

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	
)	No. 4:16-CV-00180 CDP
CITY OF FERGUSON, MISSOURI,)	
)	
Defendant.)	

STATUS HEARING
BEFORE THE HONORABLE CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

MARCH 20, 2023

APPEARANCES:

Independent Monitor:	Natashia Tidwell, Esq.
For Plaintiff:	Jorge Castillo, Esq. DEPARTMENT OF JUSTICE
For Defendant:	Aarnarian (Apollo) D. Carey, Esq. LEWIS RICE LLC

REPORTED BY:	SHANNON L. WHITE, RMR, CRR, CSR, CCR Official Court Reporter United States District Court 111 South Tenth Street, Third Floor St. Louis, MO 63102 (314) 244-7966
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(PROCEEDINGS STARTED AT 10:00 AM.)

THE COURT: All right. Good morning. We are here in the case of United States of America versus the City of Ferguson, Case No. 4:16-CV-180. We are having a -- this is a hearing in public in the courtroom, which we do once a quarter, to talk about the status of the compliance with the Consent Decree that was entered into a number of years ago.

This is one of the hearings where we are not having public comment, but I did receive some written comments that were provided to the Monitor, and so I have reviewed those. And I think the parties may be addressing some of the things in them, and we can -- I will if they don't.

But thank you all for being here. I appreciate seeing the members of the public here as well as the people affiliated with the City.

And, first, let me ask the lawyers to identify themselves for the record. So counsel for the United States, please identify yourself for the record.

MR. CASTILLO: Good morning, Your Honor. Jorge Castillo for the United States.

THE COURT: All right. And counsel for the City, please identify yourself for the record.

MR. CAREY: Good morning, Judge. Apollo Carey, City of Ferguson, Missouri.

THE COURT: Oh, Mr. Carey, I meant to ask you. I saw

1 that another lawyer from your firm had entered an appearance.

2 So will he, from time to time, fill in for you?

3 MR. CAREY: He will. Ryan Harding.

4 THE COURT: Yeah.

5 MR. CAREY: He has been very instrumental with
6 helping me in my representation of the City. There's just a
7 lot going on, and I just can't always do it all myself. So he
8 did enter an appearance, and there will be occasion where he
9 may be here for me, but I will certainly warn the Court and
10 some of the other parties whenever that's the case.

11 THE COURT: Yeah. That is fine.

12 And then the Monitor?

13 MS. TIDWELL: Good morning, Your Honor. Natasha
14 Tidwell.

15 THE COURT: All right. So as is our normal practice,
16 we will start with the City report, and then we'll hear from
17 the Department of Justice and then from the Monitor.

18 And so, Mr. Carey, and then I -- well, I'll let you
19 say what's going to happen after you talk.

20 MR. CAREY: Well, good morning, Judge. Thank you so
21 much. We appreciate, obviously, the opportunity to be here
22 before you, as we always do. So as is customary, I will start
23 off by introducing to the Court and members of the public, you
24 know, folks from the City of Ferguson who are in attendance
25 here today at the hearing.

1 So we have our -- in the rear there, our City Clerk,
2 Octavia Pittman. And then we have our Mayor, Ms. Ella Jones.
3 We have our esteemed interim Police Chief, Harry Dilworth,
4 who's been just a real key player for us in this transition
5 time and been working super hard. I'm actually surprised he's
6 here because I know he needs sleep.

7 We also have our Court Administrator, Tanya Webber,
8 who is here with us. We have our current interim City Manager
9 and Fire Chief, who is John Hampton. And then just sitting
10 down there is Councilwoman Naquittia Noah. And then as you
11 can see here, what we're -- we're very, very happy to have
12 with us our next Police Chief, Mr. Troy Doyle, who you had the
13 opportunity to meet in chambers with here just prior to the
14 hearing.

15 And so how we're going to do this, Your Honor, is I'm
16 going to just give you some general comments about the City,
17 focused on personnel-type things that have happened since the
18 last time we met with you, and then Ms. Johnson, who is our
19 Consent Decree Coordinator -- and she's also here -- she is
20 going to come up and give you more of a substantive update
21 regarding where we are with the Consent Decree since the last
22 time we spoke.

23 THE COURT: All right. That will be fine.

24 MR. CAREY: But, again, just to sort of reiterate,
25 we're super happy. I know the last time we met, we had our --

1 oh, and by the way, I do want to, on behalf of the City and
2 just myself, to thank Chief Frank McCall, who has been with
3 us. He's been so instrumental.

4 I think he and I sort of started around the same time
5 six or seven years ago with the Consent Decree, and Chief
6 McCall was -- I think he was -- at the time when he was hired,
7 he was the Consent Decree Coordinator. He was hired in as the
8 Consent Decree Coordinator from the City of Berkeley, and then
9 he eventually became the Chief of Police with the
10 City of Ferguson.

11 And he has just been -- the work that he put in with
12 Consent Decree compliance and drafting policies and just
13 leading the department up to the point that he did, it was
14 just -- it was remarkable. And he -- we really, really, I
15 think, owe a debt of gratitude to him and the service that he
16 provided to the City of Ferguson.

