



# NYCLU

NEW YORK CIVIL LIBERTIES UNION

125 Broad Street  
New York, NY 10004  
(212) 607 3300  
Fax (212) 607 3318  
www.nyclu.org

Christopher Dunn  
Associate Legal Director  
(212) 607-3300, ext. 326  
cdunn@nyclu.org

BY ELECTRONIC AND FIRST CLASS MAIL

January 23, 2008

Jesse Levine  
Assistant Corporation Counsel  
New York City Law Department  
100 Church Street  
New York, N.Y. 10007

Re: *NYCLU v. NYPD*, Index No. 07/115154

Dear Jesse:

I write to follow up on the conversation we just had concerning the status of this case. As I explained to you, I learned this morning from the University of Michigan that the NYPD last Thursday electronically transferred some or all of its stop-and-frisk database to a research archive maintained by the university. I also learned that the university is moving forward to make the database available for public release.

Needless to say, we were quite surprised to learn of this transfer, given that the City last Thursday filed a motion to dismiss our lawsuit seeking release of the database under the Freedom of Information Law. Remarkably, the City's motion papers make no mention of this transfer, an omission all the more conspicuous because the papers vigorously argued that the NYPD's transfer of the database to the RAND Corporation did not waive the department's right to withhold the database from the NYCLU. The department's failure to disclose to the court its transfer of the database to the University of Michigan raises serious questions about whether it is acting in good faith.

The NYPD's transfer of the database makes clear that no basis exists for refusing the NYCLU's request for the database, and we ask that the department immediately agree to release it to us. I look forward to hearing from you this afternoon.

Sincerely,

Christopher Dunn