

May 9, 2018

VIA EMAIL AND FEDEX

Records Access Officer
Special Litigation Bureau
New York County District Attorney's Office
One Hogan Place
New York, NY 10013

Re: Freedom of Information Law (FOIL) Request

Dear Freedom of Information Officer:

The NAACP Legal Defense & Educational Fund, Inc. ("LDF") makes 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 without limitation instructions to staff, training materials, policies, procedures, regulations, protocols, and guidelines, drafted and/or utilized by the New York County District Attorney's Office ("NYDA") from January 1, 2010, to the present, regarding the criteria for identifying an individual as a suspected, confirmed, former, or possible member, associate, and/or affiliate of any gang and/or crew in any database, log, list, and/or electronic system, including but not limited to the Arrest Alert System, Crime Prevention Database, the Crime Strategies Unit ("CSU") Database, and the CSU Gang Database.
- (2) All documents, including without limitation instructions to staff, training materials, policies, procedures, regulations, protocols, and guidelines, drafted and/or utilized by the NYDA 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, confirmed, former, or possible member, associate, and/or affiliate of any gang and/or crew, including but not limited to the Crime Prevention Database, the CSU Database, and the CSU Gang Database, is reviewed, audited, and/or modified for accuracy.



- (3) All documents, including without limitation instructions to staff, training materials, policies, procedures, regulations, protocols, and guidelines, drafted and/or utilized by the NYDA from January 1, 2010, to the present, regarding the purpose and/or use of the information contained in any database, log, list, and/or electronic system that identifies an individual as a suspected, confirmed, former, or possible member, associate, and/or affiliate of any gang and/or crew, including but not limited to the Crime Prevention Database, the CSU Database, and the CSU Gang Database, including but not limited to the information's purpose and/use for bail applications, plea offers, sentencing recommendations, charge elevations, etc.
- (4) All NYDA internal correspondence sent to or from members of the NYDA Executive Team, including but not limited to electronic correspondence, from January 1, 2010, to the present, concerning: (1) the existence of a database, log, list, and/or electronic system, including but not limited to the Crime Prevention Database, the CSU Database, and the CSU Gang Database identifying individuals as suspected, confirmed, former, or possible members, associates, and/or affiliates of any gang and/or crew; (2) the criteria for identifying an individual as a suspected, confirmed, former, or possible member, associate, and/or affiliate of any gang and/or crew in any database, log, list, and/or electronic system, including but not limited to the Crime Prevention Database, the CSU Database, and the CSU Gang Database; and (3) statistical and factual tabulations or data about demographic information of individuals suspected, confirmed, former, or possible members, associates, and/or affiliates of any gang and/or crew.
- (5) Without revealing personally identifying information, all demographic information—including without limitation race, sex, age, and residence—of every individual currently included in any database, log, list, and/or electronic system for suspected, confirmed, former, or possible membership, association, and/or affiliation with any gang and/or crew, including but not limited to the Crime Prevention Database, the CSU Database, and the CSU Gang Database.
- (6) A list of all New York City agencies and/or organizations, including but not limited to the New York City Police Department, the Bronx District Attorney's Office, the Richmond (Staten Island) County District Attorney's Office, the Queens District Attorney's Office, the Kings County (Brooklyn) District Attorney's Office, the New York City Department of Corrections, and the New York City Housing Authority, with whom the NYDA has shared any database, log, list, and/or electronic system that identifies an individual as a suspected, confirmed, former, or possible member, associate, and/or affiliate of any gang and/or crew from January 1, 2010, to the present.



- (7) A list of all federal agencies and/or organizations, including but not limited to the U.S. Attorney's Office for the Southern District of New York, the U.S. Attorney's Office for the Eastern District of New York, and the U.S. Immigrations and Customs Enforcement, with whom the NYDA has shared any database, log, list, and/or electronic system that identifies an individual as a suspected, confirmed, former, or possible member, associate, and/or affiliate of any gang and/or crew from January 1, 2010, to the present.
- (8) A copy of every press release that the NYDA has issued from January 1, 2010, to the present, concerning individuals associated/affiliated with any gang and/or crew.
- (9) All documents, including without limitation instructions to staff, training materials, policies, procedures, regulations, protocols, and guidelines, drafted and/or utilized by the NYDA, regarding the NYDA's retention and/or destruction of documents.

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 is a non-profit organization 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. 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 government functions and

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.”).



activities. Access to this information is crucial for LDF 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 Request within five business days, please provide us with a copy of the internal report explaining the delay in accordance with New York Public Officers Law §89(3)(a) 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 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.

Moreover, in anticipation of any litigation, please preserve and be prepared to produce any and all records regarding the Records Access Officer’s efforts to identify and produce records responsive to this Request, and any and all records regarding this Request, including, but not limited to, electronic, other communications, and other records referring to this Request or containing or referring to information about or relating to this Request.

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

Thank you for considering our Request.

Sincerely,

\s\ Marne Lenox

Marne Lenox, Assistant Counsel

John S. Cusick, Equal Justice Works Fellow

NAACP Legal Defense and Educational Fund, Inc.