17 But we were, you know, obviously saddened at his
18 resignation and retirement but also super happy or excited
19 about the opportunity to hire Chief Doyle, who is retiring, I
20 think, from the County on Friday and will be joining us around
21 April 1 of this year. So he's been very well versed at where
22 we are in the Consent Decree. He understands, I believe, you
23 know, the mountain of work that is in front of him and
24 understands where we are and where we need to go in terms of
25 our Consent Decree compliance efforts.

1 And I think the City, speaking on behalf of the
2 Council, the citizens, the administration -- I think everybody
3 is super excited about the opportunity to have him lead us
4 through that next phase of not only Consent Decree compliance
5 but just general constitutional policing and community-based
6 policing that we're implementing.

7 Along with the new Police Chief, as you know -- and
8 I've used the word "interim" to describe Chief Hampton's
9 position with the City in terms of -- as his City Manager
10 duties. I think once we've gotten settled and we've gotten
11 Police Chief Doyle in and he's rolling, I think then the City
12 will turn its attention to filling the City Manager position
13 on a permanent basis.

14 As you know, the last time we met in front of you,
15 our City Manager, Mr. Eric Osterberg, was here, but he has
16 since departed the City. And so the City has been very
17 fortunate that John Hampton has stepped in to sort of fill
18 that void. His leadership has been invaluable. His
19 decision-making has been invaluable.

20 And so I think now that, you know, we've got the
21 Police Chief position settled, I think the City will then turn
22 its attention towards hiring the permanent City Manager, which
23 I would anticipate those efforts to start, you know, sometime
24 in May, June, something like that.

25 We do have -- the City does have a budgeting process,

1 and that does consume a lot of the time in May and June, but
2 soon thereafter I would anticipate we would turn our attention
3 to that.

4 So outside of that, those are sort of the general
5 personnel things that I wanted to discuss, Your Honor. I'll
6 go ahead and allow Ms. Betty Johnson to come up to the
7 microphone and give you a little bit more of the substantive
8 updates on the Consent Decree.

9 THE COURT: All right.

10 Thank you, Ms. Johnson. We are happy to hear from
11 you about the status of all the various policies and things I
12 know you've been working on. So please go ahead.

13 MS. JOHNSON: Thank you, Your Honor. And good
14 morning to you as well as everyone in the room.

15 So in terms of policies, I'll be talking about the
16 policies on the "Let's Talk Ferguson," where we all were
17 training, and the CRB and NPSC.

18 *[Court reporter clarification.]*

19 THE COURT: And try to talk -- so the mics work
20 really well if you talk right into the mic. You need to be
21 pointing your -- that needs to be pointing at your mouth.
22 That's the main thing. There you go.

23 MS. JOHNSON: Okay. So I'll be speaking in terms of
24 policies, "Let's Talk Ferguson," which will be a community
25 dialogue with Ferguson Police Department, as well as community

1 members, and training along with CRB updates and the NPSC --
2 one of the announcements I need to make for them.

3 THE COURT: Okay. Whatever you just said after you
4 said "NPSC," I --

5 MS. JOHNSON: One of the announcements I need to make
6 for the NPSC.

7 THE COURT: Okay.

8 MS. JOHNSON: So with regarding to policies for the
9 Court Policy, on Policy 1.0, which is the Court Proceeding and
10 Trial, is basically approved, was awaiting signatures, but
11 it's in the final stages of publication.

12 THE COURT: Okay. You're going to need to slow down
13 a little more too. Thank you.

14 MS. JOHNSON: Okay.

15 THE COURT: That's fine, though. Thank you. She got
16 all that, but if you do that for a long time, it will be hard.

17 MS. JOHNSON: Okay. Policy 7.0, which is the Limited
18 English Proficiency, we are still reviewing that one in terms
19 of making final edits. And every -- all the policies
20 technically are with the Department of Justice right now. So
21 the City already completed its portions of them. We are
22 reviewing for edits with the DOJ, and then we're expecting
23 them to move further to the monitoring and for ultimate
24 approval and publication online.

25 So we have the Reviewing and Auditing Citations,

1 Summons, and Arrest Notification policy in addition to the
2 Correctable Violations. That one was published online. We
3 were awaiting citizen feedback. We received that on the 20th
4 of February, and so right now the PD is actually working on
5 those edits.

6 The Bilingual Officer List policy, along with the
7 Acknowledgment and Refusal of Interpretation -- we've taken
8 that one completely out. And Reviewing Auditing Citations for
9 the police side of things, along with the First Amendment
10 Protest Policy -- those are all with the DOJ.

11 In terms of "Let's Talk Ferguson," which would be the
12 small groups dialogue, I've met with Mayor Jones. She
13 assisted me with going out and trying to locate and identify
14 some participants within the community.

15 Some of the feedback that we received was some
16 persons didn't have interactions with the police. So this
17 time we actually are trying to go an unorthodox way of trying
18 to reach out to persons who have received citations or may
19 have been arrested in times past to see if we can get some
20 participation from there.

