



COMMONWEALTH OF VIRGINIA

Colonel Gary T. Settle
Superintendent

(804) 674-2000

DEPARTMENT OF STATE POLICE

7085 Broad New Road, Hanover, Virginia 23069

(804) 537-6788

Lt. Colonel Tracy S. Russillo
Deputy Superintendent

January 28, 2020

Laura French
Anchor/Investigative Reporter
WTVR CBS 6
@lfrenchnews

RE: Freedom of Information Act (FOIA) Request, LEAMS #17-23759

Dear Ms. French,

In response to your Freedom of Information Act Request emailed on January 24, 2020 concerning the above incident:

The materials you are seeking, "I am requesting the subject, nature and origination date of the open and ongoing criminal investigation at Cumberland Hospital for Children & Adolescents in New Kent County, Virginia." constitute "documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence relating to a criminal investigation or prosecution" and would be contained in the criminal investigative files of the Virginia Department of State Police. Criminal investigative files, and their contents, are excluded from the provisions of FOIA pursuant to § 2.2-3706(B)(1) of the Act, "but may be disclosed by the custodian in his discretion." That section makes no differentiation between open or closed investigations.

The Department has considered your request and, pursuant to § 2.2-3704, elected to exercise its statutory discretion under § 2.2-3706 not to release the approximately 250 pages of documents and information, including, but not limited to, complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence in whole or in part.

Pursuant to § 2.2-3706 the following criminal incident information is provided:

- (1) A general description of the criminal activity reported:
Child Abuse/Neglect
- (2) The date the alleged crime was committed:
Investigation opened on October 17, 2017
- (3) The general location where the alleged crime was committed:
Cumberland Hospital for Children and Adolescents
9407 Cumberland Road, New Kent, Virginia


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(4) The identity of the investigating officer or other point of contact:
Special Agent Marcie Clifton

(5) A general description of any injuries suffered or property damaged or stolen:
Neglect of patients/residents

We regret we were unable to provide you with the information you requested. If I may be of further assistance, please contact this office at (804)537-6731.

Sincerely,



John A. Ruffin
Lieutenant
Bureau of Criminal Investigation
Richmond Field Office

JAR

cc: Legal office