

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

RAVEN WOLF C. FELTON  
JENNINGS II, and  
RAYMOND DOUGLAS

Plaintiffs,

v.

CITY OF UNIVERSITY CITY,  
MISSOURI,

Defendant.

Cause No.: 4:20-cv-00584

**DECLARATION OF LARRY HAMPTON**

Larry Hampton, being of lawful age and otherwise competent to testify in a Court of law, subject to the penalty of perjury under the provisions of 28 U.S.C § 1746, does hereby declare and state:

1. I am the Chief of Police for the City of University City, Missouri. ("City"). I have personal knowledge of the matters set forth in this Declaration.

2. On or about June 22, 2020, the City Attorney advised me that the City Manager was instructing his departments, including mine, that during the pendency of this litigation and until some resolution by agreement or judicial action, the obstructing public places ordinance (Municipal Code Section 215.720) ("Ordinance") should only be considered to apply where there is an *actual* instance of obstruction of vehicles, traffic or pedestrians. Further, only where a person causing or committing such conditions knowingly fails or refuses a police officer's order to cease such activity will the Ordinance be deemed violated. At or around that time, I was provided with a copy of a June 4, 2020 letter from the City Attorney to Plaintiffs' counsel in this case, a copy of which was previously filed in this action as Exhibit A to the Declaration of Gregory Rose.

3. Based on these instructions, I advised my department that street performers and street musicians should be allowed to perform in the Delmar Loop and not asked to cease doing so or to move to another location unless they were actually obstructing pedestrian traffic or otherwise violating a City ordinance.

4. Sometime after July 4, 2020, following the Reply Memorandum filed by Plaintiffs in this case, I learned of a situation that occurred on June 29, 2020 in which a street performer was confronted and asked to stop performing by one of my officers who then involved another officer.

5. At the request of the City Attorney, I investigated the matter and learned that the incident occurred because a probationary officer and the other officer involved were apparently unaware of the instructions I had provided or confused by them. According to my understanding, about nine other officers were on patrol at that time, and none of them had approached that street performer asking him to stop his performance.

6. I have around 75-80 officers under my command and these officers have been extremely busy in dealing with protests and other matters occurring in the City. I assume that these circumstances resulted in the failed or misunderstood communication to these two officers. Further, because of physical distancing requirements advisable during the current COVID-19 pandemic, communications are more difficult than during normal periods, which adds to the difficulty of ensuring everyone receives the correct information.

7. I have since reiterated the instructions previously provided so that these mistakes do not happen again.

8. There have been many large and small Black Lives Matter and similar protests in the Delmar Loop on sidewalks and streets recently and to my knowledge no-one has been cited for obstruction. The protesters have been allowed to engage in First Amendment activity without any

problems with the police. Similarly, other performers have been permitted to perform without interference.

9. I am aware of another incident which occurred on July 13, 2020 in which another officer, apparently unaware of my instructions, confronted a performer, initially telling him that he could not perform, but that performer was told he could continue performing after other officers in the department corrected the officer.

10. In this action, Plaintiffs seek a preliminary injunction enjoining the City from enforcing the Ordinance. Any injunction enjoining the City from enforcing the Ordinance would create an undue and extreme hardship to the City and my Department. Such an injunction would not be in the public interest because it would prevent the City from ensuring the free and unimpeded flow of pedestrian traffic on City sidewalks.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on July 17, 2020.

  
Larry Hampton

Respectfully submitted,

**LEWIS RICE LLC**

Dated: July 20, 2020

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing pleading was served by the Court's electronic filing system on this 20<sup>th</sup> day of July, 2020, on the counsel of record listed below.

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