

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

OCTOBER 29, 2024

APPEARANCES:

Independent Monitor: Natashia Tidwell, Esq.

For Plaintiff: Charles W. Hart, Esq.
DEPARTMENT OF JUSTICE

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

Also Present: Christopher Crabel
Consent Decree Coordinator

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1 (PROCEEDINGS BEGAN AT 10:02 AM.)

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3 PHOTOGRAPHING, RECORDING, AND BROADCASTING OF COURT
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5 WHO VIOLATE THE RULE MAY FACE SANCTIONS UP TO AND INCLUDING
6 DENIAL OF ENTRY TO FUTURE HEARINGS, OR ANY OTHER SANCTIONS
7 DEEMED NECESSARY BY THE JUDICIAL OFFICER.)

8 THE COURT: Good morning. We are here in the case of
9 the United States of America versus Ferguson, Missouri. This
10 is Case No. 4:16-CV-180, and we are here for a quarterly
11 status hearing.

12 I appreciate seeing all the people who are here. And
13 I'll start by asking the counsel to introduce themselves, and
14 then, when we get to the City, I'll have you introduce whoever
15 you have with you, Mr. Carey.

16 So would counsel for the United States please
17 identify yourself for the record.

18 MR. HART: Yes. Good morning, Your Honor.
19 Charles Hart for the United States.

20 THE COURT: All right. And would counsel for the --
21 let me start with the Monitor because he's got a longer list.

22 Counsel for the Monitor, please identify yourself.

23 MS. TIDWELL: Good morning, Your Honor. Natasha
24 Tidwell on behalf of the Monitoring Team.

25 THE COURT: And I called you counsel for the Monitor.

1 You are counsel, but you're also the Monitor. All right.

2 For the City?

3 MR. CAREY: Good morning, Judge. Apollo Carey for
4 the City of Ferguson.

5 MR. CARTER: Daniel Carter for the City of Ferguson.

6 THE COURT: All right.

7 MR. CAREY: We also have Chris Crabel, who is our
8 Consent Decree Coordinator, sitting with us.

9 THE COURT: And do you want to introduce other people
10 who are here from the City?

11 MR. CAREY: Oh, I'm happy to do it. Normally I'd do
12 that at the podium. I'm happy to do that.

13 THE COURT: Well, you can do that when you start
14 talking, if you want.

15 MR. CAREY: Okay.

16 THE COURT: That way, if anybody comes in late, you
17 can add them to the list.

18 MR. CAREY: Okay. You got it.

19 THE COURT: That's fine. All right.

20 So, you know, there have been some things that have
21 happened. I'm sure that members of the public who are here,
22 or certainly the City officials, know that the City did file a
23 status report at the beginning of this month.

24 And, as usual, I have been talking to the lawyers,
25 and to the extent Mr. Crabel and others, on our monthly status

1 call that I do with the lawyers and the Monitor.

2 So I think I'll ask Mr. Hart for you to start by --
3 oh, I always ask the City to start, don't I? You know, I ask
4 them this in every phone call when we're talking about the
5 meeting. I say, okay, now, wait. Do we start with City, or
6 we start with the department? Sorry, Mr. Carey. I'll now
7 call on Mr. Carey to tell us what the City's got going on, and
8 then you can introduce the people as well.

9 MR. CAREY: Thank you, Your Honor. Yeah. You know,
10 I was wondering. I was like, okay, was there some agreement
11 that I wasn't aware of?

12 THE COURT: No, there's not. The agreement is we
13 start with you because you have the most to report, and that's
14 always a good thing.

15 MR. CAREY: Okay. And we're happy to do that, Your
16 Honor. So I will go ahead, and I'll start just by introducing
17 the folks in the courtroom. We also have some folks that are
18 listening in who are worth mentioning as well. And then I'll
19 let Mr. Crabel come and be more detailed.

20 I mean, you did mention that we did turn in our
21 status report earlier this month.

22 THE COURT: Right.

23 MR. CAREY: The Monitor has also turned in her
24 quarterly report for the quarter. And so between those two
25 things, we have a lot of detail to give to you, but I won't

1 steal Mr. Crabel's thunder. I'll allow him to do that.

2 THE COURT: Okay. Before you do, let me -- I'm glad
3 you mentioned the people listening in, because I am always
4 supposed to make this statement, although I know the clerk
5 already did.

6 For people listening in, please understand that under
7 the National Rules of Federal Courts, all broadcasting or
8 recording of this proceeding is not allowed and you could be
9 held in contempt of court or be barred from future hearings if
10 you violate that rule. So that's the rule. I appreciate
11 everyone complying with it.

12 MR. CAREY: Sure. And while we're on the topic of
13 folks listening, I'll introduce those folks first. It's
14 virtually -- actually, it's our entire council. It's
15 councilwoman Heather Robinett, Linda Lipka, and Naquittia
16 Noah. And then we also have councilmen Nick Kasoff, Mike
17 Palmer, and David Williams, who are all listening in remotely.