21 THE COURT: Right. As I understand it, part of the
22 problem is just when you call and say, "Would people contact
23 us and be involved?" some of the people who were involved --
24 or most of the people were not people who had had any
25 interactions with the police.

1 MS. JOHNSON: Absolutely.

2 THE COURT: They were citizens who were supportive,
3 but that was it.

4 MS. JOHNSON: Yes. Very supportive but had no
5 interaction. So we're definitely going to try to go an
6 unorthodox way to try to identify persons who had some type of
7 interaction and if they would be willing to actually speak
8 with us. I want the more candid, the better, just so that we
9 can actually gauge exactly where we are, where we've come
10 from, and the progress that we are making and, of course,
11 continuity. That's what we want.

12 So those sessions are already scheduled for April 12,
13 the 26th of April, as well as May 10. So we have that already
14 confirmed. We have the list of officers that will be
15 participating. So now it's just basically each week up until
16 the time comes, we'll be looking and identifying.

17 Local citizens and people in the community -- we've
18 had a lot of outpour with people that are not citizens of
19 Ferguson; so I'm going to try to do my due diligence to try to
20 make sure we capture those individuals that are citizens
21 within Ferguson community to give feedback.

22 In terms of training, the PTO training, we have many
23 things for PTO Brittany Richardson, Officer Richardson. She's
24 taken on a lead approach in the absence of Captain Morrow, and
25 she's taken a lead on the training and continuing to work with

1 the DOJ on getting those updates done. She's already sent out
2 the information as far as the PTO first half modules to the
3 Training Committee. They are reviewing that right now. Some
4 of them have already given feedback on it. So she'll make the
5 necessary updates as need be. But we didn't want it to
6 completely stop; so she took the lead on with continuing the
7 PTO program so we could get it to an expected end.

8 THE COURT: Yeah. This is the Police Training
9 Officer program and is -- yeah. So that's --

10 MS. JOHNSON: Yeah.

11 THE COURT: Yeah. Go ahead.

12 MS. JOHNSON: We had ICAT training. We had that on
13 February of 14th through the 17th, all positive feedback.
14 That was --

15 THE COURT: Remind me what ICAT is, ICAT training.

16 MS. JOHNSON: Integration -- Integrating
17 Communication, Assessment and Tactics training.

18 THE COURT: Try that again. Communication?

19 MS. JOHNSON: Integrating Communications, Assessments
20 and Tactics training.

21 THE COURT: Okay. All right. Thanks.

22 MS. JOHNSON: And so they dealt with de-escalation
23 among a number of things.

24 In terms of the bias-free training, that is still
25 delayed, of course, with some of the transitions of positions

1 and things of that nature with other persons being out; so
2 that's delayed for now.

3 I'm in communications with the CRITAC organizations
4 to try to get additional training and identify training that
5 the police can take advantage of. And CRITAC is an acronym
6 for Collaborative Review Initiative for Technical Assistance
7 Center.

8 THE COURT: Thank you.

9 MS. JOHNSON: That's with the DOJ.

10 We also have been looking into -- prior to Captain
11 Morrow's departure, she had identified some e-training and
12 virtual training that the DOJ was working with the PD to look
13 at. It's a platform where they can actually take some
14 classes, gain the hours that they need to with regards to the
15 responsibilities and mandates of the Consent Decree, and the
16 DOJ were looking at some of those items to identify which
17 courses would be approved for them to actually take advantage
18 of.

19 With regards to the Citizen Review Board, we had our
20 MOU that's been finalized and distributed. So we're happy
21 about that. And that was something by way of Chief McCall.
22 He was instrumental in getting that taken care of along with
23 Mr. Gerry Noll and the CRB members.

24 The Monitoring Team was kind enough to actually
25 complete the Use of Force training. That was completed on the

1 6th of February. So for this quarter, they've been very busy.

2 We want to thank Mr. Carey for being flexible and
3 making the necessary adjustments to get the training that
4 was -- the confidentiality training that needed to happen with
5 some of the new members so that they can take part in that Use
6 of Force training. He was really, really flexible and
7 adjusted his schedule to make sure that that training was
8 taken care of so that one of the members couldn't sit in on
9 the Use of Force training.

10 We have two seats that have --

11 THE COURT: Could you hold on just a second. The
12 clerk just reminded me of something. I apologize.

13 At the beginning I'm always supposed to say -- and I
14 will say it now -- as I think the parties know: This hearing
15 is being broadcast on the court's YouTube channel. It's just
16 the -- not the video but the audio. And this is a part of a
17 program that we are doing. Under a pilot program, the courts
18 are allowing broadcasting on -- live broadcasting on YouTube
19 or, as I say, the court's YouTube channel.

20 And so I hope that there are people out there in the
21 internet world who are listening to this. I know usually they
22 are when we have these hearings and we do that broadcasting.

