

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

Mustafa Hussein,)	
)	
Plaintiff,)	
)	
v.)	No. 4:14-cv-1410 JAR
)	
County of Saint Louis, Missouri, et al.,)	
)	
Defendants.)	

**MOTION TO SUPPLEMENT PLAINTIFF’S MOTION FOR ORDER TO SHOW CAUSE WHY
DEFENDANT CITY OF FERGUSON, MISSOURI, SHOULD NOT BE HELD IN CONTEMPT
FOR FAILING TO COMPLY WITH CONSENT JUDGMENT**

Comes now Plaintiff and moves this Court for leave to supplement his motion for an order to show cause why Defendant, City of Ferguson, Missouri, should not be held in contempt of this Court for failing to comply with the consent judgment entered on November 21, 2014. In support of his motion to supplement, Plaintiff states:

1. On November 21, 2014, this Court:

ORDERED that Defendant the City of Ferguson, Missouri, its officers, employees, or agents, and those acting on its behalf, shall not enforce or threaten to enforce any rule, policy, or practice that grants law enforcement officers the authority or discretion to arrest, threaten to arrest, or interfere with any individual, including any member of the media or member of the public photographing or recording in public places unless that person is threatening the safety of others or physically interfering with the ability of law enforcement to perform their duties.

Doc. # 39.

2. On March 6, 2015, Plaintiff moved this Court for entry of an order requiring Ferguson to show cause why it should not be held in contempt for violating this Court’s order by arresting two individuals for recording the police on February 9, 2015. Doc. # 41.

3. Ferguson responded, not by denying that two individuals were arrested for recording the police, but, instead, by assuring this Court that, “[t]here is no reason for the Court to have any concern about the City’s continuing compliance with the Consent Order and Judgment.” Doc. # 43.

4. Plaintiff seeks leave to supplement his pending motion with the declarations Darnell Singleton, Scott Kampas, and Jennifer McCoy, as well as the video recordings attached thereto. These declarations and video recordings document Ferguson’s arrest and detention of Mr. Kampas for recording the police arresting a protestor. Mr. Kampas was not threatening the safety of others or physically interfering with the ability of law enforcement to perform their duties. Nor was Mr. Kampas committing any crime. Mr. Kampas was held in custody until the protests were over to prevent him from continuing to record the police. The declaration of Mr. Singleton is attached as Supplemental Exhibit 1.¹ The declaration of Mr. Kampas is attached as Supplemental Exhibit 2. The declaration of Ms. McCoy is attached as Supplemental Exhibit 3.

5. Plaintiff should be permitted to supplement his motion with these additional exhibits because they further demonstrate that, as the Department of Justice found, Ferguson “continues to interfere with individuals’ rights to protest and record police activities” and show continued defiance of this Court’s order.

WHEREFORE Plaintiff requests leave to supplement his motion for order to show cause (Doc. # 41) with the exhibits attached hereto.

¹ The video recordings referenced in each of the exhibits will be filed with the Clerk of the Court.

Respectfully submitted,

/s/ Anthony E. Rothert

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ATTORNEYS FOR PLAINTIFF

Certificate of Service

I certify that on April 27, 2015, a copy of the foregoing was electronically filed with the Court using the CM/ECF system, which sent notification to counsel of record.

/s/ Anthony E. Rothert

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DECLARATION OF ALLEN SINGLETON

I, Allen Singleton, declare as follows:

1. I am over the age of 18.
2. I have personal knowledge of the facts set forth in this declaration and would testify competently to those facts if called as a witness.
3. I am an independent filmmaker.
4. As a filmmaker, I have been documenting the protests in Ferguson and the surrounding area following the shooting death of Michael Brown by a former City of Ferguson Police Officer.
5. Since August, I have attended and documented over 150 protest actions.
6. On April 14, 2015, I traveled to Ferguson, Missouri, to document a protest occurring near the Ferguson Police Station.
7. When I arrived in Ferguson on April 14, 2015, over thirty protesters had gathered outside of the Ferguson Police Department.
8. I set up in an area across the street from the Ferguson Police Department to film the protest.

9. Scott Kampas, a National Lawyers Guild Legal Observer, was also there observing, filming, and documenting the protest.

10. Scott Kampas was standing in front of me.

11. As I was filming the protest, I witnessed Ferguson Police Officers grab a female protester, pull her into the street, and arrest her.

12. As the Ferguson Police Officers arrested the female protester, Scott Kampas was filming her arrest.

13. While filming the female protester's arrest, Scott Kampas was not interfering with the Police Officers during the arrest.

