

October 23, 2017

Director, Office of Information Policy (OIP)
United States Department of Justice
Suite 11050
1425 New York Avenue, NW
Washington DC, 20530-0001

Re: Appeal of the denial of the FOIA request related to Ferguson, Missouri

Dear Director:

Please accept this letter as a formal appeal of the Department of Justice's decision to deny our Freedom of Information Act Request related to the DOJ's investigation of the Ferguson Police Department.

We submitted an FOIA Request for the DOJ's analysis of traffic stops and tickets issued by the Ferguson Police Department (FPD) dated February 20, 2017, with the FOIA received March 3, 2017 and assigned number 3794033. On March 22 we received a response from the DOJ denying the FOIA.

The denial cited the exemption under the FOIA Act for information that could reasonably be expected to interfere with enforcement proceedings. While we understand the purpose of the exemption, we do not believe it applies to the situation in Ferguson - there is no reason to believe that release of the information will interfere with the implementation of the Consent Decree.

The City of Ferguson and the DOJ signed a voluntary Consent Decree more than a year ago, with the implementation of the Decree being overseen by Judge Perry of the Federal Circuit Court. The release of the requested information could theoretically "interfere" in one of two ways: It could cause Judge Perry to change how she enforces the terms of the Consent Decree, or it could cause the City of Ferguson to sue to cancel the Consent Decree.

We respectfully submit that neither theoretical outcome rises to the level of being a realistic possibility. The core facts in Ferguson are not in dispute - Ferguson moved away from community policing, officers were ordered to write more tickets, this worsened their relationship with the community and the courts were in terrible shape. The City willingly signed the Consent Decree and has been diligently working on its implementation for over a year. The residents of Ferguson strongly support the goals of the Consent Decree and have been working to make our city even better. The Department of Justice has worked to be a good partner for the City and insure the success and financial viability of the Consent Decree. Financially the cost of attempting to cancel the Consent Decree and pursue litigation would match or surpass the remaining costs of complying. There is no credible reason to believe the City will use the release of its own traffic and ticketing information to try to back out of the Consent Decree.

We believe it is just as unlikely that release of the information would cause the Federal Judge to change how she oversees implementation of the Consent Decree. Judge Perry had access to the information before approving the settlement, the parties voluntarily entered into the agreement and both parties have been living up to it. We appreciate the DOJ's concerns for

the ability of the judiciary to stay the course, however we do not believe the concern is reasonable or justifies refusing to release the requested information.

Again, to restate, we strongly believe that there is no reasonable possibility that releasing the information on Ferguson will interfere with the enforcement proceeding.

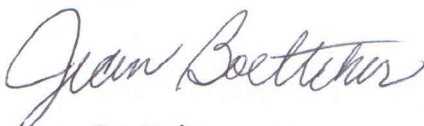
The DOJ has cited a secondary reason for not releasing information related to Consent Decrees - to "allow the wounds to heal". Unfortunately, in Ferguson not releasing the information is making it harder for the wounds to heal and our city to move forward. While there is a broad recognition of the nature of Ferguson's problems, issuing tickets to increase revenue instead of improve public safety, for a great many residents the scope of this problem is still cloudy. A part of our population believes that while there were problems the DOJ selectively presented information out of context to make Ferguson seem worse than it actually was, to justify a political agenda. A different part of our population believes that the scope of the problem was far worse than reported in the press, and that residents are in denial about the level of rot in the Ferguson Police Department.

Not knowing is keeping our City from moving forward - it is making it harder for our City to heal. We submitted the FOIAs because we believe that transparency is a key to healing and progress - we believe that quantifiably understanding what happened will remove any opportunity for denial or exaggeration. We live in a data-driven world. The DOJ, by refusing the release the data behind its report on the Ferguson Police Department, has created a cloud of uncertainty around Ferguson. We are asking for the DOJ to lift that cloud, to provide full transparency into what it found.

In Ferguson we regularly hear some version of "Yes, the DOJ report was slanted but you need to let it go for the good of the Country". We respectfully submit that our Country is always better served by the truth. Ferguson has restarted the conversation on race, a good thing for our Country. But that conversation can only be improved by a more accurate understanding of what actually happened in Ferguson. Our national conversation on race can only be improved by the DOJ releasing the supporting data for its report on the Ferguson Police Department.

We ask that you please re-consider your denial of our Freedom of Information Act Request for information related to the DOJ's report on the Ferguson Police Department. Releasing the information will not interfere with the implementation of the Consent Decree. It will be an important step for our country and Ferguson's healing process and future.

Sincerely,



Jean Boettcher
655 Hunters Ridge Dr.
Ferguson, MO 63135
314-524-8284
jeanboettcher@me.com



Blake Ashby
118 Thoroughman Ave
Ferguson, MO 63135
314-374-6826
blake.ashby@adjudica.net