

The Jerome N. Frank Legal Services Organization

YALE LAW SCHOOL

OSD/JS FOIA Requester Service Center
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC 20301-1155
Fax: (703) 696-4506

October 15, 2010

Re: REQUEST UNDER FREEDOM OF INFORMATION ACT

To Whom It May Concern:

This letter constitutes a request (“Request”), pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, for records in the possession of the Department of Defense (“DoD”). The Request is submitted on behalf of the Service Women’s Action Network (“SWAN”), the American Civil Liberties Union Women’s Rights Project (“ACLU WRP”) and the ACLU of Connecticut (“ACLU-CT”), referred to collectively as the “Requesters”.

I. Requested Records

Requesters seek the release of records¹ containing the following:

- 1) Information pertaining to where and how the DoD stores military-related reports and investigations about military sexual trauma (“MST”) complaints, equal opportunity (“EO”) complaints, sexual harassment (“SH”) complaints, and/or domestic violence (“DV”) complaints.
- 2) Information concerning how service members can request or obtain from DoD military-related reports and investigations about MST, EO, SH, and/or DV complaints.
- 3) The number of requests by service members for the release of records relating to MST, EO, SH, and DV complaints, in FY2006, FY2007, FY2008, FY2009, and/or FY2010.
- 4) The number of reports relating to MST, EO, SH, and/or DV complaints released to service members or the public in FY2006, FY2007, FY2008, FY2009, and/or FY2010.
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- 10) The crimes for which convictions in sexual assault-related courts-martial were secured, and/or the sentences awarded for those convictions in FY2006, FY2007, FY2008, FY2009, and/or FY2010.

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- 11) All records related to the non-judicial or administrative resolution of sexual assault-related complaints that did not result in court martial in FY2006, FY2007, FY2008, FY2009, and/or FY2010.
- 12) A breakdown by gender and/or race of any information that falls within the scope of requests 1 through 11.

If the DoD believes that it would be in the interest of all parties to discuss possible ways to narrow the scope of this request that would allow the department to respond to the request more expeditiously, please contact undersigned counsel. We request that any records that exist in electronic form be provided in electronic format on a compact disc. If any of the requested records or information is not kept in a succinct format, we request the opportunity to view the documents in your offices.

II. Application for Waiver or Limitation of Fees

We agree to pay search, duplication, and review fees up to \$100.00. If the fees will amount to more than \$100.00, we request a fee waiver on the grounds that disclosure of the requested records is in the public interest. The disclosure of the records is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. 5 U.S.C. § 552(a)(4)(A)(iii); *see also* 22 C.F.R. § 171.17(a); C.F.R. § 16.11(k)(1); 32 C.F.R. § 286.28(d); 32 C.F.R. § 1900.13(b)(2).

The disclosure will inform Requesters and the public of the prevalence of MST, EO, and SH complaints in the military, as well as of DoD's policies concerning these issues. It is in the public's interest to know how DoD is responding to harassment and discrimination complaints related to sex and gender, whether the DoD responds differently to different types of complaints, and how effective these response efforts have been.

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We also request a waiver of search and review fees on the grounds that each Requester qualifies as a "representative of the news media." 28 C.F.R. § 16.11 (c)(1)-(2), (d)(1). Accordingly, fees associated with the processing of the Request should be "limited to reasonable standard charges for document duplication." 5 U.S.C. § 552(a)(4)(A)(ii)(III); 32 C.F.R. § 286.28(e)(7); *see also* 28 C.F.R. § 16.11(c)(3), (d) (search and review fees shall not be charged to "representatives of the news media").

