



POLICE DEPARTMENT  
LEGAL BUREAU  
F.O.I.L. UNIT, ROOM 110C  
ONE POLICE PLAZA  
NEW YORK, NY 10038

July 29, 2015

MuckRock News  
Shawn Musgrave  
DEPT MR 15845  
PO Box 55819  
Boston, MA 02205

File # 2015-PL-1411

Dear Sir:

This is in response to your letter dated, 02/04/2015 in which you request access to certain records under the New York State Freedom of Information Law ("FOIL").

In regard to the documents which you requested, I must deny access to these records on the basis of the following:

Public Officers Law section 87(2)(b) as such information, if disclosed would constitute an unwarranted invasion of privacy.

Public Officers Law section 87(2)(f) as such information, if disclosed could endanger the life or safety of any person.

Public Officers Law section 87(2)(e)(i) as such records/ information, if disclosed would interfere with law enforcement investigations or judicial proceedings.

Public Officers Law section 87(2)(e)(iii) as such information, if disclosed could identify a confidential source or disclose confidential information relating to a criminal investigation.

Public Officers Law Section 87(2)(g)(iii), in that these records are inter-agency or intra-agency materials which are not final agency policy or determinations.

Public Officers Law Section 87(2)(g) as such records/information are intra-agency materials.

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Public Officers Law Section 87(2)(a). These records are sealed under court order, pursuant to Criminal Procedure Law Section 160.50 and can only be requested by the arrested person or their representative.

Public Officers Law 87(2)(a), in that some of the information consists of Police Officer's personnel records and are therefore exempt from disclosure under the provisions of Civil Rights Law Section 50-a.

In addition, redactions cannot be made without extraordinary efforts to determine which investigations are still open, which prosecutions are still pending, which witnesses were promised confidentiality and which investigations have since been sealed. Such efforts are not required by the New York State Public Officers Law.

You may appeal this decision or any portion thereof. Such an appeal must be made in writing, within 30 days of the date of this letter, and must be forwarded to: Jonathan David, Records Access Appeals Officer, New York City Police Department, One Police Plaza, Room 1406, New York, N.Y. 10038. Please include copies of the FOIL request and this letter with your appeal.

Sincerely,

  
Richard Mantellino  
Lieutenant  
Records Access Officer