

Exhibit 7

Milbank

55 Hudson Yards | New York, NY 10001-2163

February 10, 2021

VIA ELECTRONIC MAIL

Christopher Todd, Esq.
Nassau County Police Department
Office of the Commissioner of Police
1490 Franklin Avenue
Mineola, New York 11591

Re: Freedom of Information Law Application for Public Access to Records Reference
LB 649-20

Dear Mr. Todd:

We write to provide clarification concerning several of the New York Civil Liberties Union's Freedom of Information Law requests sent on September 15, 2020 (the "Requests"), pursuant to our meet-and-confers held on December 29, 2020 and January 7, 2021, and our review of materials provided by the Nassau County Police Department ("NCPD"). The clarification provided below is in response to the NCPD's December 11, 2020 denial of certain requests as being "not reasonably described to allow the Department to locate and identify the documents sought."¹ This clarification is in no way a narrowing of the Requests, but rather seeks to expound on the Requests as part of our ongoing effort to work collaboratively with the NCPD in locating and identifying records.

The numbered paragraphs below correspond with the number of the original Request, with clarifying language included in ***bold and italics***. As stated in the Requests, unless otherwise indicated, the time period for all documents requested is January 1, 2000 to the Present (the "Relevant Time Period"). If records from January 1, 2000 are not available, please provide records from the earliest date after January 1, 2000 that such records are available.

Disciplinary Records

1. All disciplinary records of all law enforcement officers employed by the NCPD during the Relevant Time Period, including without limitation, ***PDCN Form 22 (Disciplinary Action Record Book)***, ***PDCN Form 59 (Command Disciplinary Report)***, ***PDCN Form 181 (Employee Disciplinary History)***, ***PDCN Form 209 (Report of Violation of Department***

¹ Letter from C. McDonald to A. Miller (Dec. 11, 2020). The NCPD rescinded its denial of certain requests on January 7, 2021, "as the parties are actively cooperating to resolve the issues described therein." Email from C. Todd to K. Prussien (Jan. 7, 2021).

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Rules), PDCN Form 209A (Notification of Suspension), PDCN Form 209B (Record of Disciplinary Action – Members of Force), PDCN Form 210 (Charges and Specifications), PDCN Form 210A (Record of Disciplinary Charges – Members of Force), PDCN Form 211 (History of Charges and Specifications), PDCN Form 212 Record of Charges, PDCN Form 213 (Subpoena), and all related materials regarding corrective and/or disciplinary measures, if any, taken against law enforcement officers. This request further includes, to the extent any of the following forms would lead to a disciplinary charge or would be included in a disciplinary record separate from those listed above, PDCN Form 360 (Civilian Complaint Report Worksheet), PDCN Form 32B (Supporting Deposition), PDCN Form 361 (Civilian Complaint Disposition), and PDCN Form 362 (Civilian Complaint Information Card), the Citizen Complaint Report and Citizen Complaint Summary as recorded in the Blue Team Complaint Tracking Program, and all related materials regarding corrective and/or disciplinary measures, if any, taken against law enforcement officers.

Use of Force

2. All directives, orders, guidance, procedures, memoranda, rules, regulations, forms, and other statements of policy concerning officers' use of force *in effect during the Relevant time period*, including without limitation:
 - a. All *current and prior versions of* policies and guidelines concerning record-keeping requirements associated with the use of force, including the length of time these records must be retained; and
 - b. Examples of *all current and previous versions of* forms or reports (*i.e.*, blank forms or reports) used to document uses of force.
3. All *reports documenting* uses of force including without limitation, *the initial case report, PDCN Form 32 (Case Report Worksheet), PDCN Form 32SJ (Case Report (Swift Justice)), PDCN Form 32B (Supporting Deposition), PDCN Form 21 (Force Record – Members of the Force), PDCN Form 258 (Use of Force Report), PDCN Form 161 (Unintentional Firearm Discharge Report), PDCN Form 453 (Use of Force Review Form), PDCN Form 470 (Deadly Force Response Team Firearm Discharge Investigation Report) and, to the extent such documents exist separately from the forms named above, all other reports documenting use of force, including without limitation, reports documenting use of deadly physical force (as defined in OPS 12420), use of an electronic control device (“ECD”)/taser (as defined in OPS 12430), use of intermediate weapons (as defined in OPS 12440), and use of oleoresin capsicum (as defined in OPS 12450), as well as any analyses and statistics generated regarding use of force for the relevant time period, including the underlying source materials used for any statistical reports.*

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Stops/Temporary Detentions/Field Interviews

