

# Exhibit 13

# Milbank

55 Hudson Yards | New York, NY 10001-2163

May 20, 2021

## VIA OVERNIGHT AND ELECTRONIC MAIL

FOIL Appeals Officer  
Office of the Commissioner of Police  
1490 Franklin Avenue  
Mineola, New York 11501

Re: Appeal of Constructive Denial of Freedom of Information Law Requests  
Reference # LB 649-20

Dear FOIL Appeals Officer:

The New York Civil Liberties Union (the “NYCLU”) appeals from Nassau County Police Department’s (“NCPD’s”) constructive denial of the NYCLU’s September 15, 2020 Freedom of Information Law (“FOIL”) request.

As you are aware, FOIL requires an agency to grant or deny a request within five business days of receiving it or to acknowledge receipt of the request and to state the approximate date when the request will be granted or denied. When an agency gives an approximate date the decision will be made, the date must be “reasonable under the circumstances of the request.” Failure of an agency to comply with these provisions is deemed a constructive denial of the request.

On September 15, 2020, the NYCLU sent a FOIL request to NCPD’s FOIL Officer seeking, *inter alia*, records pertaining to officer discipline, use of force, stops and field interviews, civilian complaints, NCPD’s Internal Affairs Unit, investigative reports, NCPD’s diversity statistics, NCPD’s policies and trainings, and collective bargaining agreements to which NCPD has been a party from January 1, 2000 to the Present (the “Request”).<sup>1</sup> Later that day, NCPD responded to the Request via email, confirming receipt of the Request and stating that the NYCLU “should receive a response within forty-five (45) business days.”<sup>2</sup> However, more than forty-five business days passed without any update or response from NCPD. NCPD informed us that the delay was due to an unexpected emergency medical leave and that we could expect a response by December 4, 2020.<sup>3</sup> NCPD failed to meet this extended deadline as well. On December 11, 2020, one week after the extended deadline had passed, NCPD finally sent its response to the Request.<sup>4</sup>

---

<sup>1</sup> Exhibit A – FOIL Request from the NYCLU to NCPD (Sept. 15, 2020).

<sup>2</sup> Exhibit B – Email from Nassau County FOILs to A. Miller (Sept. 15, 2020).

<sup>3</sup> Exhibit C – Letter from A. Miller and E. Taylor to C. Todd (Nov. 25, 2020).

<sup>4</sup> Exhibit D – Letter from C. McDonald to A. Miller (Dec. 11, 2020).

MILBANK LLP

May 20, 2021

Page 2

In its December 11, 2020 response, NCPD denied certain portions of the Request.<sup>5</sup> After a series of productive meet-and-confers held on December 29, 2020 and January 7, 2021, however, NCPD rescinded its earlier denial.<sup>6</sup> Thereafter, on February 10, 2021, the NYCLU sent a letter clarifying several items in the Request to NCPD's counsel, Mr. Christopher Todd, as part of the NYCLU's ongoing effort to work collaboratively with NCPD in locating and identifying records.<sup>7</sup>

On February 19, 2021, the NYCLU emailed Mr. Todd to inquire when the NYCLU could expect a response to its Request.<sup>8</sup> Mr. Todd did not respond. On February 24, 2021, the NYCLU again emailed Mr. Todd to inquire when the NYCLU could expect a response to its Request.<sup>9</sup> Later that day, Mr. Todd responded to the NYCLU and confirmed that "[t]he Department is in the process of reviewing [the NYCLU's] amended request and will provide a response within twenty (20) business days."<sup>10</sup> Based on Mr. Todd's representations, NCPD's response to the Request was due on March 24, 2021. However, the NYCLU did not receive a response on or prior to that date.

On March 29, 2021, the NYCLU emailed Mr. Todd to inquire when the NYCLU could expect a response to its Request.<sup>11</sup> The NYCLU did not receive a response. Instead, the NYCLU learned that Mr. Todd went on leave.