23 However, part of the requirements are that -- and the
24 rule that there can be no recording or other broadcasting of
25 any of these court proceedings remains. That's a national

1 policy of the United States court system. And so it is
2 something that we do enforce, and we do think it's very
3 important.

4 If we should learn that people had recorded or
5 broadcast it beyond the court's YouTube channel, beyond what
6 we're doing, that might make us have to stop broadcasting at
7 all. So we don't want to do that, and so I do need to give
8 that warning.

9 And I'm sorry I didn't remember to say this at the
10 beginning, and that's why I'm very happy to have clerk of
11 court to tell me what to do here.

12 So go ahead then. Thank you. Sorry to interrupt
13 you.

14 MS. JOHNSON: No problem.

15 So two seats have been filled with the CRB. However,
16 unfortunately, we do have two members that's going to be
17 leaving in June, and so we need to make sure that we always
18 have enough persons readily, eagerly available to fill those
19 seats when they become available.

20 So knowing that, we're going to be getting with the
21 Council to identify and see what we can do to ensure that we
22 have new members to take those spots. And in addition, I want
23 those members to actually be able to work with some of the
24 members that were there for quite some time because that's how
25 they get their training.

1 THE COURT: Right. So before the people leave in
2 June, it would be very important if you can so the training
3 can go on, yes.

4 MS. JOHNSON: Absolutely.

5 And with regards to the NPSC -- okay. So with the
6 last status hearing, I started with the City of Ferguson on
7 October 3. And when I started with the City of Ferguson, one
8 of the things that we were working on at that time that we
9 just talked about was the PTO training, and so the summation
10 and the updates that I provided at the last status hearing was
11 for that small segment of time that I was with the City, and
12 it wasn't comprehensive of the whole year.

13 So it was a misspoke in stating that the reason why
14 we hadn't had the PTO training completed was because of the
15 Training Committee members not giving us the feedback on time.
16 So that was an error on my behalf as I was speaking only about
17 a quarter and not the entire year.

18 The Training Committee has been very eager and very
19 helpful, and they volunteer of their time and things of that
20 nature. I enjoyed speaking with the NPSC on last Thursday.

21 And so one of the things that we're doing as a group
22 and all of us is holding each other accountable. One of the
23 things that I keep consistently hearing, whether it's from new
24 Council members or NPSC Training Committee, is transparency,
25 accountability, and they want stats. So that's something that

1 I'm definitely going to be working on.

2 And one of the things that we need to do is hold
3 ourselves accountable. So in my misspeaking, they are holding
4 me accountable as of Thursday so that I can get here and I can
5 actually make that update. And I told them that it would not
6 be a problem because we each have to be exactly and embody
7 what we expect to see in the change that we expect to see in
8 the community; so --

9 THE COURT: Thank you. And I did -- the training
10 issue is one that came up in the letters that were submitted,
11 including some from the Training Committee. So I do
12 understand some of the issues going on there, but I'm glad
13 that you are able to consider the feedback and you have it --

14 MS. JOHNSON: Absolutely.

15 THE COURT: -- and were up to date as of now. So
16 thank you for that.

17 MS. JOHNSON: And, Judge, that's all I have, Your
18 Honor, if you have anything else or any questions.

19 THE COURT: No, I don't think I do. I believe you
20 did answer the questions I had.

21 And you're getting better at not talking too fast; so
22 we appreciate that. The court reporter appreciates that.

23 MS. JOHNSON: I will work on it going forward.

24 THE COURT: This is something everybody -- you know,
25 Mr. Carey and the lawyers can tell you how many times I have

1 to tell lawyers to slow down. So thank you for doing that.

2 MS. JOHNSON: No problem. Thank you.

3 THE COURT: All right. Thank you very much.

4 Mr. Carey, anything further that you want to add at
5 this time?

6 MR. CAREY: Your Honor, the City has nothing further.
7 We rest.

8 THE COURT: Okay. And from the Department of
9 Justice, Mr. Castillo?

10 MR. CASTILLO: Good morning, Your Honor. I am often
11 advised to speak slower; so I will work on that as well.
12 You're in good company.

13 THE COURT: I am too, just so it's clear.

14 MR. CASTILLO: So first and foremost, the United
15 States would like to welcome the incoming Chief, Troy Doyle.
16 We understand that he has a long career in policing and
17 leadership positions and that, mostly with the St. Louis
18 County Police Department.

19 Much of that time has been spent in North County,
20 meaning, you know, he's familiar with the community, with the
21 community members, you know, the issues that led up to this
22 Consent Decree, and the progress that has been made up to this
23 point.

24 So the City has expressed confidence in his
25 leadership ability, his capacity to get things done, and his

1 commitment to community policing. These are all qualities
2 that the Chief will need to be successful here.

3 At the Council meeting where he was introduced last
4 week, incoming Chief Doyle announced an open door policy with
5 the community and a commitment to working hand in hand with
6 community members.

7 We will point out that the community had limited
8 input in the hiring process, but they do have a lot to say
9 about policing in their city. And you can see it with their
10 consistent presence in this room, the community input that we
11 receive before hearings, and the Consent Decree also ensures
12 that there is robust access.

