court to make payments or to explain why they can't make
2 payments. Just as a matter of fact, I have a case right here
3 that -- a case that the person pled to before 2014. I have
4 evidence that they were there to make a payment in 2014 on
5 this case. The case continued -- it was three charges --
6 through 2016. This is evidence of a new court date in 2016.
7 And then it wasn't until a lawyer got involved and argued that
8 this case should be dismissed or at least the person be given
9 credit for time served -- she owed \$777 on this case for three
10 tickets. She had spent over 51 days in Ferguson's jail on
11 warrants issued on these tickets. And so the concern, the
12 second point of concern is what are we doing about those cases
13 in which there is no -- there is a disposition but the person
14 is still riding the docket, still coming to court on these, or
15 if they're not, there are warrants being issued for their
16 arrests and they're coming to the court that way, by getting a
17 new summons on that date. And so the concern is if you don't
18 have a lawyer to represent you in those situations where you
19 have done enough time or you've paid enough in terms of what
20 these fines are before 2014, is that being reviewed? Is it
21 being reviewed if you don't have a lawyer to advocate for you
22 in the court? And these cases are not within the purview of
23 the prosecutor at this point in time. They're within the
24 purview of the court. And the question I have is, you know,
25 maybe the Consent Decree has fallen a little bit short of its

1 mark in terms of reviewing the municipal court because these
2 cases ongo, and unless they had -- if they hadn't pled guilty,
3 they could possibly be dismissed, but instead, because they
4 pled guilty and they've paid toward this, they still owe fines
5 and money and they're coming to court, and so the question I
6 have -- how are we reviewing or can we review those cases?
7 And that's a cause for concern if we're not reviewing that.

8 And the last point I would like to make is regarding
9 the driving while suspended issue. I know that this is a
10 criteria that Prosecutor Goodman is continuing to enforce. If
11 there's a driving while suspended issued before 2014, those,
12 those cases, many of them, are issued because of a failure to
13 appear. Those cases are where a person didn't come to court,
14 and because they didn't come to court, their license was
15 suspended on a FACT hold, and there's been no review of
16 whether or not those cases should be thrown out as well. I
17 know the Court has thrown out the failure to appear charges
18 and isn't prosecuting those.

19 THE COURT: Slow down. You can slow down a little.
20 I know the yellow light is on, but --

21 MR. MICHAEL-JOHN VOSS: The court has thrown out the
22 failure to appears, but those failure to appears have caused
23 license suspensions, and there's no evaluation of whether or
24 not those suspensions should be thrown out or not. I haven't
25 heard any evaluation of those. And so it's just a

1 consideration as to the criteria being reviewed by Prosecutor
2 Goodman. Is he looking at what is the cause of this driving
3 while suspended? Those are still being prosecuted, and they
4 shouldn't be.

5 So those are the three points I'd like to make, and
6 thank you, Your Honor.

7 THE COURT: All right. Thank you. Thank you,
8 Mr. Voss.

9 All right. Keith Rose.

10 MR. KEITH ROSE: My name is Keith Rose. Thank you,
11 Judge. So like Mr. Voss, I've had some recent experience with
12 how the court changing these old cases has been implemented.
13 So I was on occasion to be in Ferguson court on the docket
14 last Monday, and while there -- it's very hard to hear what's
15 going on. There's no voice amplification. But when I was in
16 the front, I was only able to hear about two or three cases.
17 Of those three cases, one of them was a woman who was in there
18 who the judge said was in there on a 2004 traffic violation, a
19 2009 traffic violation, and maybe there was an old 2011
20 traffic violation that hadn't been taken care of. Of those
21 three things, the judge looked at the paperwork, and he was --
22 he was kind of -- he was going over, like "What am I going to
23 do with this?" It was very clear that she hadn't spoken to
24 the prosecutor that day, and so whenever they say that the
25 cases on the docket are being reviewed, that definitely didn't

1 happen last week. It was clear to me that she wasn't in there
2 on a driving while intoxicated. She might have been -- those
3 might have been suspended license cases. I don't know from
4 what I heard, but it seemed like they were speeding tickets,
5 and so I just wanted to let you know that those are going in
6 front of the judge. And what ended up happening was the
7 disposition was he gave her time served, which he mentioned
8 was 25 days. So 25 days for two or three traffic tickets from
9 many years ago. Instead of being dismissed, those were -- you
10 know, I guess that becomes a conviction on her record. And so
11 I just wanted to point out that that is what's going on.

12 Also, Mr. Carey had said that one of the goals is to
13 have people not go in there and have to wait for a couple
14 hours. Well, this woman clearly had been in there for at
15 least 90 minutes waiting for this to happen, and so it's not
16 as -- as streamlined as I think was mentioned earlier.

17 Also, whenever I went in there, I saw some changes
18 that I hadn't seen for the last couple of years. So for the
19 last couple of years, as there's been attention on the court
20 system, really, the municipal court night has become a lot
21 more organized. A lot fewer people are there, but it seems
22 now, because I hadn't been there in a while, that it's back to
23 what it had been beforehand. There were probably 150 people
24 there, and I think only six or seven were nonblack people. Of
25 those, five of them were arrested at a protest. So it seems

1 to me that Ferguson might be inching back toward their old
2 ways of doing things, and that's something that I really hope
3 that the Court keeps an eye on because while there might have
4 been some improvements in the past, I don't know if those
5 improvements are going to stick, especially if this Consent
6 Decree isn't extended, and so if those are not institutional
7 changes, I don't know what's going to happen once this Consent
8 Decree is up.

9 Also, I wanted to mention that earlier we had heard
10 that Sergeant Fuller was being put in charge of training. As
11 a community member, I think that is an amazing decision, and
12 I'm very happy that Ferguson has chosen Sergeant Fuller to be
13 in charge of their trainings. She is probably the best
14 officer on the force when it comes to dealing with the
15 community, and I'm really happy to see that kind of
16 development happening in their police department.