On the morning of April 13, 2021, Mr. Todd's administrative assistant, Ms. Ann Calvo, confirmed by telephone that Mr. Todd was on leave and scheduled to return to the office on April 20, 2021. During that telephone call, Ms. Calvo informed the NYCLU that she would send Mr. Todd a message to contact the NYCLU promptly upon his return. During the afternoon of April 13, 2021, the NYCLU sent Mr. Todd a message through Ms. Calvo, stating that the NYCLU expected a response to the Request by April 23, 2021.<sup>12</sup> Mr. Todd did not contact the NYCLU, and the NYCLU did not receive any response from Mr. Todd or any NCPD representative.

On May 10, 2021, the NYCLU emailed Mr. Todd detailing its efforts to reach him to get a response to its Request. In its email, the NYCLU stated that, if it did not receive a response by the end of the day on May 12, 2021, it would interpret that as a constructive denial and seek the appropriate remedies.<sup>13</sup> To date, the NYCLU has yet to receive a response to its Request.

Section 89(3)(a) of the FOIL statute mandates: "If an agency determines to grant a request in whole or in part, and if circumstances prevent disclosure to the person requesting the record or

---

<sup>5</sup> *Id.*

<sup>6</sup> Exhibit E – Email from C. Todd to K. Prussien (Jan. 7, 2021).

<sup>7</sup> Exhibit F – Letter from A. Miller and E. Taylor to C. Todd (Feb. 10, 2021).

<sup>8</sup> Exhibit G – Email from S. Lovin to C. Todd (Feb. 19, 2021).

<sup>9</sup> Exhibit H – Email from K. Prussien to C. Todd (Feb. 24, 2021).

<sup>10</sup> Exhibit I – Email from C. Todd to K. Prussien (Feb. 24, 2021).

<sup>11</sup> Exhibit J – Email from K. Prussien to C. Todd (Mar. 29, 2021).

<sup>12</sup> Exhibit K – Email from K. Prussien to A. Calvo (Apr. 13, 2021).

<sup>13</sup> Exhibit L – Email from K. Prussien to C. Todd (May 10, 2021).

May 20, 2021

Page 3

records within twenty business days from the date of the acknowledgement of the receipt of the request, the agency shall state, in writing, both the reason for the inability to grant the request within twenty business days and a date certain within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part.”<sup>14</sup> NCPD has violated this FOIL mandate as it has far exceeded twenty business days from the date of acknowledgement of the Request and has neither responded to the Request nor stated the reason for its inability to grant the Request and provide a date certain within a reasonable period when it will do so. Therefore, NCPD has constructively denied the Request.<sup>15</sup>

For the foregoing reasons, we appeal the NCPD’s constructive denial of the Request. NCPD has ten business days to decide this administrative appeal,<sup>16</sup> and we look forward to an early and favorable response.

The NYCLU reserves the right to file any additional administrative appeals that might become necessary in the event that FOIL exemptions are claimed or information is otherwise withheld without proper basis. In addition, please be advised that FOIL directs agencies to send all appeals and the determinations that follow to the Committee on Open Government, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, New York 12231.

If you have any questions, please contact us at the information below.

Very truly yours,

/s/ DRAFT  
Atara Miller  
Partner  
amiller@milbank.com  
T: 212-530-5421

/s/ DRAFT  
Errol Taylor  
Partner  
etaylor@milbank.com  
T: 212-530-5545

---

<sup>14</sup> N.Y. Pub. Off. Law § 89(3)(a).

<sup>15</sup> See FOIL § 89(3)(a); *Murray v. Matusiak*, 247 A.D.2d 303 (1st Dept. 1998); *Empire Ctr. for Pub. Policy, Inc. v. New York City Office of Payroll Admin.*, 54 Misc. 3d 121 l(A) (Sup. Ct. N.Y. County 2017).

<sup>16</sup> N.Y. Pub. Off. Law § 89(4)(a).

