



U.S. Department of Justice
Civil Rights Division

TC:ANF:RG3
18-00280-F

*Freedom of Information/Privacy Acts Branch - PHB
950 Pennsylvania Ave., NW
Washington, DC 20530*

Via Electronic Mail Only
Mr. Robert Renny Cushing
395 Winnacunnet Road
Hampton, NH 03842
reprennycushing@gmail.com

11/21/2018

Dear Mr. Cushing:

This is in further response to your May 23, 2018 Freedom of Information Act request seeking access to records pertaining to “a complaint about violations of civil rights at the New Hampshire State Prison Secure Psychiatric Unit.”

The records you have requested pertain to an ongoing law enforcement proceeding. After consideration of the responsive records, I have determined that access to the documents should be denied pursuant to 5 U.S.C. §552(b)(7)(A), since disclosure thereof could reasonably be expected to interfere with law enforcement proceedings. I have further determined that certain information within these records that is exempt from disclosure pursuant to 5 U.S.C. §552(b)(7)(A) should also be denied pursuant to 5 U.S.C. §552(b)(5), since the records consist of attorney work product and include intra-agency memoranda containing pre-decisional, deliberative material; and 5 U.S.C. §552(b)(7)(C) since disclosure of information contained in these records could reasonably be expected to constitute an unwarranted invasion of personal privacy.

You may resubmit your request once the Justice Department has closed this matter, and we will be happy to provide you with any documents that may be released which will not jeopardize the Department’s currently active enforcement interest in this matter.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.”

Sincerely,

Tink Cooper

Tink Cooper, Acting Chief
Freedom of Information/Privacy Acts Branch
Civil Rights Division