DEPARTMENT OF THE NAVY
COMMANDER NAVY INSTALLATIONS COMMAND
716 SICARD STREET SE SUITE 100
WASHINGTON NAVY YARD DC 20374-5140

5720
Ser N00L/21U20
May 27, 2021

Sent via email to: stevek@cbsnews.com

Ms. Kristin Steve
CBS News
257 Gold Street, Apt. 10K
Brooklyn, NY 11201

SUBJECT: FREEDOM OF INFORMATION ACT REQUESTS (FOIA) - DON-NAVY-2021-003110 and DON-NAVY-2021-004440

Dear Ms. Steve:

I am responding to your Freedom of Information Act (FOIA) requests. Your first request was received at Commander, Navy Installations Command (CNIC) on January 28, 2021 and was assigned case number DON-NAVY-2021-003110. Your second request was received at CNIC on March 11, 2021 and assigned case number DON-NAVY-2021-004440.

You requested the following information in DON-NAVY-2021-003110 (*numbers in bold added for response reference purposes*):

> "**[1]** *The total number of restricted reports of domestic abuse, including reports of both spousal abuse and intimate partner abuse, made to the Navy in FY 2014, FY 2015, FY 2016, FY 2017, FY 2018, FY 2019 and FY2020. Please provide separate numbers for each fiscal year.*
>
> **[2]** *The total number of unique victims who filed restricted reports of domestic abuse, including reports of both spousal abuse and intimate partner abuse, made to the Navy in FY 2014, FY 2015, FY 2016, FY 2017, FY 2018, FY 2019 and FY2020. Please provide separate numbers for each fiscal year.*
>
> **[3]** *The total number of unrestricted reports of domestic abuse, including reports of both spousal abuse and intimate partner abuse, made to the Navy in FY 2014, FY 2015, FY 2016, FY 2017, FY 2018, FY 2019 and FY2020. Please provide separate numbers for each fiscal year.*
>
> **[4]** *The total number of unique victims who filed unrestricted reports of domestic abuse, including reports of both spousal abuse and intimate partner abuse, made to the Navy in FY 2014, FY 2015, FY 2016, FY 2017, FY 2018, FY 2019 and FY2020. Please provide separate numbers for each fiscal year."*

You requested the following information in DON-NAVY-2021-004440:

"**[5]** *All domestic abuse reports involving a fatality entered into the Navy Family Advocacy Program central registry between January 1, 2015 and March 11, 2021.*"

In the course of processing your FOIA request this office contacted the Fleet and Family Services Family Advocacy Program Office for CNIC Headquarters to conduct a search for responsive records. That office searched their local files for records relating to reporting statistics for incidents involving spousal, intimate and domestic partner abuse. The office identified records responsive only to parts 1 and 3 of your request, totaling one page.

Response to request DON-NAVY-2021-003110:

[1] I determined that the disclosure of the records you requested is granted in full. Please see the responsive document.

[2] The data you requested is not already available. In order to provide this information, the Agency would have to create a record through manual review and data queries. FOIA only applies to existing agency records. It "does not obligate agencies to create or retain documents; it only obligates them to provide access to those which it in fact has created or retained" (*Kissinger v. Reporters Comm. For Freedom of the Press*, 455 U.S. 136, 152, 100 S. Ct. 960, 63 L.Ed. 2d 267 (1980).

[3] I determined that the disclosure of the records you requested is granted in full. Please see the responsive document.

[4] The data you requested is not already available. In order to provide this information, the Agency would have to create a record through manual review and data queries. FOIA only applies to existing agency records. It "does not obligate agencies to create or retain documents; it only obligates them to provide access to those which it in fact has created or retained" (*Kissinger v. Reporters Comm. For Freedom of the Press*, 455 U.S. 136, 152, 100 S. Ct. 960, 63 L.Ed. 2d 267 (1980).