18 And, of course, we have our mayor, Ms. Ella Jones,
19 who is here in person. And then also in the courtroom we have
20 Harry Dilworth, and Chief Doyle is here. Lisa Stephens is
21 sitting -- seated behind them. And I think Michelle Richmond
22 is in the back. And then that's all I recognize. I'm not
23 quite sure. I see some other people sitting with us. I'm not
24 quite sure who they are.

25 But also, you know, we have various members of our

1 committees, NPSC and Training Committee, and those folks who
2 are also seated directly behind the Monitor.

3 So without further ado, I'll let Mr. Crabel come up
4 and give you more detail, unless you had questions of me.

5 THE COURT: That's fine. Go ahead, Mr. Crabel.

6 MR. CRABEL: Good morning, Your Honor. I'm here to
7 provide the Court with an update on the City of Ferguson's
8 progress under the Consent Decree. I'm pleased to report that
9 our police department is currently about 80 percent staffed.
10 We have two officers graduating from the academy in December
11 and three more starting the academy in the beginning of
12 January as of now.

13 Additionally, there's two POST-certified officers in
14 background, and we are hopeful that they will be joining the
15 team soon, assuming everything goes smoothly with the
16 background.

17 I'm going to move on to major plans and policy
18 updates. Regarding the City's major plans, we have the
19 training plan. The City completed the training plan, and it
20 has been approved by the DOJ and Monitor. As new trainings
21 are developed, this plan will continue to evolve. It's kind
22 of ever changing, and we'll add things to the calendars as
23 plans come along.

24 For the Community Engagement and Policing Plan, this
25 plan has been submitted to the Monitor. Once we receive

1 feedback, we'll proceed with making those adjustments and then
2 implementation.

3 The Crime Prevention Plan. The Crime Prevention Plan
4 has been returned by the Monitor with feedback. So the City
5 is actively working to make updates based on the
6 recommendations provided.

7 The staffing plan and salary study. So we have
8 received feedback from the DOJ on both the staffing plan and
9 salary study. It's not complete feedback but initial
10 questions. And the City is working to address those questions
11 and concerns raised by the DOJ, and we'll hope to get that
12 back to them soon.

13 Additionally, the City has filed the status report,
14 as you mentioned, to the Court to provide an update on our
15 standing.

16 Looking at training updates. So the City has made
17 substantial progress in rolling out key trainings. We have
18 successfully completed a roll-call training -- two roll-call
19 trainings at end of July. So it was the First Amendment
20 training and then the protest and demonstration training.

21 We have two additional roll-call trainings -- the
22 correctable, fix-it violations and the strip and body cavity
23 search training that have been approved and will be
24 implemented.

25 The City has also submitted several important

1 policies to the DOJ for review, including the drone policy,
2 the PTO policy, the GPS policy, the Flock camera policy.
3 Additionally, the TASER X policy is ready for public comment
4 and will be posted on the City's website in early November.

5 I'm giving a shout-out to Pat Washington, who has
6 been working closely with NPSC, or the Neighborhood Police
7 Steering Committee, to finalize the Neighborhood Police
8 recommendation policy. That was submitted to the DOJ
9 yesterday.

10 The crisis intervention training, or the CIT
11 training. The City has continued to make progress on the CIT
12 program. We have identified officers in three of our four
13 squads to be CIT trained. We are working to find an officer
14 in our remaining squad.

15 But as our department is younger and the
16 qualifications required for CIT specialization presents some
17 challenges, FPD is committed to working with the DOJ to
18 address those challenges as it relates to filling the training
19 requirements for the Consent Decree and the CIT.

20 During the recent visit with the DOJ, we discussed
21 some concerns in regards to the CIT, and we're working to
22 build crisis training around some of those concerns, or bulk
23 up our training around some of those concerns.

24 I'm moving on to audits. As we continue to work
25 with -- we are continuing to work with the Monitor on two of

1 the audits. And I had mentioned them at the last hearing.
2 That's the use of force audit and the accountability audit.
3 Both are in progress, and we are expecting a third audit to
4 begin soon, which would be the body-worn camera audit. I
5 think I mentioned that at the last status hearing as well, but
6 we are expecting that one to be coming soon.

7 And we are working on the court self-audit process.
8 I know that was also mentioned at the last status hearing, but
9 we are making headway. We've had an in-person meeting with
10 the DOJ, and we've had a couple follow-up calls as well. In
11 about two weeks, we're going to have another follow-up call to
12 keep furthering and advancing on the progress.