13 So Ms. Johnson talked about some of those avenues.
14 The Neighborhood Policing Steering Committee. We're going to
15 acknowledge Ms. Annette Jenkins for providing a comment for
16 today's hearing. The Civilian Review Board. And we want to
17 acknowledge the Chair, Gerry Noll, for his contribution and
18 submission for today's hearing. The Training Committee is
19 another avenue. I want to acknowledge Becky and Alan Mueller
20 for their comments to today's hearing.

21 And all of these groups stand ready to meet and work
22 together with the new Chief, as well as the City, to get
23 things done. So, again, we welcome Chief Doyle, and we look
24 forward to working together.

25 THE COURT: Before you go further, let me just

1 mention there were some emails that came in yesterday, just so
2 you know. And you just acknowledged several people, but I
3 wanted to go ahead and acknowledge the other people that
4 came -- where I just received these -- I just received them
5 this morning, but I think they came in yesterday.

6 One was from Mr. Nick Kasoff. One was from
7 Ms. Cassandra Butler. And I think everyone else you have --
8 oh, and then one from the NPSC Facilitation Committee, and
9 that one's signed by Dr. Cassandra Butler, Alan Mueller, and
10 Dr. Jacquelyn Lewis-Harris on behalf of the NPSC Facilitation
11 community. And then the others are the ones that you just
12 mentioned.

13 So I wanted to let you know I have read those. You
14 might not have -- well, they might -- I think my assistant
15 just got them this morning. They're different from the other
16 one that we were discussing earlier to track down. So just so
17 you know.

18 MR. CASTILLO: I appreciate you flagging those.

19 THE COURT: Thank you to members of the public who
20 sent those in.

21 MR. CASTILLO: And we join you in thanking them, and
22 we will definitely be reading -- we always read all the
23 comments that come in.

24 So that just goes to show the community that is ready
25 to work together here is broad and engaged, and we, DOJ, stand

1 among them, ready to work together.

2 There has been a lot of work that has been done
3 already. You know, we need to acknowledge that. There's been
4 significant progress and policy drafting and development.
5 With the municipal courts requirements, we are very close to
6 finalizing the last policies. We are very close to buttoning
7 up the Comprehensive Amnesty Program.

8 There have been lots of hours and dedicated persons
9 from the City as well as significant assistance from the
10 Department of Justice in especially in bringing in external
11 support.

12 So we want to echo Mr. Carey's comments in the City's
13 thanking the immediate past Chief, Frank McCall, and the
14 immediate past City Manager, Eric Osterberg. We've worked
15 hard with them to move this matter forward, and we appreciate
16 all of their time and energy.

17 Still, progress over the life of this Decree has
18 too -- has often been too slow or incomplete, and so there is
19 still a lot of work left to do. So we are hoping that this
20 change in leadership comes with a change in momentum.

21 And along those lines, the Department -- the Police
22 Department has now identified its permanent leader. We think
23 it needs to turn its attention to ensuring that the other
24 essential roles get filled and they're filled with persons who
25 have both the skill set and the bandwidth to do that job well.

1 Across our Consent Decrees, the department has -- the
2 Department of Justice has recognized that consistent progress
3 is made when the jurisdictions we work with prioritize the
4 reform. And here Ferguson can demonstrate its prioritization
5 of its reform by staffing the reform-related needs and
6 generally putting those people in position for success.

7 So last year there was a lot of progress in that
8 regard with the hiring of Ms. Johnson as the Consent Decree
9 Coordinator. We were also on a promising path with the
10 Training Coordinator, which we have in the past discussed is
11 crucial for the reform, and that vacancy has been directly
12 tied to some of the delays in getting required and important
13 training ongoing.

14 Although the City was able to hire somebody for that
15 in early January, that person has since left the position --
16 and before really even getting started. So we're sort of back
17 in limbo with the Training Coordinator, and that is just one
18 of several key positions that either are empty or filled on an
19 interim basis.

20 The Chair of the Civilian Review Board, Gerry Noll,
21 expressed concern, for example, about the time it takes to
22 complete misconduct investigations. The first place that we
23 proffer that the City should look to address that would be to
24 ensure that it designates somebody to be the Professional
25 Standards Inspector, an open and outstanding position that

1 we've been talking about for some time.

2 The big picture is that all of these reforms need a
3 champion. The Chief is the policy maker and the champion of
4 rules and expectations. A Training Coordinator is the
5 champion of making sure everyone is instructed on these
6 policies. The existing shift and unit supervisors are the
7 champions of their respective units to ensure that the
8 policies are achievable, that is, they are also serving as
9 advocates for their officers, and they're champions for making
10 sure that their officers are actually achieving what is
11 expected of them in the field every day in service for the
12 community.

13 And the Professional Standards Inspector is the
14 champion of holding people accountable when people fail to
15 live up to the expectations of the Policy and the reform.