17 THE COURT: Thank you. Thank you for saying
18 something positive too. I think the City probably appreciates
19 that.

20 All right. The next person, Ashley Carter.

21 MS. ASHLEY CARTER: Good afternoon. My name is
22 Ashley Carter, and I'm a staff attorney at the Advancement
23 Project.

24 THE COURT: At which project?

25 MS. ASHLEY CARTER: Advancement Project.

1 THE COURT: Advancement. Okay.

2 MS. ASHLEY CARTER: In Washington DC.

3 I just had two quick questions. The first question
4 is whether or not there will be any sort of mechanism in place
5 to safeguard the proposed deadlines for the analysis of the
6 cases that remain.

7 And the second question is whether or not there will
8 be any sort of community input on the hiring of the people
9 that will be added to the Monitoring Team, in particular, the
10 person who will be considered the policing expert added to the
11 team.

12 Thank you.

13 THE COURT: Thank you.

14 Hold on a second.

15 All right. John Chasnoff.

16 MR. JOHN CHASNOFF: Okay. For the record, my name's
17 John Chasnoff, and I just had two suggestions. The first one
18 has to do with transparency and the publication of documents
19 for community consumption. It would be very helpful for us to
20 get the documents related to billing and Consent Decree
21 expenditures, and if those were put online, it would save us
22 the hassle and the expense of having to do Sunshine requests.
23 So right now, I have a Sunshine request in for the records
24 going back to January and through the fall so that the
25 community can get some sense of which things that were billed

1 in the spring were actually paid, what things were billed over
2 the summer, and what work, you know, was ongoing over that
3 summer period, but I'm scraping together the money to pay for
4 the Sunshine request. It seems to me that it would be easy
5 enough for the City to just put those documents online as
6 they're produced, and it would be a huge service to the
7 community.

8 The second suggestion has to do with the benchmarks
9 that are in the Consent Decree for when certain things have to
10 be completed. So as we've watched this process develop, most
11 of the benchmarks have essentially been thrown out, and that's
12 completely understandable. It seems that they were fairly,
13 you know, difficult to comply with in the first place, and
14 given the situation with the Monitor, we're slowed down. So I
15 don't think the community is arguing that there's a problem
16 because those benchmarks are flexible. But what has resulted
17 is that we're kind of adrift in a very opaque sea at this
18 point. It's very hard for us, as community members, to follow
19 the progress of the Consent Decree. I think that, you know,
20 we get a lot of verbal updates from the parties, and those are
21 extremely helpful, but our ability to really absorb those
22 depends on how fast we write them down and, you know, how --
23 you know, whether we get the whole list and whether we have
24 that list available when somebody asks us at some later point.
25 I asked the Monitor last night if she were interested in

1 reestablishing some benchmarks, and basically, what I took
2 away from her answer was that when she comes up with the
3 Monitor plan it will have a structure in there for how one
4 thing proceeds from another. I didn't get the sense that she
5 was planning to put -- and she said specifically she didn't
6 want to put dates certain in there because those -- she didn't
7 want to set the City up for failure. That was all
8 understandable to me, but I'm wondering if we might have --
9 along with a structure and a step-by-step, we might have some
10 time periods attached to those so we can expect that from step
11 A to step B is going to be six months and from step B to step
12 C is going to be eight months. We understand that those are
13 flexible, and I don't think anybody wants to jump up and down
14 on the due date and cry foul, but it would be helpful for us
15 to have those kinds of time expectations so we can get a sense
16 as a community of whether things are proceeding on track and
17 whether we need to hold folks accountable.

18 Thanks.

19 THE COURT: Thank you.

20 Mildred Clines.

21 MS. MILDRED CLINES: Mildred Clines.

22 Hi, Judge Perry.

23 THE COURT: Hi.

24 MS. MILDRED CLINES: Thank you for giving the
25 citizens an opportunity to speak. I've been at every status

1 hearing, so I've got to listen. I spoke one time, and I got
2 to listen in. And what I will say is, at the last one, I was
3 a little disappointed because it's almost like a picture was
4 being painted like, you know, everything was like really going
5 very, very well, and things are going well, but, you know, we
6 still -- as citizens -- still see some issues.

7 I am a part of the Neighborhood Policing Steering
8 Committee. I've been on it since its inception, and I will
9 tell you, Judge Perry, that when we first started, it was so
10 violent and so much hatred and so -- it was just so out of
11 control, and we have come a long way since then. Our meetings
12 are productive, and you have some residents here who are very,
13 very committed to making Ferguson the best city it can be, and
14 I will tell you what some of the -- I want to tell you, as a
15 citizen, as a resident almost 30 years here in Ferguson,
16 everybody wants Ferguson to succeed, but we have people who
17 have different ideas, ideologies on how to get us there. And
18 as an African-American who has been -- I felt marginalized and
19 disparaged in this whole thing that's been going -- that we've
20 been going through. Actually, like I said before when I first
21 spoke, I've noticed some things over the years. We have some
22 ideas on how we want to be policed, and the Neighborhood
23 Policing Steering Committee is set up just for that. We want
24 as many people from the community to come in and say, "Okay.
25 So how do you want your city to be policed?" So we had this

1 group of people who felt that there was really no problems in
2 Ferguson or that the black community wasn't really being
3 targeted, which we felt that we were. We felt like our
4 constitutional rights were being violated, and so we had that
5 group of people also in the NPSC trying to fix Ferguson, but
6 really, they didn't see anything really wrong with Ferguson.
7 So we just clashed a lot.

8 So a large group -- we lost a lot of our membership.
9 So now we are trying to rebuild our Neighborhood Policing
10 Steering Committee with people -- because we felt like a lot
11 of people were being obstructionists. They were not allowing
12 us to move forward. But now we are really moving forward. We
13 just had to reach out to more of the community because
14 Ferguson is like 20,000, and we maybe have no more than maybe
15 50 people, I think, you know, at the most at the meetings, and
16 we need to have more community involvement, and that's one of
17 the things that I'm concerned about is trying to get as many
18 people into the process as possible.

