

# **EXHIBIT A**



**DEPARTMENT OF THE NAVY  
HEADQUARTERS  
NAVAL CRIMINAL INVESTIGATIVE SERVICE  
27130 TELEGRAPH ROAD  
QUANTICO VA 22134-2253**

5720 2023-007511  
SER00LJF/23U0749

Mahreen Rasheed  
American Oversight  
1030 15<sup>th</sup> St. NW Suite B255  
Washington, D.C. 20005

Dear Sir/Ma'am:

This responds to your March 16, 2023, electronic Freedom of Information Act (FOIA) request, separated into three sections, each seeking various information concerning incidents of white supremacy from February 20, 2020 through the date your request was received. Your request was partially referred to this Service for processing by the Office of the Chief of Naval Operations specifically to address any Naval Criminal Investigative Service (NCIS) regarding your request cited as Number (1). We received this portion of your request on March 23, 2023.

For the portion of your request cited as Number (1), in which you seek reports involving military personnel and white supremacy, please be advised that this Service does not have a case category designated for white supremacy or hate crimes, nor do we track those types of crimes. Therefore, in an effort to locate responsive records, we conducted a search of the NCIS Knowledge Network (KNET) database using the search terms provided in your request. KNET identifies investigative reports created and transmitted by NCIS and NCIS field offices. A search of the KNET using the terms "white supremacy, white nationalist, white separatist, far-right, alt-right, and pro-nazi" resulted in locating sixteen investigation that contained at least one of these phrases. However, as our initial search is limited to a search for specific keywords and not necessarily for context, when processing each record we may determine some of the records to be non-responsive to your request. For example, the term "far right" may be in the context of location (i.e., far right of the room) and not necessarily related to your request.

One investigation has not yet been received at headquarters for retention. Because this record requires coordination with another office, your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii). Due to these unusual circumstances, we need to extend the time limit to respond to your request beyond the ten additional days provided by the statute. Once coordination is complete, we will place your request in our routine queue, which is managed on a first-in, first-out basis based on the date of your request.

Five of the sixteen investigations are still pending. Therefore, these five are currently exempt from disclosure. Per the provisions of 5 U.S.C. § 552 (FOIA) at subsection (b)(7)(A), law enforcement records are exempt if the production of the records at the time requested reasonably can be expected to interfere with enforcement proceedings. Our review included consideration of the "foreseeable harm standard" (i.e., that information which might technically fall within an

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exemption should not be withheld from a FOIA requester unless the agency can identify a foreseeable harm or legal bar to disclosure).

As the official responsible for the partial denial of your request, I am advising you of your right to appeal this determination. Your appeal must be postmarked within 90 calendar days from the date of this letter and should be addressed to the Secretary of the Navy's designee: Office of the Judge Advocate General, (Code 14), 1322 Patterson Avenue, S.E., Suite 3000, Washington Navy Yard, D.C. 20374-5066. The envelope and letter must bear the annotation "FOIA Appeal." A copy of your initial request and a copy of this partial denial letter must accompany the appeal.

If you choose not to appeal, you have the right to seek dispute resolution services. You may contact the Department of the Navy's FOIA public liaison, Mr. Chris Julka, at [christopher.a.julka@navy.mil](mailto:christopher.a.julka@navy.mil) or (703) 697-0031 or the Office of Government Information Services (<https://ogis.archives.gov/>).

Once the remaining 11 investigations have been processed, we will provide a response. If you have any questions regarding this matter, please contact us at [ncis\\_foia@ncis.navy.mil](mailto:ncis_foia@ncis.navy.mil) or (571) 305-9092.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Richman", with a stylized flourish at the end.

K. RICHMAN  
Senior Associate Counsel  
Head, Government Information Sharing Unit