# EXHIBIT A

# Milbank

55 Hudson Yards | New York, NY 10001-2163

September 15, 2020

## VIA ELECTRONIC MAIL AND U.S. MAIL

Records Access Officer  
Nassau County Police Department  
The Legal Bureau  
1490 Franklin Avenue  
Mineola, New York, 11501

Re: Freedom of Information Law Application for Public Access to Records

Dear Records Access Officer:

On behalf of the New York Civil Liberties Union (“NYCLU”), we respectfully request that copies of the following Nassau County Police Department (“NCPD”) records be provided to us pursuant to the New York Freedom of Information Law (“FOIL”), N.Y. Pub. Off Law § 85, *et seq.* The NYCLU is deeply concerned about long-standing and pervasive racially-biased policing throughout the state. For decades, documents bearing on these practices have been hidden behind N.Y. Civil Rights Law Section 50-a, a state law that the legislature recently repealed to encourage transparency and police accountability. The NYCLU now is moving forward with a project to investigate disciplinary records<sup>1</sup> and other police records to identify patterns of discriminatory policing, including (but not limited to) records that had previously been kept secret under Section 50-a. To this end, we submit this FOIL request for the records requested below.

**Unless otherwise indicated, the time period for all documents requested below 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, for civilian complaints that were

---

<sup>1</sup> As used herein, the term “law enforcement disciplinary records” has the same meaning as provided in N.Y. Pub Off. Law § 86(6).

MILBANK LLP

September 15, 2020

Page 2

substantiated, all materials regarding corrective and/or disciplinary measures, if any, taken against law enforcement officers.

### *Use of Force*

As used herein, the term “use of force” means: (a) the use of weapons, including, but not limited to, firearms, tasers, nightsticks, tactical batons, or the use of a chemical agent (*e.g.*, mace, pepper spray) capable of causing discomfort or pain; and (b) the use of bodily force that includes a degree of physical contact, including, but not limited to, striking, kicking, pushing, punching, biting, choking, or the use of pressure point controls and physical restraints, or the use of bicycles or other vehicles to physically control people’s movement.

2. All directives, orders, guidance, procedures, memoranda, rules, regulations, forms, and other statements of policy concerning officers’ use of force, including without limitation:
  - a. All 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 forms or reports (*i.e.*, blank forms or reports) used to document uses of force.
3. All records regarding uses of force, including without limitation, analyses, statistics, memoranda and reports.

### *Stops/Temporary Detentions/Field Interviews*

As used herein, the term “stops” means temporary detentions of either, or both, pedestrian stops and/or vehicle traffic stops by police officers employed by the NCPD.

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.
5. All directives, orders, guidance, procedures, memoranda, rules, regulations, forms, and other statements of policy concerning stops and/or field interviews, including without limitation:
  - a. All policies and guidelines concerning record-keeping requirements for stops and/or field interviews, including the length of time these records must be retained; and
  - b. Examples of all forms or reports (*i.e.*, blank forms or reports) that officers are required to complete to document stops and/or field interviews.

September 15, 2020

Page 3

### *Civilian Complaints*

6. All civilian complaints against law enforcement officers.
7. All records regarding the manner in which civilian complaints against law enforcement officers are investigated, 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 directives, orders, guidance, procedures, memoranda, rules, regulations, forms, and other statements of policy concerning civilian complaints against law enforcement officers, including without limitation:
  - a. The receipt, intake, investigation, and adjudication of complaints alleging misconduct by the NCPD or officers employed by the NCPD; and
  - b. Disciplinary and civilian complaint monitoring systems for police officers.
9. All materials produced for the purpose of educating the public on the NCPD’s complaint process, including, but not limited to:
  - a. Examples of all forms made available to members of the public to file a complaint against the NCPD or specific officers.
10. All records sufficient to identify, per calendar year, the average, minimum, and maximum number of days to investigate:
  - a. All civilian complaints against law enforcement officers;
  - b. All civilian complaints against law enforcement officers deemed unsubstantiated; and
  - c. All civilian complaints against law enforcement officers deemed substantiated.
11. All records sufficient to identify, per calendar year, the number of days that open complaints have been or were pending.