19 Another thing -- as a minority -- being a minority on
20 my job, it's the hierarchy of voting, majority voting. You
21 know, I have always -- you know, a lot of times, we've been on
22 the -- because it's a majority, we're not majority. A lot of
23 times, things that we might have voted for didn't, you know,
24 go over. So how the NPSC operates now -- we operate under the
25 consensus model, which we have found to be very successful

1 because it considers everybody's input, everybody's idea, and
2 there was a lot of people who didn't want to do that. They
3 wanted to do the hierarchy, have a president, vice president,
4 whatever. But we have found that this has really worked.
5 We've got our committees together. We have six different
6 subcommittees. Everybody's doing their work in their own
7 committees, and so we have a lot of work to be -- we have a
8 lot of work still to do, but we are really moving forward, and
9 I will have to say that we're moving forward.

10 One little thing I want to say is because I have been
11 committed to being involved, I sit in all types of meetings,
12 and I was in this one meeting because I really want to
13 re-envision what policing looks like in Ferguson. So we have
14 these council people who are so committed or so determined to
15 bring the number of police numbers back up, and I'm
16 re-envisioning police like maybe we don't need that many
17 police. Maybe we can police in a different type of way. And
18 I remember one of the council members saying, "Well, we need
19 to get our police numbers back up so they can start writing
20 more tickets." You know, and I was like that's how we got
21 here in the first place. So I wish we could work together
22 with the City to find out a way how can we reimagine,
23 re-envisioning police within our community.

24 Thank you, ma'am.

25 THE COURT: Thank you.

1 All right. Felicia Pulliam.

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

3 First of all, I would like to say thank you so very much for
4 taking comment from the public, and I appreciate your
5 appointment of Ms. Tidwell. It really provides me with an
6 opportunity to feel hopeful moving forward, and I would like
7 to say that I appreciate the DOJ team for remaining present
8 and engaged. Their work is good work, and while it is
9 appropriate that the parties are complimentary and civil to
10 one another, I think that it is important to understand from a
11 community perspective that the process has been disappointing.
12 The delays, denial of information, denied access by the
13 community continues to frustrate, continues to frustrate
14 people. And, you know, while it's wonderful that they had
15 these meetings on the 28th and the 29th to garner the opinion
16 and pull people into the process, on the 28th, while I wasn't
17 there, I heard that there were probably 12 citizens. I was at
18 the use-of-force meeting on the 29th, and there may have been
19 15 citizens, and there were 15 people there not because the
20 DOJ did not coordinate and do what they're supposed to do, but
21 again, because the City is not supporting the efforts, the
22 City is not investing any money into providing advertisement,
23 recruitment, advocating for the participation of the citizens.
24 The City's posture towards the community continues to be one
25 that excludes participation and opinion, and all these years

1 later, it's very frustrating, and I don't feel as if the City
2 has any interest in expanding opportunity for citizen
3 participation. So with no advertisement and such poor
4 attendance, we've got a limited perspective of people that are
5 offering whatever their opinions and ideas are around how we
6 improve the community because of the ongoing and consistent
7 barriers that are in place, and most of those, I think, are
8 just typical of how the City continues to operate.

9 So for us it's very difficult to ascertain what the
10 process is for getting the work done, where the progress is.
11 You've heard that we don't have any timetables. We don't
12 understand the scope of the work or the status of the things
13 that have been offered to you, Your Honor, that are in
14 progress or things that are -- that are happening. I do
15 believe that it is unfortunate that we are under a Consent
16 Decree and citizens still have to go to the process of a
17 Sunshine request when our elected officials should be willing
18 to provide this information free of charge. They have the
19 information. What are they hiding? Why don't they just
20 provide the information and answer the questions? When they
21 do that, it leaves us in a position of believing that
22 nothing's being done or that they've got something to hide,
23 and if that isn't the case, then why can't we open up the
24 communication and work more collaboratively?

25 It is my hope moving forward, as this new team gets

1 built, that attention is given to the needs of the community
2 to participate fully in this process and that the City will be
3 encouraged to do everything that it can to advocate for
4 citizen engagement and invest in changing the relationship of
5 the citizens with the elected and appointed officials so that
6 the invitation feels like an authentic one wherein people are
7 welcomed because when I was in that room I didn't see any of
8 the people that have been so negatively impacted by the
9 policies and ongoing practices that brought us to this point.
10 They don't feel welcomed. They don't feel safe. And nobody's
11 providing an invitation that they would accept.

12 Thank you.

13 THE COURT: Thank you.

14 Emily Davis.

15 MS. EMILY DAVIS: Hello, Your Honor. My name is
16 Emily Davis. I'm a Ferguson resident, and I do want to thank
17 you for letting us speak again today. As citizens, it's
18 really important in this process.

19 And also, to reiterate what Ms. Pulliam said, we're
20 very hopeful again with the appointment of Ms. Tidwell to the
21 Monitor Team, and I want to talk as well about community
22 engagement because, as Ms. Clines mentioned, as citizens, we
23 want to be engaged in this process, we want to participate,
24 and the City has thrown up a lot of barriers to making that
25 happen, and I want to talk about this from several aspects.

1 One is the fact that our police in our city are still
2 violating the Constitution. They're still performing unlawful
3 arrests, retaliatory ticketing, illegal searches, and they
4 continue to violate other provisions of the Consent Decree,
5 such as duty of candor, identifying themselves to those that
6 they interact with, et cetera, and those things are happening
7 to the citizens that are most engaged with our city government
8 and aware of our recourses. Based on the way that the court
9 sessions have reverted to looking much like they did prior to
10 2014, I can only assume that the same is happening to other
11 citizens as well. This behavior is occurring by both officers
12 old and new, indicating that leadership has yet to be able to
13 effect cultural change within the police department.