13 And then the last thing I will talk about today is
14 citizen engagement. I want to just say thank you to our
15 citizen volunteers who have been working with us. You know,
16 the CRB, the Neighborhood Police Steering Committee, and the
17 Training Committee have dedicated a lot of time since the
18 beginning of the Consent Decree, but also recently with
19 everything we've been working through, they've been putting a
20 lot more time and effort in -- maybe not more effort; they've
21 always been putting effort in -- but a lot more time in
22 recently to help us meet our deadlines and target dates.

23 So I just want to say we appreciate them, and thank
24 you for all their work.

25 THE COURT: Yeah. You have had more -- you've had a

1 lot going on, I think. So that's good. I appreciate their
2 work too because I know it's really vital.

3 MR. CRABEL: They've been doing a lot for us; so I
4 just want to say thank you.

5 And then we just remain deeply committed to
6 fulfilling the requirements of the Consent Decree. And with
7 support of counsel, our staff, the Court, and the DOJ, we just
8 are happy to keep progressing and meet the obligations of the
9 Consent Decree.

10 That's it.

11 THE COURT: All right. Thank you.

12 I neglected to mention earlier that there were a
13 couple of comments letters that were sent to the Monitor, and
14 they've sent those on to me, and I have reviewed those, just
15 so -- I know the people who wrote them are here, and so I
16 wanted them to know that we've reviewed them.

17 All right. Go ahead. Anything further at this
18 moment, Mr. Carey?

19 MR. CAREY: The City rests, Your Honor.

20 THE COURT: Now, it's not that formal a hearing.
21 That's what we say in trial.

22 All right. Mr. Hart?

23 MR. HART: Thank you.

24 Your Honor, first, we want to -- good morning. And
25 also I want to say good morning to all of the City officials

1 who are here and the officials from the
2 Ferguson Police Department, folks who are online, and members
3 of the community who are here today.

4 So I want to echo the comments that Mr. Crabel just
5 said about the progress from between the last court hearing
6 and today. This has been one of the most productive periods
7 in the life of the Consent Decree. And that is in no small
8 part because of the efforts of a lot of people in this room --
9 Chief Doyle, Chief Hampton, Lisa Stephens, Pat Washington,
10 Captain Dilworth -- Pat Washington is not in this room -- but
11 all of those people are part of this team now that seems to be
12 working together productively.

13 And I think that -- and also Michelle Richmond -- I
14 neglected to mention Michelle Richmond; she is here -- working
15 on the municipal court provisions.

16 So I think that one of the things that we -- or I
17 wanted to kind of point out is there have been a lot of
18 challenges over the years that have kind of gotten in the way
19 of productivity from the police department and the City, but I
20 wanted to kind of point out what are some of the reasons we
21 think are for the progress during this last period.

22 Your Honor, I think that I tried to boil it down to
23 three things. One is there was an emphasis on timelines and
24 transparency during this last period. Ferguson and the
25 Ferguson Police Department managed to fill the positions with

1 people who are very eager to do the work, and they have been
2 very productive and tasked with clear roles and clear
3 responsibilities. I know it took a while to fill some of
4 those positions, but I think that was also critical.

5 And the third thing was there is a clear vision from
6 leadership that was communicated to the people in those roles
7 about what needed to be accomplished.

8 First, on timelines and transparency, I know that
9 Mr. Crabel had mentioned -- and Mr. Carey also mentioned --
10 that the City filed its status report, which is very helpful.
11 Pursuant to paragraph 456, there's a requirement for a
12 semi-annual report. And it's important to file those reports
13 and take account of where the City is, as far as the
14 implementation, because that is what allows the organization,
15 or the City and the department, to map its path from Point A
16 to Point B.

17 And along the lines with -- so we know that the City
18 is currently developing a tracker to increase transparency so
19 that the City internally but also externally people in the
20 community know the status of all of these different provisions
21 in the Consent Decree. And we think that it's very important
22 to complete that kind of internal assessment of where the City
23 is with regard to those provisions so that it can maybe create
24 an even more effective map to compliance in the coming months.

25 And we think that it would be especially helpful if

1 the City and the police department laid out a road map for
2 2025 as far as the sequence of events and the tasks that need
3 to be accomplished and who's going to accomplish those tasks
4 to allow for more transparency and accountability in that
5 compliance process.

6 So, secondly, I had mentioned that the City put the
7 right people in place. And I think that there have been good
8 people in place before like during the course of the
9 implementation. I know Captain Dilworth used to wear, or
10 maybe still does, like, a lot of hats. I kind of stopped
11 counting the many hats that Captain Dilworth wore.

12 So now there was kind of a spread. And people --
13 Lisa Stephens has been doing a wonderful job with making sure
14 that the training implementation process has been moving
15 forward fairly quickly. And there are a number of trainings
16 that are kind of in the works that need to be developed, and I
17 won't detail those here, but having her in place, along with
18 Captain Dilworth, really helped to move the training
19 provisions forward.