14. Scott Kampas was not doing anything illegal while he was filming the arrest of the female protester.

15. After the female protester was placed under arrest, one of the Ferguson Police Officers who initiated her walked over to Scott Kampas and placed him under arrest.

16. I was confused as to why the Ferguson Police Officer was arresting Scott Kampas, as I had not seen him do anything illegal and he did not interfere with the officers as they arrested the female protester.

17. I filmed Scott Kampas's arrest and the entire incident that led up to his arrest.

18. My video footage is attached to this declaration as Exhibit 1. It is also available on Youtube at the following web address:

https://www.youtube.com/watch?v=mrGBS9fqeso&feature=em-share_video_user

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 17 day of April, ~~2014~~²⁰¹⁵.

By: 
Allen Singleton

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DECLARATION OF SCOTT KAMPAS

I, Scott Kampas, declare as follows:

1. I am over the age of 18.
2. I have personal knowledge of the facts set forth in this declaration and would testify competently to those facts if called as a witness.
3. I am a trained National Lawyers Guild Legal Observer. I have been a Legal Observer since August 2014.
4. I am also a Legal Observer coordinator. I have received extensive training on observing protests and I now train and coordinate other Legal Observers.
5. I ensure that all Legal Observers maintain a level of professionalism and objectivity in observing protests and police interactions with the public.
6. I began recording and documenting police actions in 2011. I have continued to record the police at protests and other actions since 2012. I have extensive experience filming the police at protests.

7. On April 14, 2014, I traveled to Ferguson, Missouri, to observe and record protests that were planned to occur on West Florissant and the Ferguson Police Department on South Florissant. The protests were a part of actions held nationwide.

8. After documenting and recording the protests on West Florissant for roughly three hours, the protest moved to the Ferguson Police Department around 7:00 p.m.

9. While I was at the protests at the Ferguson Police Department, I was recording the protests and the police response to the protests on a personal video camera.

10. The protests began in the parking lot of the Ferguson Police Department and eventually migrated across the street from the Ferguson Police Department.

11. The protesters initially attempted to block the street, but were ordered out of the street by Ferguson Police Officers and moved onto the sidewalk across from the Ferguson Police Department.

12. While a large majority of protesters were on the sidewalk across from the Ferguson Police Department, there were still a few protesters in the street.

13. Around 7:28 p.m., Ferguson Police officers entered the sidewalk to arrest a protester, Deborah Kennedy, who was standing on the sidewalk. While arresting her, they pulled her from the sidewalk onto the edge of the street.

14. In my role as Legal Observer, it is my duty to record the arrest of protesters. As Deborah Kennedy was being arrested, I focused my video camera on her arrest.

15. As I was filming her arrest, the Ferguson Police Officers moved to block my view of her arrest.

16. In order to get a clear shot of her arrest, I repositioned myself to be able to view the multiple Ferguson Police Officers who were restraining and handcuffing Deborah Kennedy.

17. As I moved to get a better angle, I felt a Ferguson Police Officer grab my arm.

18. The Ferguson Police Officer pulled me by my arm onto the sidewalk.

19. The Ferguson Police Officer then placed me under arrest.

20. When I was arrested there were multiple other individuals who were in the middle of the street.

21. The Ferguson Police Officers in the street, including the Ferguson Police Officer who arrested me, had blocked traffic. At the time of my arrest, there was no traffic in the lane furthest from the Ferguson Police Department on South Florissant avenue.

22. At no time did I interfere with the Ferguson Police Officers who were arresting Deborah Kennedy. I was at least five feet from the Ferguson Police Officers who were effectuating Deborah Kennedy's arrest at all times.

23. After I was arrested, the Ferguson Police Officer prevented me from handing my camera to another Legal Observer who was present, Keith Rose.

24. I was brought into the Ferguson Police Station, booked, and charged with disorderly conduct.

25. While I was detained, I overheard a few Ferguson Police Officers discussing whether they would book and release me or would hold me in detention. The officers determined that they would hold me until the protests were over. The Ferguson Police Officers detained me specifically so that I could no longer document and record the protests that were occurring outside the Ferguson Police Department.

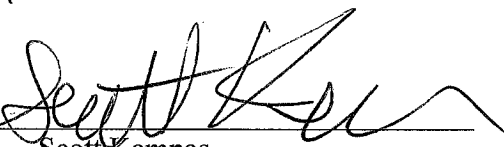
26. I was kept in detention for roughly three and a half hours. I was released around 12:00 a.m. on April 15, 2015.

27. I have the video footage that was shot during my arrest.

28. My video footage is attached to this declaration as Exhibit 1.

29. I declare under penalty of perjury that the foregoing is true and correct.

Dated this 23 day of April, 2015.