16 So last December we stressed that the Department
17 needs to be sufficiently resourced if it expects to meet its
18 Consent Decree obligations. Put in other words, each of the
19 key parts of the reform needs a champion. The City has proven
20 itself capable in moving expeditiously to fill in these
21 positions; so we look forward to working with the new Chief in
22 April on his plans for the Department, which would include
23 filling in and designating a Training Coordinator and a
24 Professional Standards Inspector as well as any of the other
25 needs that are outstanding.

1 That's all for me, Judge. But if you have any
2 questions.

3 THE COURT: I think that you've covered the things
4 that we expected you to cover here today; so thank you.

5 And I'll hear from Ms. Tidwell on behalf of the
6 Monitoring Team.

7 MS. TIDWELL: Thank you, Judge. Another member of
8 the "Talks Too Fast Club" reporting for duty. So here goes.

9 One of the downsides of going last is that everyone
10 says everything that I was planning to say but they say it
11 better; so perhaps that's an upside because it keeps me from
12 looking more foolish.

13 So I just want to start. I think everyone would
14 agree that the past year has been a challenging one, marked by
15 the departure of key personnel, including most recently Chief
16 Frank McCall.

17 I'd like to take this moment on behalf of the
18 Monitoring Team to thank the former Chief for his service. As
19 Mr. Carey mentioned, Chief McCall came to the City as the very
20 first Consent Decree Coordinator back in 2017, I believe, and
21 he performed admirably in that role while still fulfilling the
22 duties of an Assistant Chief.

23 In terms of years of service to the Consent Decree
24 implementation process, I believe Chief McCall's tenure was
25 second only to interim Chief Dilworth. As such, it is a

1 tremendous loss for the City and for the Monitoring Team as we
2 always found Chief McCall to be a steady and responsive
3 presence and, more importantly, a good man.

4 But we've been here before in terms of leadership
5 transition. I share the City's hope that Chief Doyle's
6 arrival, coupled with the energy, attention, and focus we've
7 seen from our other two recent additions, Ms. Johnson and
8 interim City Manager Hampton, will provide much needed
9 momentum and renewed purpose.

10 However, I am also mindful of frustration amongst
11 members of the community who have seen frequent interruptions
12 to progress, and I want to take a moment to thank them for
13 their patience and perseverance.

14 I know that our Deputy Monitor, Ms. Caruso, has been
15 in touch with Ms. Johnson to introduce her to Smartsheets, the
16 software program Ms. Caruso and Ms. Barton and Ms. Johnson's
17 predecessor utilized to set timelines and track progress on a
18 number of Consent Decree provisions.

19 The information that's contained in the Smartsheets
20 program usually makes its way to the City website to sort of
21 track progress. I think one of the commenters -- one of
22 the -- Mr. Kasoff, who submitted a public comment, mentioned
23 that that hasn't been updated in some time. So I'm hoping Ms.
24 Johnson and Ms. Caruso can work together and that Ms. Johnson
25 will find the Smartsheets tool as helpful in her role as it

1 has been in the past and that we can keep it updated on the
2 City's website and on the Monitor's website.

3 As Mr. Castillo noted, training is one of a number of
4 areas where progress has been -- we've had some fits and
5 starts over the past year. And as he mentioned, after years
6 of lobbying both here and in public reports for the creation
7 and staffing of the Training Coordinator position, we were
8 pleased by the City's decision to take that step late last
9 year, and we were equally disappointed to learn that the
10 position is once again vacant and urge the City to put the
11 hiring at or near the top of Chief Doyle's to-do list.

12 Other areas that our team looks forward to
13 collaborating with the parties in the near term: Community
14 policing and accountability. First, community policing.
15 While the Department has made significant -- the Police
16 Department has made significant strides in enhancing its
17 engagement with the community, even through COVID, with a
18 number of social events, initiatives, and charitable
19 endeavors, leadership still needs to articulate a Community
20 Policing Plan that reflects the City's and the community's
21 vision of how policing will be done in Ferguson.

22 That Plan, informed by the community's priorities, as
23 reflected in the facilitated dialogues and the Department's
24 partnership with the NPSC and other groups that you heard from
25 in advance of this hearing and by the realities of the

1 Department's staffing levels and capacity, will serve as the
2 foundation for whatever Community Policing program the Police
3 Department ultimately adopts.

4 The constant changes in FPD's leadership since the
5 Consent Decree's inception have hampered the kind of
6 reflection and forward thinking required to develop and
7 implement a true Community Policing program.

8 Based on what I have heard of Chief Doyle's prior
9 work and track record, I am hopeful that he will bring not
10 only the vision for that plan but also the commitment to
11 partnering with the Ferguson community to see it to fruition.

12 The other areas of focus in the near term is
13 accountability. As Mr. Noll, the Civilian Review Board Chair,
14 noted in his recent letter to the Court, the CRB's work is
15 dependent on two factors, and it can be hampered by those
16 factors: One, the process of filling vacancies, as
17 Ms. Johnson noted, that identifying people to fill vacancies
18 before they become vacancies and having some onboarding and
19 handing off of the role in a timely manner; and, two, the slow
20 completion of complaint investigations at FPD.