20 Pat Washington -- that was a position that was
21 created, not required by the Consent Decree like the Training
22 Coordinator, but created by Chief Hampton and Chief Doyle
23 for -- because they saw a need for it. And Pat Washington has
24 been critical in engaging the community and getting feedback
25 on items like the Community Policing and Engagement Plan and

1 the Crime Prevention Plan that require community input, and
2 she's been moving the ball forward there.

3 So just wanted to emphasize that having the right
4 people, having people in place and fulfilling those roles or
5 responsibilities or positions, is critical to the City's
6 continued success.

7 And, you know, we're in a period now where that's --
8 I'm not going to say it took a long time to get here, but
9 there have been moments in the past where there was not that
10 kind of matchup between, you know, having responsibilities
11 distributed to -- you know, effectively distributed across
12 different positions and people in those roles who really were
13 producing good work and being timely.

14 The last thing that I mentioned was when leadership
15 communicates a clear vision to the people producing the work,
16 that also enables folks fulfilling those responsibilities to be
17 more accountable for their tasks. And I think that that's
18 been -- that's something that Chief Doyle, I think, has been
19 effective at doing internally. And I think that it's also
20 something that is to the leadership and the higher levels
21 within the department and the people who are assigned to
22 Consent Decree compliance tasks.

23 We also think that that communication of a vision and
24 the expectations from leadership is important for community
25 policing in general and fulfilling the responsibilities of all

1 of the provisions of the agreement from the Chief all the way
2 to the line officer. And that is an area where we think the
3 Community Policing Policy, the Community Policing and
4 Engagement Plan, and the Crime Prevention Plan kind of lay out
5 an essential road map and principles for what needs to be
6 communicated to line deputies. I mean -- sorry, Your Honor --
7 line officers.

8 So those three things we think -- the vision, the
9 timeline, the roles -- were critical to the success in this
10 last period.

11 Now, FPD has some exemplary officers and supervisors,
12 and the department is lucky to have them and Lisa Stephens and
13 Pat Washington, among others, and I think they recognize that.
14 And there are also some officers who sometimes struggle to
15 engage the public in a way that is consistent with FPD
16 policies, the Consent Decree, and the Chief's expectations.
17 That's why we think it's important to communicate that vision
18 effectively, you know, throughout the department.

19 Now, the policies do that, training does that, but
20 some other things that are required in order to create clear
21 expectations are proper supervision and a very thorough
22 accountability system.

23 Now, Ms. Tidwell is currently undergoing an audit of
24 the accountability -- an accountability audit. And I think a
25 notice will soon be released for the body-worn camera audit.

1 And those are two things -- the body-worn camera requirements
2 and the accountability requirements will be important to
3 creating clear expectations for the officers within the
4 department.

5 There are a number of Consent Decree requirements
6 that specifically focus on supervision, promotions, and
7 accountability. And in the next few months, those are areas
8 where, in addition to the training requirements and the policy
9 requirements that are still outstanding, DOJ is going to be
10 focusing on supervision, promotions, and accountability and
11 would like for the City and FPD to also kind of outline their
12 vision for how they will fulfill or implement the provisions
13 of the agreement that relate to supervision, promotions, and
14 accountability.

15 Your Honor, I think that I mentioned before that this
16 is our -- we're in our tenth year of engagement here, and we
17 saw some progress in this last quarter that we would like to
18 see replicated. And we think having those clear timelines and
19 FPD and the City having a kind of a clear plan for how they're
20 going to implement these provisions would really help to build
21 on this momentum and not let it falter because we have seen
22 that sometimes, you know, if a person leaves or who's in a key
23 role, Chief or otherwise, there's been kind of a stop in
24 progress, you know, if not a fallback.

25 So we want to emphasize that we want the City -- we

1 would like for the City and FPD to continue building on this
2 momentum.

3 I think that's all that we have to say, Your Honor.
4 Thank you.

5 THE COURT: Thank you, Mr. Hart.

6 And as I mentioned when Mr. Crabel was talking,
7 people have been very busy. I think what Mr. Hart's just
8 described about a lot of progress being made in the last
9 three months, I think has been -- I've seen that too in our
10 conversations and hearing the updates.

11 Ms. Tidwell?

12 MS. TIDWELL: Thank you, Judge.

13 So once again the parties have covered most of what I
14 was going to say; so I will try not to retread old ground.

15 But good morning. I want to thank the members of the
16 community who continue to engage meaningfully in this process,
17 especially those who took time to submit written comments to
18 the Court in advance of today's hearing -- Cassandra Butler
19 and Alan Mueller, who are both here today.

