

U.S. Department of  
Homeland Security

United States  
Coast Guard



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United States Coast Guard

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FOIA 2020-CGFO-01886

Mr. J. Ryan Melogy  
Maritime Legal Aid Society  
Email: maritimelegalaid@gmail.com

Dear Mr. Melogy:

This is the interim response to your Freedom of Information Act (FOIA) request to the U.S. Coast Guard (USCG), dated August 5, 2020, for Enforcement Reports involving sexual offenses received by the USCG pursuant to 46 U.S. Code § 10104 occurring from 1990 to present. We have located a total of 580 pages of material responsive to your request; however, 456 pages are partially released, 93 pages fully released, and 31 pages are being withheld in their entirety.

Enforcement Reports 5765077, 5768060, 5779090, and 5783941 are still under investigation. This material has also been withheld in accordance with 5 U.S.C. § 552(b)(7)(A) because the material was compiled for law enforcement purposes and release could reasonably be expected to interfere with an ongoing law enforcement proceeding. Please be advised that once all pending matters are resolved and FOIA Exemption 7(A) is no longer applicable, there may be other exemptions which could protect certain information from disclosure, such as FOIA Exemptions 7(C), 7(D) and 7(E).

A search of the Marine Information for Safety and Law Enforcement (MISLE) database for documents responsive to your request produced a total of 580 pages. Of those pages, I have determined that 93 pages are releasable in their entirety, 456 pages are partially releasable, and 31 pages are withheld in their entirety pursuant to Title 5 U.S.C. § 552 (b)(6), (b)(7)(C), and (b)(7)(A).

**FOIA Exemption 7(A)** protects from disclosure records or information compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement proceedings. I have determined that the information you are seeking relates to an ongoing law enforcement investigation. Therefore, I am withholding all records, documents, and/or other material, which if disclosed prior to completion, could reasonably be expected to interfere with law enforcement proceedings and final agency actions related to those proceedings. Please be advised that once all pending matters are resolved and FOIA Exemption 7(A) is no longer applicable, there may be other exemptions which could protect certain information from disclosure, such as FOIA Exemptions 7(C), 7(D), and 7(E).

Enclosed are 549 pages with certain information withheld as described below:

**Exemption 6** exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. The types of documents and/or information that we have withheld may consist of Social Security Numbers (SSN), home addresses, telephone numbers, date of birth/age, merchant mariners document number, license numbers, medical records, including drug or alcohol test results, name of third parties or witnesses, names of junior Coast Guard personnel, identifying roles/descriptions for persons whose names are withheld, email addresses, passport numbers, and Tax ID numbers. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

**Exemption 7(C)** protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I

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have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

I am the person responsible for the partial denial of your request. Also participating in this decision are Ms. Dawn Patterson, Chief, FOIA and Data Administration Division and LT Pamela Tirado, Office of Information and Intelligence Law.

If you are not satisfied with the response to this request, you have the right to appeal. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter, to: Commandant (CG-611), ATTN: FOIA APPEALS, 2703 Martin Luther King Ave., S.E. STOP 7710, Washington DC, 20593-7710 following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.8. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, there is no charge.

If you need any further assistance or would like to discuss any aspect of your request, please contact CG-INV-3 that processed your request. You may send an e-mail to [efoia@uscg.mil](mailto:efoia@uscg.mil) or you may contact our FOIA Public Liaison, Mrs. Amanda Ackerson, at 202-475-3522 in the same manner. Additionally, you have a right to right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Contacting the FOIA Public Liaison or OGIS does not stop the 90-day appeal clock and is not a substitute for filing an administrative appeal. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



J. D. Neubauer

Captain, U. S. Coast Guard

Chief, Office of Investigations and Casualty Analysis

By direction

Enclosure(s): (1) Marine Information for Safety and Law Enforcement printouts on CD-ROM  
(2) Enforcement Reports  
(3) (549) Pages Released