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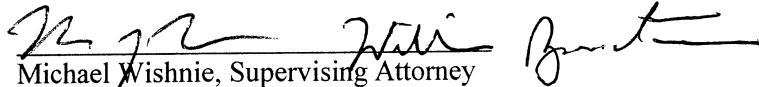
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Fax: (703) 614-6287

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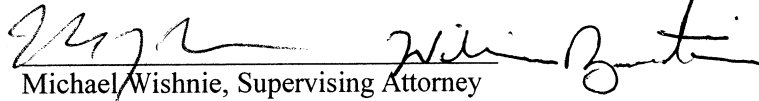
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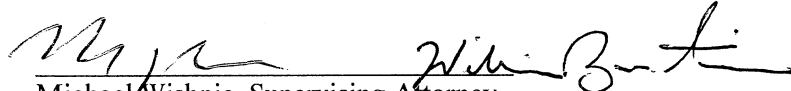
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Legal Director
ACLU of Connecticut
2074 Park Street, Suite L
Hartford, Connecticut 06106
(On behalf of ACLU of Connecticut)

The Jerome N. Frank Legal Services Organization

YALE LAW SCHOOL

Department of the Army
Robert Dickerson
Chief, Freedom of Information Act Office
Attn: AAHS-RDF
7701 Telegraph Road, Suite 150
Alexandria, VA 22315-3905
Fax: (703) 428-6522

October 15, 2010

Re: REQUEST UNDER FREEDOM OF INFORMATION ACT

To Whom It May Concern:

This letter constitutes a request ("Request"), pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, for records in the possession of the Department of Defense ("DoD"). The Request is submitted on behalf of the Service Women's Action Network ("SWAN"), the American Civil Liberties Union Women's Rights Project ("ACLU WRP") and the ACLU of Connecticut ("ACLU-CT"), referred to collectively as the "Requesters".

I. Requested Records

Requesters seek the release of records¹ containing the following:

- 1) Information pertaining to where and how the DoD stores military-related reports and investigations about military sexual trauma ("MST") complaints, equal opportunity ("EO") complaints, sexual harassment ("SH") complaints, and/or domestic violence ("DV") complaints.
- 2) Information concerning how service members can request or obtain from DoD military-related reports and investigations about MST, EO, SH, and/or DV complaints.
- 3) The number of requests by service members for the release of records relating to MST, EO, SH, and DV complaints, in FY2006, FY2007, FY2008, FY2009, and/or FY2010.
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If the DoD believes that it would be in the interest of all parties to discuss possible ways to narrow the scope of this request that would allow the department to respond to the request more expeditiously, please contact undersigned counsel. We request that any records that exist in electronic form be provided in electronic format on a compact disc. If any of the requested records or information is not kept in a succinct format, we request the opportunity to view the documents in your offices.

II. Application for Waiver or Limitation of Fees

We agree to pay search, duplication, and review fees up to \$100.00. If the fees will amount to more than \$100.00, we request a fee waiver on the grounds that disclosure of the requested records is in the public interest. The disclosure of the records is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. 5 U.S.C. § 552(a)(4)(A)(iii); *see also* 22 C.F.R. § 171.17(a); C.F.R. § 16.11(k)(1); 32 C.F.R. § 286.28(d); 32 C.F.R. § 1900.13(b)(2).

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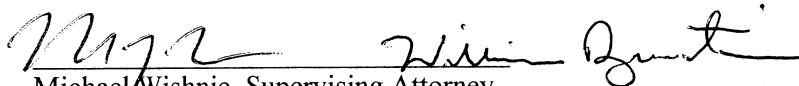
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Inspector General of the Department of Defense
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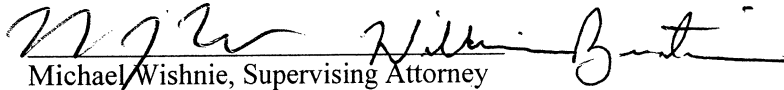
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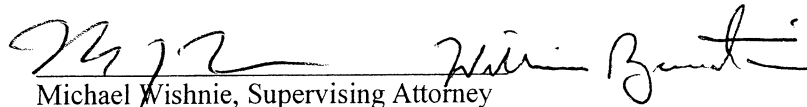
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