20 The Monitor's semi-annual status report Mr. Carey
21 mentioned has been reviewed and improved by the parties along
22 with a report of the initial phase of the Monitoring Team's
23 use of force audit. I anticipate that those reports will be
24 filed sometime either this afternoon or tomorrow morning, but
25 I will provide --

1 THE COURT: Yeah. I was going to say, when he said
2 you've turned it in, I was looking at the docket sheet,
3 thinking, wait, I've missed it. There it is. Yeah. So I
4 thought that that was what he was going to say. Thank you.

5 MS. TIDWELL: We got sign-off on the use of force
6 audit report last night; so now we'll finalize and package
7 everything together.

8 THE COURT: So when -- obviously, you'll put those up
9 on your website, and then we'll -- once they are filed, we'll
10 put them on the court's website as well once you've docketed
11 them.

12 MS. TIDWELL: Great. And as we've done in the past
13 and as we did when we filed the last report, we'll schedule a
14 virtual town hall meeting to go over the report with the
15 community and answer any questions. We're going to give folks
16 a little bit of time to digest it first, and we'll coordinate
17 with Mr. Crabel around if there are other community events
18 scheduled so that we don't have any conflict when we schedule
19 the town hall.

20 I want to thank the parties for reviewing and
21 commenting on the draft report on such an expedited timeline
22 so that it could be filed close in time to this hearing. We
23 also appreciate the parties' assistance in the
24 information-gathering process, the City's own status report
25 which was filed earlier this month, along with reports from

1 DOJ detailing -- both of them detailing progress in certain
2 key areas. We appreciate that greatly. It makes our job a
3 lot smoother and a lot easier. So thank you to the parties
4 for that.

5 We appreciate the City's efforts to foster and
6 maintain transparency through the filing of their reports, and
7 we look forward to seeing more of those from them in the
8 future. So thank you for that.

9 Our report -- you know, after reporting on numerous
10 disruptive transitions over the past couple of years, we were
11 pleased to report that the City, FPD, and the municipal court
12 have experienced and benefited from a period of sustained
13 consistency this past year, as Mr. Hart mentioned and as you,
14 Your Honor, mentioned also. The City has made meaningful
15 progress toward completion of a number of comprehensive plans
16 that will serve as the foundation for Consent Decree
17 implementation.

18 We want to recognize and thank Mr. Crabel,
19 Ms. Stephens, and Ms. Washington for their efforts as well as
20 Chief Doyle and Chief Hampton for having the foresight and
21 vision to assemble these key pieces and for their ongoing
22 leadership.

23 As in the past, the status report, the Monitor's
24 report, contains a chart detailing the status of
25 implementation of the Consent Decree's key areas along four

1 milestones: Policy development, roll-call training,
2 in-service training, and assessment or auditing.

3 Currently all policy areas, except for those related
4 specifically to the role of supervisors, are either completed,
5 near completion, or in progress.

6 As to the supervisor-related policies, as I'll
7 discuss a little bit in detail in a bit, the use of force
8 audit revealed some lapses in FPD's supervisory responses
9 to -- responses to an investigation of use-of-force incidents.

10 To use a well-worn police saying, "first-line
11 supervisors are where the rubber meets the road" in every
12 aspect of policing, and the same holds true for Consent Decree
13 implementation. As Mr. Hart suggested in his remarks, this is
14 a critical area. He and the Department of Justice have
15 suggested convening a kickoff, sort of round-table working
16 group to talk through the best approach for policy development
17 in identification of gaps in this area. The Monitoring Team
18 supports that idea.

19 I plan to ask our subject matter experts across areas
20 to join in that as there is not an area of the Consent Decree
21 that doesn't rely on supervisors for implementation. So we
22 look forward to working with the parties to hopefully enhance
23 the role of supervisors and performance across key areas.

24 The second milestone in Consent Decree implementation
25 is roll-call training, which, as many know, typically mirrors

1 and tracks policy developments. So as a policy is finalized,
2 the brief overview at roll call happens, and the policy is put
3 into practice. The more robust and substantive training, or
4 roll-call training, is the third stage of implementation. It
5 has been completed in one area by --

6 THE COURT: You're talking about in-service training.

7 MS. TIDWELL: Say again. I'm sorry?

8 THE COURT: In-service training.

9 MS. TIDWELL: I'm sorry. In-service training. Thank
10 you, Your Honor.

11 The third stage is in-service training, which has
12 been completed in one area, bias-free policing, but a few
13 other areas are currently in the process of being developed,
14 including the body-worn and in-car camera, in-service
15 training, which the Monitoring Team is reviewing and hopes to
16 have its feedback to the parties sometime next week.

17 And, finally, the last stage of implementation,
18 assessment and auditing by the Monitoring Team. Although
19 in-service training in the use of force and body-worn cameras
20 are still in development, the Monitoring Team and the parties
21 determined that it was appropriate to audit in these areas
22 because FPD has essentially been operating under these
23 policies for several years. So they were ripe for auditing,
24 and we are working on audits in both of those areas.

