



Ryan <kpmelogy@gmail.com>

RE: Request For Expedited Processing--FOIA Number 2020-CGFO-01886

Robinson, Denise E CGSA <Denise.E.Robinson@uscg.mil>
To: "kpmelogy@gmail.com" <kpmelogy@gmail.com>

Tue, Sep 8, 2020 at 9:27 AM

Good morning Ryan,

I'm sorry for the delay in reaching out to you. I've been out of the office and am just returning this morning.

I spoke with the FOIA office:

The Coast Guard will be granting your FOIA fee waiver.

The Coast Guard will be granting your request for expedited FOIA processing. Please note, this does not mean that your request is completed immediately. It means your request goes to the top of the stack and is processed with other expedited requests. Your request is being handled.

However, I do need an answer to this question that was sent to you on 8/21/2020 and I never saw a reply from you. If you did reply, please resend to me:

---BEGIN EMAIL---

The Office of Investigations (CG-INV) has a portion of the responsive records ready to be reviewed. Those records include personally identifiable information (PII) which is usually withheld from release under Exemption 6 and/or Exemption 7(C). To speed up the response, you may amend your request to receive a releasable copy of the responsive records. This would mean that the offices would redact any portions of the records that are usually withheld from release without a legal sufficiency review being conducted. If you wish to have the records reviewed by a CG attorney before they are provided to you, it may take a longer time to complete processing.

Please provide a response on how you would like to proceed with your request within the next 30 days. If we do not receive a response by this time, we will assume you are no longer interested in pursuing the request and it will be administratively closed.

Thank you,

Amanda C. Ackerson

Management and Policy Analyst

U.S. Coast Guard (CG-6P)

Office of Privacy Management

2703 MARTIN LUTHER KING JR AVE SE STOP 7710 WASHINGTON DC 20593-7710

amanda.c.ackerson@uscg.mil

---END EMAIL---

And thank you for letting me know you no longer represent the victim you told me about.

Respectfully,

S/A Denise Robinson

From: J. Ryan Melogy

Sent: Friday, September 4, 2020 10:14:02 PM (UTC+00:00) Monrovia, Reykjavik

To: Ackerson, Amanda C CIV; HQS-SMB-FOIA

Cc: Robinson, Denise E CGSA

Subject: [Redirected as per INC000003235683] [Non-DoD Source] Re: Request For Expedited Processing--FOIA number 2020-CGFO-01886

I'm sorry, correction:

This is my 4th Request for an update on my request for expedited processing.

On Fri, Sep 4, 2020 at 3:12 PM J. Ryan Melogy <maritimelegalaid@gmail.com> wrote:

Amanda,

I am following up on my previous emails.

This is my third request for an update on my request for expedited processing.

I tried to call you but you did not answer and do not allow voicemails.

Best regards,

J. Ryan Melogy

MLAA

On Thu, Sep 3, 2020 at 10:09 AM J. Ryan Melogy <maritimelegalaid@gmail.com> wrote:

Hello,

I am following up on my previous email.

Can you please give me an update on my FOIA request and on my request for expedited processing?

I tried to call you but you did not answer and do not allow voicemails.

Best regards,

J. Ryan Melogy

MLAA

On Tue, Sep 1, 2020 at 3:54 PM J. Ryan Melogy <maritimelegalaid@gmail.com> wrote:

Hello,

I have not received a response to my previous email.

I would like to know the status of my request for expedited processing and also the status of my FOIA request.

Thank you,

J. Ryan Melogy

On Tue, Aug 18, 2020 at 4:08 PM J. Ryan Melogy <kpmelogy@gmail.com> wrote:

Amanda,

I have requested information from the USCG under the Freedom of Information Act regarding the USCG's enforcement (or non-enforcement) of 46 CFR 10104, and information regarding the USCG's enforcement (or non-enforcement) of the Sexual Abuse Act of 1986, which criminalized certain sex crimes committed onboard documented vessels, no matter where in the world those vessels are located.

As I stated in my FOIA request, there is a "compelling need" for this information, because a failure to obtain the requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual or individuals. The information our organization is seeking has the potential to immediately prevent actual sexual assaults at sea from occurring, and this is an incredibly urgent need. Any delay in processing this request could literally result in mariners being sexually

assaulted at sea, could result in crucial evidence being lost or destroyed through non-reporting, and could result in sex criminals avoiding punishment and thus being allowed to continue their pattern of sexual assaults against other credentialed mariners.

