

February 22, 2018

VIA EMAIL AND FEDEX

New York City Police Department
Records Access Officer
FOIL Unit, Legal Bureau
One Police Plaza, Room 110-C
New York, New York 10038

Re: Freedom of Information Request

Dear Freedom of Information Officer:

The NAACP Legal Defense & Educational Fund, Inc. (“LDF”) and Center for Constitutional Rights (“CCR”) make this request for records, regardless of format, medium, or physical characteristics, and including electronic records and information, pursuant to New York Public Officers Law §§ 84-90. We respectfully request that you provide us with the following information within five business days of your receipt of this letter:

- (1) All documents, including but not limited to training materials, policies, procedures, regulations, protocols, and guidelines, drafted and/or utilized by the NYPD from January 1, 2010, to the present that reflect the NYPD’s definition of the following terms:
 - a. Crew
 - b. Gang
- (2) All documents, including but not limited to training materials, policies, procedures, regulations, protocols, and guidelines, drafted and/or utilized by the NYPD from January 1, 2010, to the present, regarding the process by which an individual identified as a suspected or confirmed member, associate, and/or affiliate of any gang and/or crew in any database, log, list, and/or electronic system is notified about his/her inclusion in such database, log, list, and/or electronic system.
- (3) All documents, including but not limited to training materials, policies, procedures, regulations, protocols, and guidelines, drafted and/or utilized by the NYPD from January 1, 2010, to the present, regarding the process by which an individual identified as a suspected or confirmed member, associate, and/or affiliate of any gang and/or crew in



any database, log, list, and/or electronic system may seek to challenge his/her inclusion in such database, log, list, and/or electronic system.

- (4) All documents, including but not limited to training materials, policies, procedures, regulations, protocols, and guidelines, drafted and/or utilized by the NYPD from January 1, 2010, to the present, regarding any challenge by an individual identified as a suspected or confirmed member, associate, and/or affiliate of any gang and/or crew in any database, log, list, and/or electronic system regarding his/her inclusion in such database, log, list, and/or electronic system and the current status of that challenge.
- (5) All documents, including but not limited to training materials, policies, procedures, regulations, protocols, and guidelines, drafted and/or utilized by the NYPD from January 1, 2010, to the present, regarding the process by which any database, log, list, and/or electronic system that identifies an individual as a suspected or confirmed member, associate, and/or affiliate of any gang and/or crew is reviewed, audited, and/or modified for accuracy.
- (6) A list of all public and/or private companies, agencies, and/or organizations, including but not limited to the New York City Department of Education (DOE), the New York City Housing Authority (NYCHA), and the U.S. Immigrations and Customs Enforcement (ICE), with whom the NYPD has shared any database, log, list, and/or electronic system that identifies an individual as a suspected or confirmed member, associate, and/or affiliate of any gang and/or crew from January 1, 2010, to the present.

Format

Electronic records should be produced in their unlocked native format with all original metadata and original filenames. Paper documents should be scanned and produced as Adobe PDF files or TIF files. Emails produced should be grouped together with any attachments. When searching emails, please search all folders, including inbox, subject matter folders, sent items, archived items, and deleted items. Please produce all metadata fields for emails, including BCC.



Fee Waiver and Expedited Processing

The above requests are a matter of public interest. Accordingly, we request a fee waiver and expedited processing. The disclosure of the information sought is not for commercial purposes; instead, it will contribute to the public's understanding of government operations.¹

LDF and CCR are non-profit organizations dedicated to civil and human rights, with a proven track-record of compiling and disseminating information and reports to the public about government functions and activities, including policing. We have undertaken this work in the public interest and not for any private commercial interest. Similarly, the primary purpose of this Request is to obtain information to further the public's understanding of important policing policies. Access to this information is crucial for LDF, CCR, and the communities we serve to evaluate such policies and their effects.

Conclusion

As indicated above, the Freedom of Information Law ("FOIL") requires that an agency respond within five business days of receipt of a FOIL request. If you are unable to comply with our records request within five business days, please provide us with a copy of the internal report explaining the delay in accordance with 211-17 of the New York Police Department Guide, Section 9, and let us know when we may expect the requested records.

If this request is denied in whole or in part, please identify the appropriate specific appellate authority and justify all specific deletions by reference to exemptions in the statute. Please do not redact any non-responsive information from any records; we request the complete copies of any records with any responsive information. Additionally, please inform us of the reason(s) for such denial in writing, and provide the name, mailing address, and email address of the person or body to whom an appeal should be directed.

Please direct correspondence related to this request to the undersigned via telephone at (212) 965-2256, email at mtenox@naacpldf.org, or by mail at 40 Rector Street, 5th Floor, New York, NY 10006.

¹ Letter of Robert Freeman, Executive Director, NYS Committee on Open Government, Opinion No. 11745, <http://docs.dos.ny.gov/coog/ftext/f11745.htm> (last visited Sept. 6, 2017) ("[T]here is nothing in the Freedom of Information Law that prohibits an agency from waiving the fee for copies.").



Thank you for considering our request.

Sincerely,

\s\ Marne Lenox

Marne Lenox

Assistant Counsel

NAACP Legal Defense and Educational Fund, Inc.

\s\ Darius Charney

Darius Charney

Senior Staff Attorney

Center for Constitutional Rights