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BY FACSIMILE AND FIRST CLASS MAIL

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July 25, 2007

Raymond Kelly
Commissioner
New York City Police Department
1 Police Plaza
New York, N.Y. 10038

Dear Commissioner Kelly:

On behalf of the New York Civil Liberties Union, we write to request, pursuant to the state's Freedom of Information Law, that the New York City Police Department produce to us in electronic form data contained in the NYPD's stop-and-frisk database. We make this request in light of having recently learned that the Department has refused to produce the database to the City Council for an independent analysis.

As you may recall, we wrote you on November 30, 2006, in the aftermath of the Sean Bell shooting, objecting to the Department's failure to release to the Council several years of stop-and-frisk reports mandated by the Police Reporting Law, which was passed following the Amadou Diallo shooting. Finally, in February of this year the Department produced to the Council a set of written reports with stop-and-frisk data, though only for 2006.

We promptly examined those reports and concluded that thorough analysis of NYPD stop-and-frisk practices required access to the computerized database from which the reports are drawn. The Council informed us, however, that it was working to obtain the database from the Department so it could conduct an independent analysis, so we chose to allow that process to proceed. And when the Department announced that it had commissioned the RAND Corporation to analyze the database, we assumed that any claim that the database could not be shared with others would be set aside.

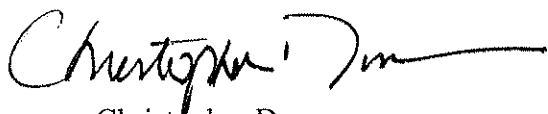
We were thus quite surprised to learn last week that the Department has refused to provide the database to the City Council. In light of this and the importance of an independent review of NYPD stop-and-frisk practices, we have no choice but to exercise our legal right to obtain the database.

We therefore request that the Department produce the following: in electronic form, the complete NYPD database of information entered from stop-and-frisk worksheets for 2006, for the first

the first two quarters of 2007; and for any calendar year prior to 2006 for which data exists in electronic form.¹ We expressly exclude from this request individually identifiable information or other private individual information that may be in the database: the name of the person stopped, the street address of the person stopped, and the Tax ID number of the officer who completed the form.

To the extent you have questions about this request, we are ready to discuss it with appropriate members of your staff. Otherwise, we ask that the Department produce the database as quickly as possible and by no later than August 31, 2007. Assuming the Department will produce the database, we will need to speak with someone about the specific format of production.

Sincerely,



Christopher Dunn
Associate Legal Director



Donna Lieberman
Executive Director

- c: Christine Quinn, Speaker, New York City Council
Peter Vallone, Jr., Chair, Public Safety Committee, New York City Council
Andrew Schaffer, NYPD Deputy Commissioner, Legal Matters

¹We understand, based on a March 6, 2006 Operations Order (a copy of which we attach), that the forms are formally titled Stop, Question and Frisk Report Worksheets (PD 344-151A) and that the database is known as the Automated Stop, Question and Frisk Database.



OPERATIONS ORDER

SUBJECT: **AUTOMATED STOP, QUESTION AND FRISK DATABASE**

DATE ISSUED:

03-03-06

NUMBER:

11

1. Effective immediately, **STOP, QUESTION AND FRISK REPORT WORKSHEETS (PD 344-151A)** prepared by uniformed members of the service pursuant to a stop will be forwarded to designated personnel in the issuing command for input into the Department's database. All commands that have a connection to the Department LAN (Local Area Network) are required to enter the **WORKSHEETS** prepared by members assigned to their command into the database. The **WORKSHEETS** will receive a serial number that will be automatically generated and assigned to the precinct of occurrence regardless of where the **WORKSHEET** is entered.

2. The original hardcopy **STOP, QUESTION AND FRISK REPORT WORKSHEET** will continue to be forwarded to the Criminal Records Section as per *P.G. 212-11, "Stop And Frisk"*.

3. Commanding Officers will ensure that the contents of this order are brought to the attention of members of their commands.

BY DIRECTION OF THE POLICE COMMISSIONER

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