By: 
Scott Kampas

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DECLARATION OF JENNIFER MCCOY

I, Jennifer McCoy, declare as follows:

1. I am over the age of 18.
2. I have personal knowledge of the facts set forth in this declaration and would testify competently to those facts if called as a witness.
3. I am an attorney who is licensed to practice in Oklahoma and Missouri. I graduated from the University of Oklahoma School of Law and have been practicing law for over sixteen years.
4. I am also a National Lawyers Guild Legal Observer. I have been a legal observer since October 2014. Since becoming a legal observer I have attended approximately fifty protests.
5. I traveled to Ferguson, Missouri, on April 14, 2014, to observe and record the police at the protest planned to occur on West Florissant and at the Ferguson Police Department on South Florissant.
6. I arrived at the Ferguson Police Department around 7:30 p.m.
7. When I arrived at the Ferguson Police Department, there were approximately fifty individuals protesting.

8. One role of a legal observer is to document the actions of police as it relates to the protest. We are present as neutral observers. We do not participate in protests and refrain from any chanting or engaging in other protest behavior.

9. I saw Scott Kampas, a fellow legal observer and legal observer coordinator, videotaping and photographing the police during the protest.

10. The initial protest was in the Ferguson Police Department parking lot. Tensions were high between Ferguson Police and protesters, who were loudly expressing their disapproval of police. After some time, the protest moved across the street from the Ferguson Police Station to the Andy Wurm parking lot where protesters frequently gather.

11. When the protest moved across the street, Scott Kampas and I followed the police as they moved in on the protesters as they chanted.

12. Once across the street from the Ferguson Police Department, Ferguson Police Officers broke into the crowd of protesters and grabbed one of the lead protesters, Deborah Kennedy. They began putting her in handcuffs and arresting her.

13. As the Ferguson Police Officers were arresting Deborah Kennedy, I moved closer to her to document the arrest and find out why she was being arrested. As she was being arrested, I saw her hand off her cell phone to another protester for safekeeping.

14. As I moved forward to document the arrest, I saw Ferguson Police Officers grab Scott Kampas who was wearing the bright neon green hat clearly designating him as a legal observer.

15. When the Ferguson Police Officers arrested Scott Kampas, he was quietly filming the arrest of Deborah Kennedy.

16. When Scott Kampas was arrested he was several feet from Deborah Kennedy and was not obstructing the police or interfering with their arrest of Deborah Kennedy in any way whatsoever.

17. When Scott Kampas was arrested, there were a large number of protesters in the street on South Florissant across from the Ferguson Police Station.

18. I was standing roughly twenty feet away from Scott Kampas when he was arrested and personally observed his arrest as well as recorded it.

19. At no time prior to Scott Kampas's or Deborah Kennedy's arrest did I hear any of the police officers declare that the protest was an unlawful assembly.

20. At no point did an officer warn Scott Kampas to step back or to move to a certain area. Scott Kampas was not warned that he would be arrested for his behavior.

21. During his arrest, Scott Kampas attempted to hand his camera to Keith Rose, another legal observer.

22. The police officers who arrested Scott Kampas refused to let him hand his camera to Keith Rose, telling him that the camera was "evidence."

23. I have observed the police arrest upwards of a hundred protesters and legal observers. Police routinely allow individuals who were arrested by the police give their personal belongings and cameras to individuals they were with. I have frequently secured personal belongings of individuals during their arrest and police have never told me that whatever the individual was carrying was "evidence".

24. Scott Kampas was charged with disturbing the peace and was only released after payment of a \$300 bond.

25. Scott Kampas was silently filming police just prior to his arrest. He was in no way disturbing the peace. In fact, Scott Kampas was about a foot from the sidewalk when arrested and appeared to be trying to get to the sidewalk when arrested.

26. I believe that Scott Kampas was singled out and arrested for filming the police, as that is clearly the only thing he was doing at the time of his arrest.


27. Scott Kampas is the most experienced, professional and courteous legal observer I know. Scott Kampas knows how to film an arrest without getting in the way and he is always very cautious about where he is positioned.

28. After Scott Kampas's arrest, I asked the Ferguson Police Officer escorting Scott Kampas to the Ferguson Police Department parking lot why the police arrested Scott Kampas. I was recording the police officer when I asked him this question. The police officer told me to "Go back across the street or you're under arrest." I was standing on a public sidewalk when I asked the police officer the question.

29. I have a video recording of the events described above. It is attached to this declaration as Exhibit 1.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 20th day of April, ~~2014~~ 2015.

By: 
Jennifer McCoy