



U.S. Department of Justice  
Civil Rights Division

NDH:ANF:RG3  
16-00095-F

*Freedom of Information/Privacy Acts Branch - BICN  
950 Pennsylvania Ave., NW  
Washington, DC 20530*

Mr. Thomas Claffy  
6115 Behle Ave  
Ferguson, MO 63135

**JAN 14 2016**

Dear Mr. Claffy:

This is in response to your January 9, 2016 Freedom of Information Act request received by the Civil Rights Division January 11, 2016 seeking access to records on "police reports and all supporting evidence and analysis regarding the use of canines by the Ferguson Police Department in Ferguson, MO cited in the United States Department of Justice Civil Rights Division March 4, 2015 Report."

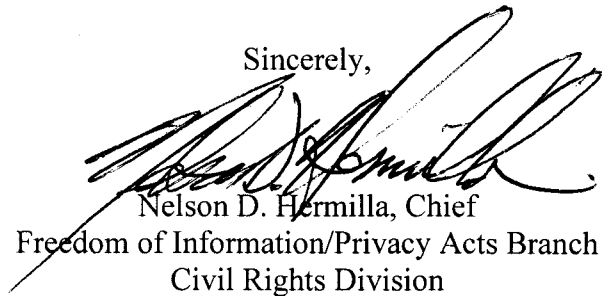
The records you have requested pertain to an ongoing law enforcement proceeding. The Civil Rights Division of the United States Department of Justice opened its investigation of the Ferguson Police Department ("FPD") on September 4, 2014. This investigation was initiated under the pattern-or-practice provision of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d ("Safe Streets Act"), and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d ("Title VI"). This investigation has revealed a pattern or practice of unlawful conduct within the Ferguson Police Department that violates the First, Fourth, and Fourteenth Amendments to the United States Constitution, and federal statutory law. This finding represents the initial stage of the Civil Rights Division's law enforcement proceeding and not the completion of the active matter.

After consideration of the responsive records, I have determined that access to the documents should be denied pursuant to 5 U.S.C. §552(b)(7)(A), since disclosure thereof could reasonably be expected to interfere with law enforcement proceedings. I have further determined that certain information within these records that is exempt from disclosure pursuant to 5 U.S.C. §552(b)(7)(A) should also be denied pursuant to 5 U.S.C. §552(b)(5), since the records consist of attorney work product and include intra-agency memoranda containing pre-decisional, deliberative material; and 5 U.S.C. §552(b)(7)(C) since disclosure of information contained in these records could reasonably be expected to constitute an unwarranted invasion of personal privacy.

You may resubmit your request once the Justice Department has closed this matter and there is no potential for jeopardizing the currently active enforcement action. This office will be glad to re-evaluate your request and provide you with copies of any documents that may be released to you under the Freedom of Information Act at that time.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Please note that OIP is in the process of transitioning from its current eFOIA portal to the portal on FOIAonline. Please visit the link above for instructions for submitting an appeal electronically. Your appeal must be postmarked or electronically transmitted within 60 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked Freedom of Information Act Appeal.

Sincerely,



Nelson D. Hermilla, Chief  
Freedom of Information/Privacy Acts Branch  
Civil Rights Division