Response to request DON-NAVY-2021-004440:

[5] The data you requested is not already available. In order to provide this information, the Agency would have to create a record through manual review and data queries. FOIA only applies to existing agency records. It "does not obligate agencies to create or retain documents; it only obligates them to provide access to those which it in fact has created or retained" (*Kissinger v. Reporters Comm. For Freedom of the Press*, 455 U.S. 136, 152, 100 S. Ct. 960, 63 L.Ed. 2d 267 (1980).

You have the right to appeal the adequacy of the Agency's search as well as the Agency's responses to parts 2, 4 and 5 of your request. Your appeal must be submitted

within 90 calendar days from the date of this letter. Submitted means transmitted if appealing by FOIAonline or postmarked if appealing by mail. Please note that the requester has the burden of proving timely submission.

To appeal, you must provide: (1) a letter requesting an appeal; (2) a copy of your initial FOIA request (if not submitted directly through FOIA online), and (3) a copy of this letter of denial. The appeal should be marked "FREEDOM OF INFORMATION ACT APPEAL" both on the envelope, if mailing a hardcopy, and on the letter of appeal. In order to expedite the appellate process and ensure full consideration of your appeal, your letter must include a brief statement of why you believe the denial may be in error and reason(s) your appeal should be granted.

There are two ways to file an appeal—through FOIAonline or by mail.

Through FOIAonline:

This will work only if you set up an account on FOIAonline before you make the request that you would like to appeal. To set up an account, go to FOIAonline https://foiaonline.gov. Click "Create Account" (a link located within the blue banner at the top in the upper right corner). Enter your data into the fields that subsequently appear, and click "Save" (at the bottom of the screen). With your account thereby created, you have the power to file an appeal on FOIAonline of any request you file on FOIAonline thereafter. To do so, locate your request (enter a keyword or the request tracking number in the "Search for" field on the "Search" tab), click on it, then click the "Create Appeal" tab in the left-hand column. Complete the subsequent field, click "Save," and FOIAonline will submit your appeal.

By mail:

Appellate authorities for the Department of the Navy are the Office of the General Counsel and the Office of the Judge Advocate General. For FOIA matters unrelated to military law, specifically, those related to business and commerce, real and personal property, intellectual property, fiscal questions, civilian personnel, labor relations, and the environment (unless the matter arises in the context of operations) please submit your appeal to:

Department of the Navy
Office of the General Counsel
ATTN: FOIA Appeals, Room 5A532
1000 Navy Pentagon
Washington, DC 20350-1000

For FOIA matters pertaining to military justice, military law, and all other matters, except those falling under the Office of the General Counsel, please submit your appeal to:

Office of the Judge Advocate General
Department of the Navy

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ATTN: FOIA Appeals
1332 Patterson Ave SE, Suite 3000
Washington Navy Yard, DC 20374-5066

Additionally, please provide a copy of your appeal letter to the CNIC Headquarters FOIA Coordinator at CNI_HQ_FOIA@navy.mil or by mail at:

Commander, Navy Installations Command
ATTN: FOIA Coordinator
716 Sicard Street SE, Suite 207
Washington Navy Yard, DC 20374-5140

For this determination, you have the right to seek dispute resolution services from the DoD Navy Component FOIA Public Liaison, Mr. Chris Julka, at: christopher.a.julka@navy.mil, (703) 697-0031; or by contacting the Office of Government Information Services at: https://archives.gov/ogis, (202) 741-5770, and ogis@nara.gov. More information about the services offered by the Office of Government Information Services can be found at https://www.archives.gov/ogis/mediation-program/request-assistance.

Questions regarding any action this office took to process your request may be directed to our FOIA Service Center at (202) 685-0412 or via email at donfoia-pa@navy.mil.

In this instance, there were no fees associated with the processing of your request, but this action is not indicative of how future requests may be handled.

If you have any questions or concerns regarding your request, you may contact Ms. Trisha Williams-Butler at patricia.williams-bu@navy.mil or (202) 685-0588. Please refer to your FOIA case number whenever corresponding about this request.

Sincerely,

A. J. Verducci
Counsel
Commander, Navy Installations Command