21 And while the filling of the CRB vacancies is outside
22 of incoming Chief Doyle's span of control, we look forward to
23 working with him to examine FPD's Complaint, Intake, and
24 Investigation process.

25 The Monitoring Team has identified the accountability

1 provisions of the Consent Decree as ripe for auditing, and we
2 have been working for some time -- too long, in all honestly;
3 mainly my fault -- on developing an audit instrument similar
4 to the one used for review of Use of Force incidents.

5 As Mr. Castillo noted, the City has indicated an
6 intent to appoint a Professional Standards Inspector to
7 oversee implementation of the accountability function. So we
8 look forward with partnering with that person and Chief Doyle
9 in the future to start bettering not only the investigations
10 process at FPD but its -- how the CRB touches upon that role
11 and is able to do their work based on the timely completion of
12 investigations.

13 Before I move away from accountability, I wanted to
14 note that Mr. Owens, the Monitoring Team's Use of Force
15 subject matter expert, and I spent time virtually, as Ms.
16 Johnson noted, with the CRB last month to provide an overview
17 of relevant case law and terminology in Use of Force that we
18 hope will assist the CRB in fulfilling their responsibility to
19 review FPD's Use of Force incidents.

20 We found the CRB to be a thoughtful and committed
21 group and came away from the meeting impressed by their
22 ability to collaborate and even disagree with one another in a
23 respectful and collaborative manner.

24 And, finally, Your Honor, before I go, I just wanted
25 to note an update on the community survey. The Police

1 Department and the City aren't the only places undergoing
2 transition. There's been some transition within the Police
3 Institute, which is our partner in administering and
4 developing and analyzing the survey.

5 We believe that they have righted the ship there and
6 that they've got the same folks who have helped us in the past
7 or other folks identified so that we can get the -- launch the
8 community survey with, hopefully, without too much more delay.
9 But that's sort of where we are right now -- in a holding
10 pattern.

11 THE COURT: Right. Because you need the Police
12 Institute to help you do it.

13 MS. TIDWELL: To help us do it, right. We made --
14 there were some changes to the survey. We tried to shorten it
15 based on feedback that we got the last time around. We also
16 rely on them to help us with the notecards announcing the
17 survey with the QR code that we do the mass mailing. And so
18 we've just been working with them, and hopefully their
19 personnel issues have sorted out.

20 I'm happy to answer any questions that you might
21 have, but that's all that I have today.

22 THE COURT: Well, the survey was the thing I going to
23 ask you about. Let me just double-check and see what else I
24 had on my list. Yeah, that is actually what I had on my list.

25 MS. TIDWELL: I read your mind.

1 THE COURT: Yeah, you did. Well, it's fairly obvious
2 what we need to talk about every time, and so I think it is --
3 I do appreciate your comments.

4 All right. Thank you.

5 MS. TIDWELL: Thank you.

6 THE COURT: Mr. Carey, do you wish to make any
7 further comments, having heard from the others?

8 MR. CAREY: I do, Your Honor. Just a few.

9 You know, just to complete the circle, I have never
10 been accused of being part of the "Talk Fast Club." It's just
11 not -- no. My mind works fast, but there's a disconnect
12 between my mind and my mouth, and I give that credit for my
13 mom being a very strong mom who, you know --

14 THE COURT: Wanted you to think before you speak.

15 MR. CAREY: Yeah. She taught me to -- yeah. Because
16 I'd end up in a bad situation if I said everything that first
17 came to my mind.

18 But anyway, I did want to -- I had forgotten to let
19 you know -- the Court know and the public know -- of course,
20 members of the community already know -- we did have a recall
21 election recently where our Councilwoman Toni Burrow was
22 recalled. And the Council has since appointed a new Council
23 member. His name is Blake Ashby. And Mr. Ashby, I believe,
24 has been present at some of our prior Consent Decree status
25 updates. He has spoken publicly. He is an active public

1 speaker at our Council meetings. And so we're looking forward
2 to working with him as he takes his new position for the rest
3 of Councilwoman Burrow's term.

4 We also have a mayoral election, a municipal
5 election, that is coming up in early April. As you know,
6 Judge, sometimes those local elections sort of sway the way
7 things -- from a political perspective sway the way things
8 will go for the next sort of election cycle. So, you know,
9 that is also coming up as well.

10 And I think that was -- I think those were the two
11 things I wanted to make sure, because I know we had talked
12 about those things in the past, and you had even asked last
13 time we were together about the recall election. So I just
14 wanted to update you on that.

15 Outside of that, I don't really have anything else.

16 THE COURT: All right. Anything further from either
17 the Monitor or the Department of Justice?

18 All right. I wanted to -- first, I wanted to again
19 thank the members of the public for being here and extend --
20 urge other members of the public, as well as you all, to get
21 involved in the various initiatives. In particular, Ms.
22 Johnson talked about "Let's Talk Ferguson," which is these
23 small group dialogues. And I think if -- people should be
24 involved in those, and I hope you will work with her and do
25 that.