September 15, 2020

Page 4

12. Records sufficient to identify the total number of civilian complaints per calendar year, broken down by the subject of the complaint (the categories used internally to categorize complaints are sufficient for the purposes of this request), including without limitation, complaints about bias-based policing<sup>2</sup>, racial profiling<sup>3</sup>, the use of force, and vehicle traffic stops, pedestrian stops or temporary detentions.
  - a. All policies, procedures, and guidelines concerning the investigation of civilian complaints;
  - b. For each category of complaints, please also provide the data broken down by the outcome (*e.g.*, substantiated, unsubstantiated, or open) of the complaints, and broken down by the race and gender of the complainant; and
  - c. For substantiated complaints in each category, please identify what disciplinary action was taken, if any.

### *Internal Affairs Unit*

13. All directives, orders, guidance, procedures, memoranda, rules, regulations, forms, and other statements of policy concerning the IAU, 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.
14. All records regarding the structure, composition, and staffing of the IAU, including the names of IAU members, their race, and their gender; how members are selected for the IAU; and the necessary qualifications to become a member of the IAU.

---

<sup>2</sup> Bias-based policing includes, but is not limited to, the intentional or unconscious use of race, ethnicity, national origin, gender, gender expression, sexual orientation, and/or religion in initiating and carrying out law enforcement action, whether actual or perceived by the complainant.

<sup>3</sup> Racial profiling includes, but is not limited to, the intentional or unconscious use of race, ethnicity, and/or national origin as grounds for suspecting a person of having committed a crime, whether actual or perceived by the complainant.

September 15, 2020

Page 5

***Investigative Reports***

15. All records sufficient to identify, by name and rank, every officer involved in a police-involved death<sup>4</sup> of a civilian and all investigative reports about the incident.
16. All investigative reports regarding each law enforcement officer cleared of, or found to have engaged in, wrongdoing in civilian complaints.
17. Records sufficient to identify the total number of internal investigations concerning alleged misconduct by police officers opened by the NCPD per calendar year, broken down by the subject of the investigation (the categories used internally to categorize complaints are sufficient for the purposes of this request).
  - d. For each category of investigations, please also provide the data broken down by the outcome (*e.g.*, substantiated, unsubstantiated, or open) of the investigation; and
  - e. For substantiated allegations in each category, identify what disciplinary action was taken, if any.

***Diversity in the Ranks***

18. Records sufficient to identify the total numbers of department personnel broken down by race and gender for the following ranks:
  - a. Police officer;
  - b. Detective;
  - c. Sergeant;
  - d. Lieutenant;
  - e. Captain; and
  - f. All ranks above captain.

---

<sup>4</sup> As used herein, the term "police-involved death" includes, but is not limited to: (1) any civilian death that is related to, or occurs during, the course of police use of force (as defined herein) -- or threatened use of force; (2) any civilian death that occurs in the custody of the police; or (3) any civilian death that is related to, or occurs during, the course of a "stop" (as defined herein), a field interview, or when fleeing from the police.

September 15, 2020

Page 6

### *Policies*

19. All policies governing officer conduct, including but not limited to all directives, orders, guidance, procedures, memoranda, rules, regulations, forms, and other statements of policy concerning:
  - a. Bias-based policing and/or racial profiling;
  - b. Asset forfeiture and property seizures;
  - c. Equal employment opportunity;
  - d. Interactions with protesters, including any policies related to the use of pepper spray, tear gas, and drones;
  - e. Mental health, including all NCPD interactions with individuals experiencing a psychological emergency or otherwise demonstrating signs of emotional distress; and
  - f. Strip searches and body searches.

### *Trainings*

20. All training materials used by the NCPD, including but not limited to all training materials 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;
  - 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.