14 As has been mentioned, some frustration with the
15 Sunshine requests, the City continues to obstruct.

16 THE COURT: Slow down. The court reporter is taking
17 it down.

18 MS. EMILY DAVIS: Uh-huh. I'm trying.

19 The City continues to obstruct Sunshine requests in
20 various ways. I submitted identical Sunshine requests to both
21 the City of Ferguson and the City of Arnold. Four weeks
22 later, I have yet to get that information from the City of
23 Ferguson after a series of back and forth emails. I got the
24 information from the City of Arnold within the same day I
25 requested it. I got a polite response, and I received that

1 information for free.

2 The City continues to severely throttle public
3 comment during our City Council sessions contrary to the
4 spirit of the City's charter that allows us additional time
5 and other ways to express ourselves.

6 We, the community -- we did request that Q and A
7 session with the Department of Justice, the Monitor, and the
8 City, and we are very grateful that they took it upon
9 themselves to honor that request, but unfortunately, as has
10 been mentioned, it was not advertised, and this is a
11 continuing -- every time that we go to these meetings, this is
12 something that has to be spoken about because they do not --
13 it's not on the City website. It's not on the City calendar.
14 It's not in their -- they don't send out an email blast. They
15 have text and phone blast systems. It's not on their Twitter
16 page. It's not on their Facebook page. Same thing with the
17 recent "Coffee with a Cop" session. Not advertised anywhere.
18 So unless you are somebody who's already in the know, you
19 don't get to attend those things. And so when we go to those
20 things, the only people who show up are those of us who are
21 already engaged because we're the only ones who know, and so
22 that's really frustrating.

23 And it's frustrating to sit in our City Council and
24 listen to our Mayor rant about the DOJ nitpicking on the City,
25 how this process is just silly stuff that does not benefit the

1 citizens, and threaten that City Council needs to take action
2 to complain about the lack of community engagement from the
3 Monitor when the City -- in fact, it is incumbent upon them to
4 do community engagement, and they have failed so miserably in
5 this process over the last several years.

6 So, again, I know that I've spoken on this before and
7 others as well. Community engagement and transparency
8 continue to be a big problem within our city.

9 Thank you.

10 THE COURT: Thank you.

11 Brenda Roediger.

12 MR. BRENDAN ROEDIGER: Brendan, Your Honor.

13 THE COURT: Brendan. Okay. Sir, if you'll step
14 forward. Yeah, and I'm having trouble reading this. So when
15 you come up, if you'll spell your name, I'd appreciate it.

16 MR. BRENDAN ROEDIGER: Because of my handwriting,
17 Your Honor.

18 THE COURT: Yeah. If you'll spell it for us, that'd
19 be helpful.

20 MR. BRENDAN ROEDIGER: Brendan Roediger, Your Honor.

21 The first name is B-R-E-N-D-A-N. The last name is
22 R-O-E-D-I-G-E-R.

23 THE COURT: Thank you.

24 MR. BRENDAN ROEDIGER: I'm a lawyer. I am not a
25 Ferguson resident. I'm very angry right now. I'm so angry

1 that I thought about not talking. I appreciate the Court's
2 desire to have the parties and expectation to have the parties
3 cooperate. I understand that the process of the Consent
4 Decree can't work unless there is such cooperation, but I feel
5 like a lot is missing that maybe the -- you know, the absence
6 of a trial in this case has kept some facts at bay that should
7 really be informing the Court moving forward.

8 This was not a court in the sense that this is a
9 court that I'm in right now. This was a not a prosecutor who
10 reviewed case files. These individuals that we're talking
11 about with the pre-2014 cases, they have never even had their
12 case reviewed by a prosecutor, much less a finding of probable
13 cause. The idea that within this group of constitutionally
14 deficient cases there may be some that are legitimate is not a
15 good enough reason to have these 8,000 people live the next
16 six months of their life with these cases hanging over their
17 head. That's not the justice system.

18 As I was sitting, I was thinking how would I -- I
19 teach at St. Louis U., at the law school. I was thinking, how
20 would I teach this to students? How would I explain this
21 process? How would I explain that we're now at a point where
22 the City Attorney is sitting down with the Prosecuting
23 Attorney, trying to talk about a process for reviewing cases
24 that were filed that weren't reviewed in the first place, that
25 weren't signed by a prosecutor in the first place, that OSCA,

1 the Office of the State Court Administrator, has already given
2 us a report about? At some point, there needs to be an
3 admission that this was a fundamental failure and that
4 fundamental failures of justice do not get retroactively
5 remedied. You have to start over. You have to build good
6 things. And I'm impressed that there's a process that is
7 maybe building good things and that some day that's going to
8 be a court that meets constitutional muster, but the old cases
9 have got to go.

10 They -- there's a very good argument -- if the
11 question is sort of a good-cause question, there's a very good
12 argument that the failure of the prosecutor to review and sign
13 off on these cases means that the cases were never truly
14 filed -- police officers don't file cases -- and that those
15 cases are now past the statute of limitations anyway. So I
16 think we need to flip this good-cause analysis. If the fear
17 is that there's a DUI in there with a dangerous person, if the
18 fear is that there's somebody who beat somebody up, send them
19 to the state; send them to the feds. If they want them and
20 they're within the statute of limitations, let them take them.
21 But the idea that we're now paying the prosecutor to review
22 these ridiculous files, it makes no sense, especially in a
23 city that's complaining about budget constraints.

24 And I will repeat what Michael-John Voss said
25 regarding the driving while suspended. I understand that

1 there's a lot of talk about driving while suspended and
2 driving without insurance as being sort of -- quote,
3 unquote -- "more serious traffic offenses." The reality is
4 that driving while suspended in the state of Missouri has
5 always meant that you just missed a court date. The vast
6 majority of these cases are going to be individuals who missed
7 a court date or -- because remember we're dealing with the
8 Ferguson Municipal Court -- who missed a payment docket that
9 was not even officially a court date because the clerk in the
10 City of Ferguson created a payment docket at which there was
11 no prosecutor and no judge and then sent FTA notices for
12 failing to appear at this docket that did not exist.

