



May 14, 2019

Mr. Adam Hahn

via email: 71867-08472454@requests.muckrock.com

RE: FOIA No. 2019-IGFP-00269

Dear Mr. Hahn:

This responds to your April 21 Freedom of Information Act (FOIA) request to the Office of Inspector General (OIG) for records related to the March 17, 2016, arrest and processing of Brooklyn, NY letter carrier Glen Grays.

Using Mr. Grays' name, I conducted a search of the electronic database maintained by the Office of Investigations and located one file responsive to your request. I reviewed the 41 pages contained in the file and determined 3 pages are appropriate for release with redactions made under FOIA Exemptions (b)(3) and (b)(7)(c), 5 U.S.C. § 552(b)(3)¹ and (b)(7)(c)². I am withholding in full 30 pages under FOIA Exemptions (b)(3), (b)(5), and (b)(7)(c), 5 U.S.C. § 552(b)(3), (b)(5)³, and (b)(7)(c).

The remaining 8 pages originated with the New York Police Department and as such, are not appropriate for release by this office. To request these pages, please direct a copy of your request to their FOIA office in writing at:

NYPD, FOIA Unit
Attn: Records Access Officer
One Police Plaza, Room 110 C
New York, NY 10038

FOIA is about the release of records we have in our possession. Neither the FOIA nor the Inspector General Act provides FOIA requestors the authority to appeal an Office of Inspector General's decision to open, not open, close, or not close an investigation.

¹ Exemption (b)(3) provides agencies may withhold records exempted from disclosure by another statute that "establishes particular criteria for withholding or refers to particular types of matters to be withheld." Under the Inspector General Act of 1978, an OIG is duty bound to protect information provided by agency employees during an investigation. Public Law 95-452 5 U.S.C. app. 3 § 7(b).

² Exemption (7)(C) permits the withholding of records or information compiled for law enforcement purposes, the release of which could constitute an unwarranted invasion of the personal privacy of third parties. Lacking an individual's consent or an overriding public interest, third party investigatory records and/or allegations of misconduct must be withheld under Exemption (7)(C). The withheld material consists of third-party interviews which must be protected to provide the confidence necessary to encourage cooperation with law enforcement agencies. None of the information being withheld is appropriate for discretionary disclosure.

³ Exemption (b)(5) pertains to certain inter- and intra-agency communications protected by the deliberative process privilege. Individuals merely offering opinions, recommendations, or queries aimed at addressing agency investigations and not final, binding agency findings are withheld under FOIA Exemption (b)(5). This information is not appropriate for discretionary disclosure.

If you have questions regarding the processing of this request, you may contact me and/or the FOIA Public Liaison at 703-248-2410. You may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my action on your FOIA request, you may file an administrative appeal. To do so, write to the attention of Gladis Griffith, Deputy General Counsel, 1735 N. Lynn Street, Arlington, VA 22209-2020, within 90 days of the date of this letter. We accept written appeals via U.S. Mail; e-mail to FOIA@uspsoid.gov; or fax to 703-248-4626. Include the initial request number (e.g., 20XX-IGXX-00XXX) and the date of this letter. Explain what specific action the FOIA Office took that you are appealing. Mark all correspondence "Freedom of Information Act Appeal."

Sincerely,

An e-signature block with a grey background. At the top, it reads "E-Signed by Office of Inspector General" and "VERIFY authenticity with eSign Desktop" in a small font. To the right of the text is a small yellow question mark icon. Below the text is a handwritten signature in cursive that reads "Kathy Kikel".

Kathy Kikel
Government Information Analyst
USPS-OIG FOIA Public Liaison

Attachment