September 15, 2020

Page 7

21. For each training program on the topics listed in Request 20, records sufficient to identify the following information:
- a. The total number of training programs that have been held on each topic during the Relevant Time Period;
  - b. The frequency with which training programs have been held on each topic during the Relevant Time Period;
  - c. Policies and procedures indicating the frequency with which cadets, police officers, detectives, sergeants, lieutenants, captains, and all ranks above captain were/are required to participate in and/or re-attend training programs on each topic during the Relevant Time Period; and
  - d. The number of cadets, police officers, detectives, sergeants, lieutenants, captains, and all ranks above captain who attended each training program on each topic each time such training program took place during the Relevant Time Period.

### *Collective Bargaining Agreements*

22. All collective bargaining agreements to which the NCPD was a party during the Relevant Time Period.

\*\*\*\*\*

Except where explicitly noted, we expressly exclude from these requests individually identifiable information or other private individual information.

Wherever possible, please provide the responsive records in electronic format. Please provide all data in electronic spreadsheet format (.xls or .csv format where possible). In the event certain responsive records are unavailable in electronic format, please provide hard copies. We agree to compensate the NCPD for the cost of duplicating and providing paper copies of any responsive records that cannot be produced electronically, as provided by law.

Pursuant to FOIL Section 89(3)(a), your response is respectfully requested within five (5) business days of receipt of this request. Please furnish all applicable records to the undersigned.

If for any reason any portion of my request is denied, please inform us of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed. Thank you in advance for your cooperation.

September 15, 2020

Page 8

Very truly yours,

/s/Atara Miller

Atara Miller

Partner

amiller@milbank.com

T: 212-530-5421

/s/ Errol Taylor

Errol Taylor

Partner

etaylor@milbank.com

T: 212-530-5545

## EXHIBIT B

**From:** [Miller, Atara](#)  
**To:** [#NYCLUNassauPD](#)  
**Subject:** FW: [EXT] Nassau County FOIL - Your FOIL request has been acknowledged - DO NOT REPLY  
**Date:** Tuesday, September 15, 2020 2:35:22 PM

---

Atara Miller | [Milbank](#) | Partner  
55 Hudson Yards | New York, NY 10001-2163  
T: [+1 212.530.5421](tel:+12125305421)  
[amiller@milbank.com](mailto:amiller@milbank.com) | [milbank.com](http://milbank.com)

**From:** NassauCountyFoils@nassaucountyny.gov <NassauCountyFoils@nassaucountyny.gov>  
**Sent:** Tuesday, September 15, 2020 3:35 PM  
**To:** Miller, Atara <AMiller@milbank.com>  
**Subject:** [EXT] Nassau County FOIL - Your FOIL request has been acknowledged - DO NOT REPLY



The Police department has received your Freedom of Information Law ("FOIL") request dated 09/15/2020 (Reference # 125490) / (PD FOIL Reference # 0804-20). Please be advised that your request is being reviewed to determine if the records you request are available and subject to the FOIL. You should receive a response within forty five (45) business days.

Nassau County Police Department  
Office of the Commissioner of Police  
1490 Franklin Avenue  
Mineola, New York 11501.

ALL CORRESPONDENCE MUST INCLUDE YOUR FOIL REFERENCE NUMBER

## EXHIBIT C



# Milbank

55 Hudson Yards | New York, NY 10001-2163

November 25, 2020

## VIA ELECTRONIC MAIL

Christopher Todd, Esq.  
Nassau County Police Department  
Office of the Commissioner of Police  
1490 Franklin Avenue  
Mineola, New York, 11501

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

Dear Mr. Todd:

We received Nassau County Police Department's September 15, 2020 e-mail confirming receipt of our September 15, 2020 request for the production of documents pursuant to the New York Freedom of Information Law ("FOIL"), N.Y. Pub. Off Law § 85, *et seq.* (the "FOIL Response Email"). The FOIL Response Email provided that we "should receive a response within forty-five (45) business days." More than forty-five business days have passed without a response. Based on our conversation with Detective Christine McDonald on Wednesday, November 25, we understand that the delay is the result of an unexpected emergency medical leave. Detective McDonald indicated that we will receive a response by Friday, December 4. We look forward to hearing from you by then.