13 So let's just be done. Let's build some new stuff
14 and let go of the old. And I fear that the Court is going to
15 have to involve itself to make that happen because I do not
16 see any pressure coming from the party that should be. That's
17 all.

18 THE COURT: Thank you.

19 Derecka Purnell.

20 MS. DERECKA PURNELL: No, thank you, Your Honor.

21 THE COURT: Oh, okay. Thank you.

22 And so Cassandra Butler.

23 MS. CASSANDRA BUTLER: Thank you, Your Honor.

24 I was trying to figure out -- so much has been said
25 that I appreciate, and I'm still trying to process all that's

1 been said. The main thing I wanted to discuss was -- was
2 this -- this feeling within the community of -- of whether we
3 should have had a consent decree or not but, more particular,
4 the resentment some community members have that we're under
5 the Consent Decree and we have to pay for a monitor,
6 et cetera. The reason why I wanted to talk about that was
7 because -- because of the unfortunate occurrence surrounding
8 the Monitor where -- where the leadership of Ervin Clark (sic)
9 was obviously deficient and that gave the opportunity for
10 those in the community who never wanted a consent decree,
11 never -- and resented having to pay for a monitor some -- some
12 rejuvenation of "See, we're wasting our money. We should
13 never have been under a consent decree. We're fine the way we
14 were." So the "Ferguson is fine" group takes some joy, I
15 think, in the missteps of the Monitor that was appointed.

16 The main point I want to say is, in some respects,
17 those -- they find -- because people who did support the
18 Monitor, the Consent Decree and are glad and think it's
19 necessary and appreciate having a monitor in place are also
20 disappointed, the people who never wanted the Monitor find --
21 sort of want to take and say, "See, we both-- we all agree we
22 got no value from this Monitor."

23 And so I just want to make sure -- I want to keep the
24 distinction separate that even though we're all disappointed
25 in some of the things that have occurred with the Monitors

1 thus far and we are still waiting to see -- some of us are
2 waiting to see what's been done thus far, what we've gotten
3 for our money.

4 So as Mr. Chasnoff has said and Ms. Pulliam has said,
5 the accountability portion is really, really important, and we
6 need to see what has -- what has occurred up to this point.
7 We need that transparency and accountability, and even what
8 has happened thus far, I want to make sure that it's clear
9 that the people who think that Ferguson could be better do
10 appreciate the Consent Decree, support and appreciate having a
11 monitor there. We just want to see what the Monitor is doing
12 too, and we also support accountability.

13 THE COURT: Thank you.

14 MS. CASSANDRA BUTLER: Thank you.

15 THE COURT: All right. These are a lot of important
16 points that everyone has made, and I appreciate your
17 willingness to stand up here and talk about these issues.

18 Mr. Hart or Mr. Carey, do either of you wish to
19 respond to any of the things or make any further statements at
20 this time?

21 Mr. Volek, yeah.

22 MR. VOLEK: Sure, Your Honor.

23 THE COURT: I mean there's a lot of points. I'm not
24 asking you to go through them one by one, but if there's
25 anything in particular that you think you can address at this

1 time, that would be good.

2 MR. VOLEK: Yes, Your Honor. Thank you for the
3 opportunity.

4 First, thanks to those who came and spoke. We wanted
5 to express our appreciation. One of the goals of the Consent
6 Decree is to make law enforcement more transparent, more
7 community-centered, and this is obviously a big part of that.

8 I'll address three main points that came up. One,
9 the first, is transparency and community engagement. As
10 Mr. Hart mentioned in his opening remarks, this remains an
11 ongoing challenge that we absolutely acknowledge. We were
12 certainly encouraged over the last several months about some
13 of the developments in this area, though. You know, a lot of
14 talk has been made of the question and answer session on
15 November 15th and the policy forums. The City was a very
16 enthusiastic participant and participated in those sessions
17 jointly. I hope that they provided some information to the
18 public, some greater transparency. We know that there could
19 be a better way of getting word out. We want to see great
20 participation. I will say that those who attended offered
21 really insightful feedback at both events, and we were
22 particularly encouraged, as Mr. Hart mentioned, to see so many
23 young people in attendance who have direct involvement with
24 law enforcement. We've been in touch with the City about ways
25 to enhance its outreach and make sure that people know about

1 these events. We, ourselves, have developed some fliers that
2 we've provided to the City, who have put those fliers on their
3 website. We've tried to go into the community and provide
4 fliers at places that are frequented by people, and as we've
5 mentioned at previous hearings, we've talked to the City about
6 the need to enhance its website. I know that these are
7 challenges that we all address or that we all acknowledge and
8 are continuing to work on, but I do want to note that, you
9 know, this is -- this is still very, very much early in the
10 process. I know we've been here for a year and a half and it
11 feels frustrating and like things are moving slowly, but we
12 have come a long way, and I think having those events was
13 really, in our view, the beginning as opposed to the end of
14 that outreach effort, and we realize that there still needs to
15 be a lot of that, and we look forward to doing that, going
16 forward in participation with the City.

17 The second point that I want to discuss is the
18 amnesty provisions. We really appreciate the feedback that we
19 received this afternoon about the amnesty process. I am
20 encouraged that we now have a concrete process that Mr. Carey
21 got into detail about, and I'm also very encouraged that we
22 have a specific timeline now. You heard Mr. Carey tell you
23 that by the second quarter status hearing in June we'll have
24 something; the City will have something to report on. I know
25 that there was a question from Ms. Carter about how that

1 deadline gets enforced, and I can tell Your Honor that we will
2 be working with the City throughout this process, working with
3 the Monitoring Team throughout this process to make sure that
4 that deadline is reached, and we're optimistic given the
5 meetings that we've had over the last several weeks that that
6 deadline can be achieved. I think that the feedback that was
7 received today about the amnesty process is extremely helpful
8 and will hopefully inform that process going forward, and
9 hopefully, when the City reports back in June, a lot of those
10 concerns will have been addressed, but I'll let Mr. Carey
11 address those concerns more fulsomely.