25 Just a few notes on some of the key areas of the

1 Consent Decree. Community Policing and Engagement. As the
2 parties mentioned, during the reporting period the Monitoring
3 Team completed its review of the City's Crime Prevention Plan.
4 While the plan did a great job of detailing the role of FPD's
5 internal operations in implementing the City's crime
6 prevention strategy, we thought that there could be a stronger
7 articulation of the City's plan to keep the community informed
8 and engaged in the plan's implementation. The City, via
9 Ms. Washington, was very receptive to our feedback, and we
10 look forward to reviewing the updated plan.

11 Earlier this month the City provided an updated
12 version of its Community Policing and Engagement Plan, as
13 Mr. Crabel mentioned. While this recent iteration of the plan
14 remains under review by Dr. Leigh Anderson, who leads the
15 Monitoring Team's efforts in this area, her initial analysis,
16 according to her, has demonstrated that the City is making
17 positive, incremental progress on this plan.

18 It is clear that the City is emphasizing increased
19 and documented collaboration with the community. It is
20 promising that these efforts will aim to rebuild and also
21 maintain trust between FPD and the community while also
22 addressing some of the systematic issues that were highlighted
23 by the Consent Decree.

24 So overall, these current efforts reflect a strong
25 commitment to enhancing public safety and improving on

1 relationships. And as I said, Dr. Anderson will continue her
2 review, complete her review, and we'll get the full feedback
3 to the City soon.

4 Body-worn an in-car cameras. The City has completed
5 development of the suite of policies in this area. As I
6 mentioned, DOJ has approved the in-service training, and Dan
7 Gomez and Roger Nunez, the Monitoring Team's subject matter
8 consultants in this area, are finalizing their review and will
9 have their substantive feedback later.

10 The Monitoring Team is planning to conduct an audit,
11 to kick off the audit in this area this year. We hope that
12 the draft notice will be out to the parties next week. And
13 then once the parties have had an opportunity to review the
14 notice and offer any comments or suggestions, we will formally
15 begin the audit with Mr. Gomez and Mr. Nunez.

16 And accountability is another area of auditing. In
17 the spring the Monitoring Team initiated its audit of the
18 City's compliance with the accountability and civilian
19 oversight provisions of the Consent Decree. This audit will
20 be overseen by the Monitoring Team's newest addition, Julio
21 Thompson, who has met with members of the CRB, as well as
22 Mr. Crabel, to help develop a deeper understanding of the
23 complaint investigation process.

24 He will develop and fine-tune the Monitoring Team's
25 methodology for its review of FPD's internal investigations.

1 Specifically, he will create a rubric similar to the one we
2 use for our review of use-of-force incidents to ensure that
3 the review of individual cases is standardized and consistent.
4 And once that rubric is completed, we will circulate it to the
5 parties for review and approval. Mr. Thompson will then
6 complete the audit, and we will report on his findings and the
7 team's findings as soon as it's done.

8 And then, lastly, in use of force, the status report
9 contains the initial findings of the Monitoring Team's second
10 audit of the City's compliance with the Consent Decree
11 requirements relating to use-of-force reporting and
12 investigation. That audit was led by Darryl Owens, who is the
13 Monitoring Team's subject matter consultant in that area.

14 Recognizing the importance of thorough investigations
15 of reported force, as well as accurate reporting of all uses
16 of force, the Monitoring Team intended that the audit be
17 conducted in two phases.

18 In the audit's initial phase, which we just
19 completed, we assessed the timeliness, thoroughness, and
20 accuracy of FPD's use-of-force reports and the quality of its
21 investigations, as required by the Consent Decree and FPD
22 policy.

23 In 2022 and 2023, FPD reported 30 use-of-force
24 incidents. Three zero. Each was assigned to one of three
25 categories -- Type 1, Type 2, and Type 3 -- depending on the

1 type of force that was used, with Type 1 being the most
2 severe.

3 In consultation with the parties, again, as I
4 mentioned, we have a rubric that Mr. Owens uses for his review
5 that has a bunch of categories that he uses to assess the
6 reporting and the use of force itself. These categories
7 include documentation, de-escalation, force response, force
8 reporting, and force investigation.

9 The Monitoring Team requested reports, body-worn and
10 in-car camera footage and other materials related to these 30
11 incidents. And each incident was assigned a satisfactory or
12 unsatisfactory rating based on the Monitoring Team's
13 assessment of all categories.

14 As the audit progressed, Mr. Owens observed that
15 while FPD's use-of-force practices were generally reasonable
16 and consistent with applicable legal and constitutional
17 standards, there were concerning lapses in FPD's reporting and
18 investigation of force incidents.

19 So to better illustrate sort of this dichotomy, the
20 Monitoring Team divided its review into two separate areas:
21 One, whether FPD officers used force in an objectively
22 reasonable manner and then, two, whether FPD's reporting and
23 investigation of the force comported with the existing policy
24 and the Consent Decree. And I will discuss each of those sort
25 of separately.