4. All records documenting stops and/or field interviews, including but not limited to, records sufficient to identify the race, gender, and location of any person stopped, detained, or interviewed. *Such documents may include, without limitation, PDCN Form 2 (Arrest Record), PDCN Form 3 (Traffic Ticket Record Print-out), PDCN Form 3B (Report of Issuance of Traffic Ticket), PDCN Form 3C (Appearance Ticket Information), PDCN Form 31 (Supporting Deposition for Violation of 1192 of Vehicle and Traffic Law), PDCN Form 32B (supporting Deposition), PDCN Form 32D (Addendum), PDCN Form 78 (Field Intelligence Report), PDCN Form 78SJ (Field Interview (Swift Justice)), PDCN Form 81 (Arrest Report), PDCN Form 81SJ (Arrest Report (Swift Justice)), PDCN Form 81A (Arrest Report – Charges), PDCN Form 84A-V (Traffic Offense Report), and PDCN Form 98 (Traffic Ticket Inventory Card).*

Civilian Complaints

6. All civilian complaints against law enforcement officers *including without limitation, PDCN Form 360 (Civilian Complaint Report Worksheet), PDCN Form 32B (Supporting Deposition), PDCN Form 361 (Civilian Complaint Disposition), and PDCN Form 362 (Civilian Complaint Information Card), the Citizen Complaint Report and Citizen Complaint Summary as recorded in the Blue Team Complaint Tracking Program.*
7. All *current and prior Nassau County Police Department policies and/or procedures* regarding the manner in which civilian complaints against law enforcement officers are investigated *in effect during the Relevant time period*, including:
 - a. The number, qualifications, and affiliation or assigned division of investigators assigned to investigate complaints;
 - b. The process, policies, and procedures for recording witness accounts;
 - c. Policies regarding the referral of complaints to the NCPD Internal Affairs Unit (“IAU”); and
 - d. The process, policies, and procedures by which the IAU determines whether a complaint has been substantiated or corroborated.
8. All *current and prior* directives, orders, guidance, procedures, memoranda, rules, regulations, forms, and other statements of policy concerning civilian complaints against law enforcement officers *in effect during the Relevant time period*, including without limitation:
 - a. The receipt, intake, investigation, and adjudication of complaints alleging misconduct by the NCPD or officers employed by the NCPD; and

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- b. Disciplinary and civilian complaint monitoring systems for police officers.
9. All ***materials made available to the public*** for the purpose of educating the public on the NCPD's complaint process, including, but not limited to examples of all forms made available to members of the public to file a complaint against the NCPD or specific officers.

Internal Affairs Unit

13. All ***current and prior*** directives, orders, guidance, procedures, memoranda, rules, regulations, forms, and other statements of policy concerning the IAU ***in effect during the Relevant time period***, including without limitation:
 - a. All policies and guidelines concerning record-keeping requirements associated with the IAU, including the length of time these records must be retained by the NCPD in an electronic database or in any other format. This includes policies and procedures concerning reporting and review that occurs both on-scene and after the incident.
 - b. Examples of all forms or reports (*i.e.*, blank forms or reports) used to document use of force, ***including all forms listed in Request 3 to the extent relevant to this Request.***

Investigative Reports

16. All investigative reports regarding each law enforcement officer cleared of, or found to have engaged in, wrongdoing in civilian complaints, including without limitation, ***PDCN Form 360 (Civilian Complaint Report Worksheet), PDCN Form 32B (Supporting Deposition), PDCN Form 361 (Civilian Complaint Disposition), and PDCN Form 362 (Civilian Complaint Information Card), the Citizen Complaint Report and Citizen Complaint Summary as recorded in the Blue Team Complaint Tracking Program.***

Trainings

20. All training materials used by the NCPD, ***including without limitation, lists of courses offered, course descriptions, course agendas, course materials, PowerPoint presentations, interactive materials, course booklets, pamphlets, handouts, and instructors' scripts and notes, for topics concerning:***
 - a. Investigation of civilian complaints;
 - b. Use of force, including but not limited to materials that address the circumstances under which the use of force is permitted and training materials that address how to document incidents when force is used;
 - c. De-escalation strategies and tactics;

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- d. Conducting pedestrian stops, vehicle traffic stops, and/or field interviews; and
 - e. Cultural diversity, procedural justice, and/or cross-cultural awareness and cross-cultural competency based on race, ethnicity, immigration status, LGBT status, and disability.
21. For each training program on the topics listed in Request 20, records sufficient to ***identify the frequency of training programs and the number of cadets, police officers, detectives, sergeants, lieutenants, captains, and all ranks above captain who participate in each program, including without limitation:***
- a. ***Schedules that document trainings offered each year, including courses mandated by the New York State Division of Criminal Justice Service (“DCJS”), as well as any additional courses offered by NCPD;***
 - b. ***Attendance lists for each course offered in the Relevant Time Period;***
 - c. ***Records that identify the number of recruits per year and the number of recruits who graduated in that year; and***
 - d. ***Records that identify the course hour requirement needed to graduate from the police academy, as well as course hour requirements for continuing education for cadets, police officers, detectives, sergeants, lieutenants, captains, and all ranks above captain.***

Please contact us with any questions regarding the above. We look forward to continued cooperation throughout this process.

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Very truly yours,

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