12 The third point that came up was the issue of
13 deadlines and whether there can be some greater transparency
14 with respect to the deadlines. You know, I think that one of
15 the reasons that we are so -- so pleased that Ms. Tidwell has
16 been appointed as Monitor is because there is a need for real
17 transparency about -- not just about policing in Ferguson but
18 about the Consent Decree process itself, and that transparency
19 fundamentally comes from the public reports that the Monitor
20 will issue, and I think that having a greater sense of
21 timelines and what the priorities are will really go a long
22 way to helping achieve the objective that was noted in the
23 public comments. With respect to the deadlines in the Consent
24 Decree itself, you know, those deadlines remain in place.
25 Now, it is true that we are not coming into court and saying,

1 you know, they didn't meet deadline one in paragraph 357.
2 That's true, but the deadlines remain in place. What we have
3 been doing is trying to work collaboratively with the City to
4 come up with a very efficient approach. We've identified
5 priority areas to make sure that when we address a topic we
6 address it wholeheartedly and comprehensively, and so rather
7 than trying to operate on a deadline-by-deadline,
8 paragraph-by-paragraph basis, really operate by subject area,
9 and so we've been trying to communicate that to the public as
10 best we can. The Consent Decree remains a legal document, and
11 those deadlines remain legally binding. Practically, what
12 they mean is that they give us -- as Plaintiffs in this
13 matter, given that this is a matter in court, they give us as
14 Plaintiffs some ability to seek recourse from Your Honor if we
15 think that there isn't good faith being followed by the City
16 to actually implement the Consent Decree. So the deadlines
17 are in place, and we -- we think that the City is making
18 good-faith efforts to implement them, but if that ever
19 changes, we will immediately let the Court know about that and
20 know our perspective on that, and obviously, with the Lead
21 Monitor now in place, that's principally the Monitor's
22 responsibility as well.

23 The last point that I'll just mention is, you know,
24 how fundamentally important the Monitor's role is in this case
25 and how pleased we are with the Court's appointment of

1 Ms. Tidwell as Monitor. The responsibilities of assessing
2 compliance with the Consent Decree, identifying successes and
3 identifying challenges and also figuring out ways to overcome
4 those challenges and helping the City overcome those
5 challenges, that is an awesome responsibility, but over the
6 last year, Ms. Tidwell has demonstrated that she has the
7 integrity and independence and experience to take that
8 responsibility on successfully. She's served as a law
9 enforcement officer. In that capacity, she was a school
10 resource officer. She worked in internal affairs. She worked
11 with civilian review boards, and then she was a prosecutor
12 herself, and so she really brings to the table a lot of
13 experience that will be critical as this process continues.
14 You know, one of the nice things about this appointment is
15 that it allows for some continuity in this process.
16 Ms. Tidwell has been involved from day one. The community got
17 to know her during the original monitor selection process,
18 and, you know, there isn't that -- there will be some getting
19 up to speed required, but -- but -- just because the
20 responsibilities are so large, not because she hasn't been
21 involved from day one in this process, and so that's going to
22 really help make sure that progress continues, continues
23 without delay.

24 We at the Department of Justice are committed to
25 working together with her and with the Monitoring Team and

1 with the City and making sure that she has the latitude to
2 take on this significant responsibility.

3 THE COURT: Thank you.

4 MR. VOLEK: Thank you.

5 THE COURT: Mr. Carey.

6 MR. CAREY: Thank you, Your Honor.

7 A lot of good points made by some of the citizens in
8 the room. I will say, you know, some of the folks in the room
9 are attorneys, and they're currently suing the City of
10 Ferguson, and so I don't want to respond in detail to a lot of
11 the stuff that they said because I'm -- I'm not 100 percent
12 sure because I'm not handling the litigation, but some of the
13 stuff that they said could be implicated in some state court
14 litigation or maybe other federal court litigation, and so I
15 don't want to respond specifically to some of those comments,
16 but I will say -- you know, the one comment was made about
17 nearly 8,000 folks waiting. It's actually approximately 8,000
18 cases, not 8,000 people. So there could be actually, you
19 know, 4,500 people. There could be 5,000 people. These are
20 just the number of actual cases that are open.

21 But some of the more general points that were made by
22 our citizens -- you know, this -- this is hard. Okay. So I'm
23 the first person to tell you, you know, being under federal
24 oversight is just a difficult thing to do. You know, we would
25 like for things to go as smoothly as they can. The City does

1 put forth good-faith effort in complying with the Consent
2 Decree. There are simply times, Your Honor, when things will
3 just -- you know, will not be satisfactory to some of our
4 citizens, and we -- we understand that, but this is a process;
5 right? A culture change takes a long period of time. We've
6 been under the Consent Decree for a year and a half or so,
7 almost going on two years. Culture change within an
8 organization takes a little bit longer than that; right? And
9 so the City's eye and its goal is a long-term goal, and, you
10 know, we take every effort, you know, every day we wake up and
11 do whatever it is we need to do with regard to our compliance
12 under the Consent Decree, at the same time, trying to -- you
13 know, folks who are in the City also are trying to run the
14 City as it needs to be run. So, you know, there are just
15 times when we're not going to satisfy everybody.

16 You know, there were some comments made about, you
17 know, the City's failures with regard to advertising things.
18 You know, we may not have the best systems in place in terms
19 of getting the words out -- getting the word out for various
20 different events, but we do everything that we can to do so.
21 When we're -- we have something to post on the website, we
22 post it to the website, and we have a Twitter account. We --
23 you know, we print fliers. We do post things at City Hall.
24 We do all the normal stuff that other cities do when it comes
25 to publicizing things.

1 THE COURT: On the policy forum and then the Q and A
2 sessions, did those get publicized the way you said on Twitter
3 and on your website?