1 So when evaluating solely to determine whether force
2 was objectively reasonable and proportional, the Monitoring
3 Team assigned a satisfactory rating to 25 of the 30 reports
4 reviewed, 83 percent. The Monitoring Team generally observed
5 that in these encounters FPD officers used force that was
6 necessary, legal, and consistent with training, policy, and
7 the Consent Decree.

8 Additional observations from the satisfactory reports
9 or investigations included that the level of force employed by
10 FPD officers was generally objectively reasonable and
11 proportional to the level of resistance and that in most
12 instances, where feasible to do so, FPD officers made efforts
13 to de-escalate, stabilize, or slow down the incident. There's
14 additional detail about the cases rated satisfactory in the
15 report.

16 The remaining 5 of the 30 incidents reviewed were
17 assigned an unsatisfactory rating. In the Monitoring Team's
18 view, FPD's use of force in these cases was either objectively
19 unreasonable, lacking appropriate de-escalation, or
20 disproportional. These incidents are also discussed in
21 slightly more detail in the audit report.

22 The second sort of piece that we carved this phase of
23 the audit into was an assessment of the reporting and
24 investigation of FPD's use of force. Through that lens, the
25 Monitoring Team observed what appeared to be a systemic

1 failure in FPD's categorization of force incidents by type and
2 a troubling absence of accountability where it appears that
3 officers used force in violation of applicable policy or the
4 Consent Decree.

5 At the conclusion of the first audit last year in
6 this area, we noted that the quality of FPD's force reporting
7 and investigation appeared to be trending upward due in part
8 to the completed development of policies in the area and the
9 anticipated implementation of new use-of-force reporting
10 software. And while this new software can enhance FPD's
11 ability to track use-of-force incidents and identify
12 potentially problematic patterns, FPD cannot fully harness the
13 technology's capability without better performance from those
14 with primary responsibility for reporting and investigating
15 force incidents. And that's the supervisors.

16 When assessing FPD's reporting and investigation, the
17 Monitoring Team assigned a satisfactory rating to only 15 of
18 the 30 incidents. In 11 of the unsatisfactory reports or
19 investigations, Type 2 force, which is the second level of
20 force, was categorized and misreported as Type 3 force. These
21 incidents, if correctly reported, would have triggered
22 supervisory investigations.

23 So for Type 3 incidents no investigation is required
24 under policy and the Consent Decree, but for Type 2 cases
25 force must be investigated by the supervisor. So 11 incidents

1 were the use of Type 2 force, whether take-downs or the use of
2 electronic control weapons, but they were reported as Type 3
3 force.

4 The results of the Monitoring Team's review of actual
5 force investigations were mixed. In most instances,
6 supervisors avoided the use of pattern language or boilerplate
7 language and did an admirable job of locating and interviewing
8 not only the involved officers but also non-FPD witnesses to
9 the underlying incident.

10 The resultant reports largely consisted of detailed
11 accounts of the incident itself, the type of force used,
12 officer efforts to de-escalate the situation to avoid or
13 minimize the use of force, and the level of force and
14 resistance encountered.

15 However, these investigations also included the
16 aforementioned misclassifications and the type of force
17 employed, cursory and delayed investigations, and the absence
18 of accountability for obvious policy violations, particularly
19 in officers' use of electronic control weapons, or TASERS.

20 This again stands in sharp contrast to the cases
21 reviewed in the first audit in which FPD recommended and
22 implemented remedial measures, including verbal counseling and
23 training, when deficiency in policy violations were
24 identified.

25 The Monitoring Team previewed its finding for the

1 parties prior to completion of the report and in anticipation
2 of its filing with the Court. In a subsequent meeting, the
3 DOJ engaged its own subject matter expert to lead an open and
4 productive discussion of the incidents detailed above as well
5 as other issues. The Monitoring Team is heartened by FPD's
6 willingness to accept feedback and by the parties' shared
7 commitment to improving FPD's use-of-force reporting and
8 investigation capabilities so that substantial compliance can
9 be achieved in this critical Consent Decree area.

10 Phase Two of the audit. We are officially notifying
11 the City that we are ready to start with Phase Two, which asks
12 that the City provide the number of arrests in -- for a
13 certain number of enumerated offenses that, even though force
14 was reported, based on our experience, force may have been
15 employed in those instances. So we are auditing to determine
16 whether FPD is accurately reporting force when it happens. So
17 we anticipate that we can complete Phase Two of the audit by
18 the end of this year.

19 So I will conclude there, unless the Court has
20 questions.

21 THE COURT: It's a lot to report, and I look forward
22 to seeing it in writing. You know, I think that it is -- it
23 is encouraging that the use of force in general was
24 appropriate in terms of the actual use; but, of course, we do
25 need -- for this to work, everybody's got to do the reporting

1 and know what to investigate and know and do the
2 investigations.

