



June 9, 2020

VIA ONLINE PORTAL

New York City Police Department's Records Access Officer
Lt. Richard Mantellino
Legal Bureau – FOIL Unit
One Police Plaza, Room 110-C
New York, NY 10038
Via Online Portal

Re: Freedom of Information Law Request

Dear Lt. Mantellino,

Pursuant to the Freedom of Information Law (FOIL), N.Y. Pub. Off. Law §§ 84-90, American Oversight makes the following request for records.

Following the police killing of George Floyd in Minneapolis on May 25, 2020, thousands of people have held daily protests in New York City and nationwide. In New York City, the police response has included aggressive tactics in response to reportedly little provocation.¹ New York police unions have had an active social media presence during these protests.²

American Oversight requests documents to shed light on the relationship between the New York Police Department and Police Unions.

Requested Records

American Oversight requests that the New York Police Department produce the following records within five business days:

All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar invitation attachments) between (A) the officials in Column A and (B) the entities listed in Column B.

Column A: New York Police Department	Column B: New York Police Unions
<ul style="list-style-type: none"> a) Police Commissioner Dermot Shea b) First Deputy Commissioner Benjamin B. Tucker 	<ul style="list-style-type: none"> a) The Sergeants Benevolent Association (including anyone using an email address ending in @sbanyc.org)

¹ *N.Y.C. Protesters Defy Curfew and Are Again Met With a Strong Police Response*, N.Y. TIMES (Updated June 5, 2020, 8:40 AM), <https://www.nytimes.com/2020/06/04/nyregion/nyc-protests-george-floyd.html>.

² Sergeants Benevolent Association (@SBANYPD), TWITTER; Police Benevolent Association (@NYCPBA), TWITTER.



<p>c) Chief of the Department Terence Monahan</p> <p>d) Deputy Commissioner of Labor Relations John P Beirne</p>	<p>b) The Police Benevolent Association of the City of New York (formerly known as the Patrolmen’s Benevolent Association of the City of New York) (including anyone using an email address ending in @nycpba.org)</p>
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Please provide all responsive records from May 26, 2020 to the date the search is conducted.

Fee Waiver Request

American Oversight requests that your agency consider waiving any fees associated with processing this request for records pursuant to 21 NYCRR § 1401.8(g). American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.³ The public has a significant interest in understanding the influence outside groups, such as unions, have in policing policy, especially after the police response to protesters following George Floyd’s death. Records with the potential to shed light on this issue would contribute significantly to public understanding of operations of the New York City government, including helping the public better understand the police response to protesters. New York police unions have had an especially active social media presence during these protests, and these communications can help people better understand what effect it has on policymakers.

To the extent your agency anticipates charging any fees in connection with this request for records, American Oversight requests that you inform us in advance of doing so.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails,

³ American Oversight currently has approximately 15,500 page likes on Facebook and 102,200 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Apr. 21, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Apr. 21, 2020).

facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.

- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Hart Wood at records@americanoversight.org or (202) 873-

1743. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

A handwritten signature in blue ink, appearing to read "Austin R. Evers", with a long horizontal flourish extending to the left.

Austin R. Evers
Executive Director
American Oversight