4 MR. CAREY: They did. Now, there was some
5 consternation from some of the citizens that the way we
6 advertised it, we misdirected them in terms of where it was
7 actually going to -- where the actual event was going to be
8 held, but I can tell you I, myself, the very night before,
9 made the announcement in the open meeting to tell folks
10 exactly where it was going, and those same folks that were
11 complaining that we misdirected them were there that night;
12 right? So I know they heard exactly what it was I said with
13 regard to where the event was going to be.

14 So, you know, Your Honor, I'm not here to present a
15 rosy picture as if the City doesn't have work to do. We have
16 work to do. That's why we're under federal oversight. But,
17 again, this is a process, and we are slowly -- and maybe not
18 at the speed that a lot of our citizens would like, but we are
19 slowly doing the good work to change the culture that -- you
20 know, that existed prior to the Consent Decree being
21 implemented. So we would just ask from our citizens for some
22 patience and for some understanding that this is a long-term
23 process. Our goal is long-term. And we hope -- you know, we
24 would like to do everything perfectly. We would like to be
25 able to snap our fingers and go through 8,000 cases, and we

1 would love to do that, but we -- we have a Consent Decree that
2 tells us that we have to do certain things.

3 And so, you know, I -- one thing I can assure the
4 Court and I can say to our citizens is that the City is
5 dedicated to this process. We're dedicated to this process
6 for the long term, and we want to get it right. We just don't
7 always do it, and we'd like some patience and some
8 understanding from our citizens when it comes to that, but at
9 the same time, you know, there are things, Your Honor, that we
10 could do better, and we're committed to changing those things,
11 and we can't do it all at once, but slowly and surely, we are
12 doing what we can to -- to address some of those issues.

13 So that's really the gist of my comments. You know,
14 there's no -- you know, I know in the past we've been accused
15 of attempting to circumvent the Consent Decree and all of
16 these various different things. I have not encountered that
17 at all in my representation of the City of Ferguson. I can
18 tell you that everybody to a man that I deal with in the City
19 of Ferguson wants to comply with the Consent Decree and is
20 trying to figure out how is the best way to do that, and
21 sometimes that doesn't always comport with what the citizens
22 expect, but if you've never been under federal oversight, you
23 should try it because it's very hard, and it's very easy for
24 those who aren't in the day-to-day to do it, to kind of sit
25 back and say, "Oh, you should have did this. You should have

1 did that," you know, but we're here. We're here, and we're
2 working.

3 THE COURT: Well, obviously, obviously, you know, the
4 Court and everyone expects you to be working hard.

5 MR. CAREY: That's right. That's what we're doing.

6 THE COURT: That's what it's about. But let me ask
7 you this.

8 MR. CAREY: Yeah.

9 THE COURT: There was one -- these -- these -- these
10 points weren't too specific, but do you have any comment about
11 the couple of comments we heard that the municipal court was
12 just like it used to be in the old days? I mean, can you give
13 me any insight or any response to that?

14 MR. CAREY: Sure. You know, we have a new judge, we
15 have a new prosecutor, and so those folks weren't involved in
16 what -- you know, what --

17 THE COURT: The way it used to be?

18 MR. CAREY: -- specifically, in what it used to be.
19 You know, I can't speak to and I don't want to even discredit
20 any particular citizen's perspective in terms of what they
21 saw, but, you know, without actually, you know, hearing what
22 the judge said, without actually looking at the case file, you
23 know, all we have is, you know, the citizen's perspective in
24 terms of what they see, but I can tell you that we have since
25 been audited. The Monitoring Team has been in our courts

1 observing the courts. The Department of Justice has been in
2 our courts observing the court procedures. And so, you know,
3 I can tell you that in my dealings with Judge Brown, our new
4 municipal judge, he is far and away a lot different from Judge
5 Brockmeyer, who used to be the judge and who was, you know,
6 kind of the judge during, you know, a lot of what's going on
7 here. And so I can only surmise that a lot of the frustration
8 from some of the folks who deal with -- who are in our
9 municipal court comes from the fact that we are still
10 developing these processes and we haven't gotten the process
11 down 100 percent to where we are actually operating at full
12 capacity. When I stand here and I talk to you about what it
13 is we're doing, I'm telling you that these are the -- you
14 know, the policies and the procedures that we're developing
15 that we hope, you know, to move forward for, and that process
16 just takes time, and so, you know, the fact that we don't have
17 those in place and actually up and running, you know,
18 full-time -- I think maybe some of the consternation maybe
19 comes from that, you know, and I can understand that. You
20 know, there are a lot of old cases that need to be reviewed.
21 There just are, and so we're doing the best that we can.

22 THE COURT: Well, I think -- I think -- it seems to
23 me, based on what you all have told me, is that, you know,
24 this is -- we are finally getting to the progress on the old
25 cases, just getting a handle on how many there were and

1 what -- because of the systems, I think -- I'm hopeful that
2 we'll hear good things in June about how this is working.

3 MR. CAREY: I hope so too. I'm confident that we
4 will.

5 THE COURT: All right. Ms. Tidwell, do you want to
6 make any statements? You don't have to because I know you're
7 the newly appointed Monitor, Lead Monitor, and so I don't want
8 to put you on the spot, but if you do want to make any
9 statements about anything --

10 MS. TIDWELL: Yeah, just a couple of things, Your
11 Honor.

12 So, again, I appreciate, you know, what the parties
13 have had to say about, you know, my appointment, but, you
14 know, I am very cognizant of the Monitor's role and
15 responsibility under -- under the Consent Decree, and I am
16 fully aware of what the Consent Decree empowers the Monitor to
17 do and the limitations that the Consent Decree places on the
18 Monitor's duties, roles, responsibilities, and ability to do
19 things, and I'm trying to and will always try to operate
20 within that and to do what I can when I see or, you know, if
21 there's an opportunity to teach or advise or to counsel, you
22 know, the parties on something that I think, you know, the way
23 something should be done or the way that it might be an
24 alternative way to do something, but I'm mindful that the
25 Consent Decree, you know, outlines what my responsibilities

1 are in a lot of areas, in all areas really, and so, you know,
2 I hope, as the process goes on and as we start to report on
3 both the status of the implementation process and the vision
4 of where we are going in terms of completing certain
5 provisions or assessing compliance, that everybody is aware
6 that, you know, we are operating -- the Monitoring Team is
7 operating within sort of the duties as outlined in the Consent
8 Decree and we're, you know, doing our best within the confines
9 of that because we take it very seriously. The Consent Decree
10 is an agreement between the parties, and so we are here to
11 make sure that the parties do what they agreed to do, and so
12 that's, you know, how we will operate.