3 So but that sounds like it's moving in the right
4 direction. And I hope -- and I also appreciate the City's
5 willingness to work more on this with the TASERS and other
6 things that are obviously issues -- and the reporting,
7 obviously, issues of concern.

8 Okay. I think that's -- I don't have any other
9 questions for you.

10 Mr. Carey, do you wish to respond to any of the
11 things that either of the other side has said here, or are
12 you --

13 MR. CAREY: I do, Your Honor. Not necessarily
14 respond, but just to fill in some gaps.

15 Just while you were talking, I know we had --
16 initially we had --

17 THE COURT: Why don't you walk up to the lectern. It
18 helps me and the court reporter.

19 MR. CAREY: Of course.

20 When we first started talking and I was introducing
21 folks in the courtroom, you had heard a lot about -- and you
22 heard Mr. Hart talk about Pat Washington. She walked in while
23 we were here; so I just wanted to make it clear that
24 Pat Washington is actually here.

25 THE COURT: Right.

1 MR. CAREY: And to make sure we get that on the
2 record.

3 But sort of in sum of what we've been -- what you've
4 heard today is really the progress that you've heard from, you
5 know, the last quarter to this quarter in our reporting has
6 really been led by Chief Doyle. I mean, Chief Doyle is -- you
7 know, from the moment he got here, things just started to
8 really, really improve as it relates to Consent Decree
9 compliance.

10 And then him putting in place the team with
11 Lisa Stephens and Pat Washington, and we already had the
12 workhorse of Captain Dilworth here. Michelle Richmond was
13 already here.

14 And we also have the support of our City Manager who
15 is -- I think it can't go understated that we have both a
16 City Manager and a Police Chief who have spent careers in
17 public service, right, and who have spent their lives
18 providing these various different services directly to the
19 citizens who have an understanding for what safety -- you
20 know, an appreciation for safety and an understanding and
21 appreciation for citizens' rights. And those things really,
22 really seem to just sort of come together in the last year or
23 so since Chief Doyle has been with us.

24 So I really, really just want to give kudos to him
25 and his staff and the folks who continue to sort of push us

1 forward because without their efforts we just would not
2 have -- you know, you wouldn't have heard such a glowing,
3 glowing report as you've heard today.

4 So I just wanted to make sure that was on the record.

5 THE COURT: Thank you. And I do appreciate the work
6 everyone's done.

7 I think, you know, right now I'm just sitting here
8 thinking we've got to keep this momentum going, which is hard,
9 I know, when you feel like you've done a lot, but you know
10 that's what we need to do.

11 And also I wanted to -- I do appreciate what everyone
12 is doing. And I think there's -- I'm encouraged by the things
13 I've heard in the monthly conferences about the various things
14 people are doing to address any of the problems or the holdups
15 that we've had in various ways, and I'm impressed with what's
16 happening today. Sounds like there's more to do, of course.
17 There always is.

18 I do want to -- and I hope by the next three-month
19 hearing that we'll have, which will be, I guess, in maybe
20 January or end of January or early February, we'll figure that
21 out. I'll talk to the lawyers.

22 I do want to say something. I do hope this momentum
23 can continue. I think I've said this before. This is a --
24 we've had more than one presidential election since this has
25 been going on, and I do want to say how much I appreciate

1 everyone's -- all the parties' continued investment in and
2 support for the Consent Decree.

3 I want to remind the public, though, what I think
4 I've said before. The Consent Decree isn't just an agreement
5 between two sides. It's my order. I've signed it. It's an
6 order I have the ability to enforce. I am very confident
7 that, no matter what happens in the change of administrations,
8 whatever happens, that the Department of Justice will continue
9 to be supportive and do what they're doing and, of course,
10 that the City will too.

11 And so to the extent anyone worries about that, just
12 remember that you can't just like -- the parties can't just
13 back out of it or change their minds. That's not how it works
14 when you have a court order.

15 I have another case totally completely unrelated to
16 this one where one of the parties testified or said, argued
17 that, oh, well -- she thought the Consent Decree was just like
18 a contract and, if she broke the contract, the other side
19 would have to take her to court and sue her. She didn't think
20 that she would get in trouble for it. And that's not right.
21 Actually, she knew better for it too, but that was what she
22 said.

23 So I just want to make sure everyone understands it
24 is my court order as well, and as I know the department
25 understands that.

1 So I appreciate everyone's continued commitment to
2 it, and let's keep up the momentum, because you're in a good
3 place.

4 All right. Thank you all very much. Court's in
5 recess.

6 **(PROCEEDINGS CONCLUDED AT 10:50 AM.)**

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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 36 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 30th day of October, 2024.

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