1 Also, obviously, we are very hoping for -- very much
2 hoping there will be members of the community who will step
3 forward and fill the positions on the CRB when those become
4 full. We just -- Ferguson, I guess, just got the other two
5 filled, and it would be great to have it happen beforehand so
6 they can -- before the terms end so that they can -- the new
7 members can be brought up to speed. That's really an
8 important position, and I hope that we will get that filled.

9 I appreciate all the work done by all the members of
10 the community, both those on the committees as well as those
11 who are simply working every day to help make things better in
12 Ferguson.

13 The personnel issues have been a real problem the
14 last year. There's just no doubt about that. There's been a
15 lot of changes. However, I join the parties in being
16 encouraged about where we are heading now. And so I do want
17 to thank incoming Chief Doyle. Based on what little I know
18 about him from reading in the newspaper and hearing from other
19 people, I think he's eminently qualified for this and also
20 very committed to having the Consent Decree process move
21 forward appropriately. And I appreciate that.

22 And I want to join the lawyers who thanked the people
23 who have done so much work in the past: Outgoing -- or the
24 former Chief McCall, who, as everyone has said, has been
25 involved from the very beginning; former City Manager

1 Osterberg; interim City Manager now and Fire Chief Hampton,
2 who has filled this role a couple times before, and it's a lot
3 of work to do to be both running a fire department and being
4 City Manager. And everyone tells me he's doing a great job;
5 so I really appreciate that.

6 And then, you know, I also want to thank somebody who
7 has been also behind the scenes doing everything he can and is
8 currently serving as the interim Chief, Captain Harry
9 Dilworth. I never know whether I'm supposed to call you Chief
10 or Captain, but you wear both hats. And we really thank you.
11 You've been involved in this process for a very long time as
12 well and have stepped into different roles as it has been
13 needed; so I want to thank you for that.

14 This process has taken longer than we all wanted. We
15 do talk about this, I know, at various times, and it's just a
16 difficult problem. I think the training -- the thing that's
17 happening now is that we are to that point where training is
18 now what's -- there's a lot of issues, but training is going
19 to be one of the priorities. And I think that the City has
20 recognized in their comments that they know that needs to
21 happen and be a priority and that the community comments have
22 indicated that's a concern as well.

23 The policies are at completion, nearing completion in
24 final stages of the work -- all these policies that have been
25 added -- and so making sure that they are then implemented in

1 an appropriate way with the kind of training that is
2 contemplated by the Consent Decree is essential. And I do
3 hope that that's where we are heading and that we will be
4 moving forward with that promptly.

5 And I think people are -- I'm going to copy something
6 Mr. Carey had said to me, but there's, you know, momentum.
7 And things go up and down. And I think we're right now at a
8 point where the training is going to be moving forward and
9 there's going to be -- you know, it's really going to move.

10 So I hope -- I would urge the City, as soon as
11 Chief Doyle is up and running, to make hiring that Training
12 Coordinator a high priority and working hard on all the
13 training that needs to be done. I think it's something that
14 just -- there's just no downside to having more training. And
15 I appreciate all the work that you've all done on that.

16 So that with that said, I think we are heading into a
17 point now with these changes in -- with things settling down,
18 obviously, we need a new City Manager and then a Training
19 Coordinator, but I'm hopeful that now that the Chief's
20 position is filled, that that can be moved forward quickly and
21 we can be up and running without the delays that we've had
22 that have been caused by a lot of things.

23 And I think that -- one thing that I know we all know
24 this, but I think it bears repeating -- that the disruption in
25 everything that was caused by the pandemic is something that

1 has affected this process seriously. It's affected almost
2 everyone's life in one way or another, but a lot of things
3 everywhere had to slow down or not work the same way.

4 So I'm really glad to see that people are able now to
5 get back together again, meet with each other in person,
6 because I think it's always better to meet in person if you
7 can do so. And I think -- I'm hopeful that that's going to
8 make a good -- will make good progress.

9 And you can see I'm putting my mask back on before I
10 get close to anybody because I had a cold last week. And I
11 know everybody, every time we have a sniffle, we worry that
12 it's COVID. I do, at least. My family thinks I've given
13 myself COVID of the brain multiple times because I always
14 think I've got it when I don't. Thank goodness I don't. But
15 I do hope that you all will be careful even though we're
16 through the worst of this, and hope everyone stays healthy and
17 we can keep moving forward in the right direction.

18 So thank you all very much. And with that said --
19 and the members of the public who sent things, again, I
20 appreciate that you sent the comments, and those are all --
21 will be taken to heart.

22 So with that said, we're concluding this hearing, and
23 so court is in recess.

24 **(PROCEEDINGS CONCLUDED AT 10:48 AM.)**

25

CERTIFICATE

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

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

I further certify that this transcript contains pages 1 through 37 inclusive and that this reporter takes no responsibility for missing or damaged pages of this transcript when same transcript is copied by any party other than this reporter.

Dated at St. Louis, Missouri, this 3rd day of April, 2023.

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