13 Just a couple of things that came up. In terms of
14 deadlines and benchmarks, you know, as I said last night, you
15 know, as was quoted here, I'm hoping that in sending reports
16 to the Court, as required by the Consent Decree biannually,
17 that they will lay out not only what we've done in the six
18 months leading up to the report but also a projection of where
19 we hope to go. And so within that projection of, you know,
20 here's what we hope to complete by the end of this reporting
21 period, there will be -- there's a structure there about what
22 we hope to complete means these are the times, you know, that
23 we will discuss with the parties the timeline for completion
24 of those. So I don't -- you know, so my response last night
25 was I'm hesitant to sort of say, well, this has to be

1 completed by this date certain, but I'm confident that in
2 reporting to the parties and to the Court and making those
3 reports publicly available, that everyone will have a sense of
4 both what's been accomplished and what we hope to accomplish
5 within the next -- within the next reporting period, and if
6 it's not done, then we've got to answer to you, Your Honor,
7 about why it wasn't completed in the -- in the manner that was
8 projected in the reports, and I think that that, you know, for
9 now -- since the first report hasn't been done yet, I think
10 that that is a common sense sort of way to move forward until
11 we have a better sense of where everything is.

12 And then lastly, I will say just in terms of the
13 hiring of new members, the Consent Decree requires the Monitor
14 to submit the names and the credentials of parties -- of team
15 members, potential team members. So I plan to comply with
16 that, and I don't have any plan to solicit community input on
17 the addition of team members.

18 THE COURT: Yeah. You'll be providing that to the
19 parties to get their approval and then to the Court?

20 MS. TIDWELL: Yes, that's correct, Your Honor.

21 THE COURT: All right.

22 MS. TIDWELL: Thank you.

23 THE COURT: Thank you.

24 So I do want to thank the citizens who have spoken
25 here today. I think of the -- of the times I've heard from

1 people other than the parties to the case, this was the most
2 specific, and you all gave me the most things to talk to the
3 parties about as we move forward and to look at that were
4 actually specific things, and I really appreciate that, and I
5 think these are all things that we -- you know, that need to
6 be worked on, and I'm hopeful that the parties to the case
7 will continue working on them. So I do thank the citizens for
8 their comments and especially for the fact it wasn't just sort
9 of general complaining but actually specific things that you
10 think that could be changed and done differently, and that's
11 very, very helpful.

12 The Monitor's role, I think, is something that has
13 been an issue of some maybe misunderstanding or contention.
14 They -- the Monitor -- and whether it's Ms. Tidwell or the
15 prior Lead Monitor -- cannot guarantee that the City will meet
16 the deadlines in the Consent Decree. That's not their job.
17 Their job is to see what's going on, help if there's things
18 that can be helped, and report back, and -- and -- and, again,
19 this is a -- an agreement between two parties. I am also a
20 party to it. Of course, the Court has approved the Consent
21 Decree. But when -- when both sides -- when the Plaintiff in
22 the case, which is the Department of Justice, is telling me
23 that they believe the Defendant in the case, which is the City
24 of Ferguson, is making good-faith efforts to move forward, in
25 most cases, I'm not going to step in and require them to do

1 further things, although I do -- I am concerned about these,
2 you know, the progress. It seems to me -- everything I
3 know -- it has been -- we have been making progress. Things
4 are better. And I think if you just look at the attention
5 being paid to this by the City officials who are here, who I
6 know are working very hard, that things are better. It's --
7 this Consent Decree is not necessarily going to provide the
8 remedy to the people who are suing the City for past problems.
9 That's a different deal. That's not -- that's not this case.
10 But I hope that going forward those problems will be
11 alleviated, and so I appreciate what the parties are doing,
12 and I appreciate what everyone's doing, but I hear what the
13 citizens are saying. We aren't there yet. It takes time, and
14 so I hope that people will continue being involved.

15 Mr. Carey, I appreciate your commitment to try to
16 get, you know, as much information to the public about
17 meetings and things like that so that people can come. I --
18 and I appreciate that people did show up at the other
19 meetings. So I know at least some people knew about it, and I
20 appreciate that.

21 So I think everyone needs to just keep working on
22 this as they are. I'm looking forward to seeing the reports
23 from the Monitor and think that we're continuing to move
24 forward.

25 So that's -- that's the conclusion of this hearing.

1 I will schedule another quarterly status conference, and then
2 I will schedule another -- probably at the June meeting will
3 be the next time we'll hear from the public. I'm sort of
4 going every other time, we'll hear from the public, and the
5 other times, we'll hear from the lawyers.

6 And I will remind people that we -- although the
7 court website only has the things that are filed in the court
8 and it doesn't have every single thing, although it has most
9 of them, we are keeping that updated. It takes some time for
10 the transcript of these hearings to be posted, but we have
11 been posting the transcripts of these hearings, and so if
12 anyone wants to see them, they are there on the court website,
13 and this one will take about 30 days to get up, but we'll do
14 those as we proceed.

15 All right. I want to thank the parties, and I want
16 to thank Ms. Tidwell for taking on this role, and I want to
17 thank the people in the audience for caring enough to be here
18 and taking your time to be here because I think that shows a
19 community that wants to improve.

20 Thank you, all. Court's in recess.

21 (Proceedings concluded at 2:52 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 70 inclusive.

Dated at St. Louis, Missouri, this 9th day of January, 2018.

/s/ Gayle D. Madden

GAYLE D. MADDEN, CSR, RDR, CRR

Official Court Reporter