Additionally, there is an “urgency to inform the public” about whether or not masters or other individuals in charge of documented vessels are reporting complaints of sexual offenses prohibited under chapter 109A of title 18, United States Code to the USCG in accordance with federal law. If the USCG is not receiving these reports, USCG credentialed mariners at sea aboard U.S. documented vessels are at a greatly heightened risk of sexual assault aboard their vessels, as the GAO concluded in their report discussed in our FOIA request.

Another factor is this: If the public is informed of these issues of non-enforcement, the sex criminals posing as credentialed mariners would also be informed, and this sudden public attention brought to bear on this issue could dissuade them from continuing their illegal behavior and thereby prevent rapes and other sex crimes from occurring aboard documented vessels. The logic here would be that they would fear that the public attention brought to bear on this issue would result in a law enforcement response from the USCG, although I will admit that, given the history of the USCG allowing the maritime industry to essentially ignore laws designed to prevent sexual assaults at sea and the USCG's history of allowing sexual predators and rapists to run rampant in this industry, it is far from certain whether or not this response would ever materialize.

That being said, our request for Expedited Processing has not been granted or denied as required by law. We have not received any recent communication from you regarding this issue, and it appears that there may be some shenanigans happening behind the scenes.

In an email to me on July 6, 2020 you wrote:

Dear Mr. Melogy,

This acknowledges receipt of your June 30, 2020, Freedom of Information Act (FOIA) request to the U.S. Coast Guard (USCG). Your request was received in this office on July 6, 2020 and has been assigned FOIA number 2020-CGFO-01886.

In your email of July 6, 2020 you also wrote:

Your request for expedited processing is under review.

In your email of July 6, 2020 you also wrote:

If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, please contact this office. You may send an e-mail to efoia@uscg.mil, call 202-475-3522, or you may contact our FOIA Public Liaison in the same manner.

On July 14, 2020 I responded to your email and wrote:

Amanda... You say that if I would like to narrow the scope of my request, please contact your office and you will make every effort to comply with my request in a timely manner. Thank you for this opportunity.

Can you please tell me: if I submit an amended request with a narrowed scope, would this “reset” the day that my submission was considered received (July 6, 2020)?

I am interested in narrowing the scope of my request.

On July 14, 2020 you then quickly replied:

Good morning,

Your request has been tolled until an updated request has been received. Once received, the processing clock will start again. Please submit your updates in writing. Your requests for expedited processing and a fee waiver will be reviewed upon receipt of your clarified request.

Sincerely,

Amanda C. Ackerson

On Wednesday July 29, 2020 I sent you my “clarified request.”

I did not hear back from you regarding my clarified request until August 5, 2020, when you told me that the clock had restarted on my FOIA request instead of being "tolled" as you had told me on July 14, 2020.

When I protested, you responded in an email of August 6, 2020 in which you wrote:

Good morning,

Unfortunately, for the last few weeks, I've had issues concerning incoming and outgoing email messages. Some messages that were to be sent were sent by the system much later.

As it concerns your request, my email concerning tolling, also known as stopping the clock, was sent late.

Amanda, this doesn't even make sense. Your email of July 14, 2020 was not sent late. It was sent in direct response to my email of July 14, 2020 in which I stated that I wanted to clarify my request that was already being processed. Why would you start talking about your email not working? This seems like silliness.

Much of my request was reasonably described and you had begun to work on it. You are not allowed to simply restart the clock by making up a nonsensical story about your email not working.

According to you, the USCG was processing my FOIA request and processing my application for expedited processing from July 6, 2020 until July 14, 2020. That was 7 Business Days.

On July 14, 2020 you stopped the clock. The clock restarted when you received my clarified request on July 29, 2020.

Today is Tuesday August 18, 2020. There have been 14 business days since the clock restarted once you received my clarified request on July 29, 2020.

7 + 14 = 21 Business days.

My request for expedited processing is required by law to be processed within 10 business days. Only in exceptional cases may an additional extension of 10 business days be applied to the request for expedited processing.

In any event, we are now past both the 10 business day mark and the 20 business day mark and you have not ruled on my request for expedited processing. This is illegality.

I hereby request information on my request for expedited processing.

If you have invoked a 10 day extension of the expedited processing window, I would appreciate an explanation of the legal basis for this 10 day extension.

I also request clarification on the tolling issue. Your excuse about your email not working is insufficient and illogical. As I have already shown, your email regarding the stopping of the clock on July 14, 2020 was in direct response to my email of July 14, 2020. There was no delay of email.

Thank you,

J. Ryan Melogy
Maritime Legal Aid & Advocacy
Chief Legal Officer