In the interim, please reach out with any questions.

Very truly yours,

/s/ Atara Miller  
Atara Miller  
Partner  
amiller@milbank.com  
T: 212-530-5421

/s/ Errol Taylor  
Errol Taylor  
Partner  
etaylor@milbank.com  
T: 212-530-5545

MILBANK LLP

## EXHIBIT D

# Nassau County



# Police Department

LAURA CURRAN  
COUNTY EXECUTIVE

1490 Franklin Avenue  
Mineola, New York 11501  
(516) 573-8800

PATRICK J. RYDER  
COMMISSIONER

December 11, 2020

Atara Miller  
Partner  
Milbank  
55 Hudson Yard  
New York, NY 10001-2163

Re: Freedom of Information Law Request  
Legal Bureau Number 649-2020

Dear Ms. Miller:

The Nassau County Police Department (the "Department") is in receipt of your correspondence dated September 15, 2020, wherein you requested the following records pursuant to Article 6 of the New York State Public Officers Law:

1. All disciplinary records of all law enforcement officer employed by the Department from January 1, 2000 to present;
2. All directives, orders, guidance, procedures, memoranda, rules, regulations, forms, and other statements of policy concerning officers' use of force from January 1, 2000 to present;
3. All records regarding uses of force from January 1, 2000 to present;
4. All records documenting stops and/or field interviews from January 1, 2000 to present;
5. All directives, orders, guidance, procedures, memoranda, rules, regulations, forms, and other statements of policy concerning stops and/or field interviews from January 1, 2000 to present;
6. All civilian complaints against law enforcement officers from January 1, 2000 to present;
7. All records regarding the manner in which civilian complaints against law enforcement officers are investigated from January 1, 2000 to present;
8. All directives, orders, guidance, procedures, memoranda, rules, regulations, forms, and other statements of policy concerning civilian complaints against law enforcement officers from January 1, 2000 to present;

9. All materials produced for the purpose of educating the public on the Department's complaint process from January 1, 2000 to present;
10. All records sufficient to identify, per calendar year, the average, minimum, and maximum number of days to investigate all civilian complaints, all unsubstantiated civilian complaints, and all substantiated civilian complaints against law enforcement officers from January 1, 2000 to present;
11. All records sufficient to identify, per calendar year, the number of days that open complaints have been or were pending from January 1, 2000 to present;
12. Records sufficient to identify the total number of civilian complaints per calendar year, broken down by the subject of the complaint from January 1, 2000 to present;
13. All directives, orders, guidance, procedures, memoranda, rules, regulations, forms, and other statements of policy concerning the IAU from January 1, 2000 to present;
14. All records regarding the structure, composition, and staffing of the IAU from January 1, 2000 to present;
15. All records sufficient to identify, by name and rank, every officer involved in a police-involved death of a civilian and all investigative reports about the incident from January 1, 2000 to present;
16. All investigative reports regarding each law enforcement officer cleared of, or found to have engaged in, wrongdoing in a civilian complaint from January 1, 2000 to present;
17. Records sufficient to identify the total number of internal investigations concerning alleged misconduct by police officers opened by the Department per calendar year, broken down by the subject of the investigation from January 1, 2000 to present;
18. Records sufficient to identify the total number of Department personnel broken down by race and gender for all sworn members of the Department from January 1, 2000 to present;
19. All policies governing officer conduct from January 1, 2000 to present;
20. All training materials used by the Department from January 1, 2000 to present;
21. For each training program, records sufficient to identify the total number of training programs between January 1, 2000 and present, the frequency each program was held, policies and procedures indicating the frequency with which the training is provided to Department recruits and sworn members, and the number of recruits and sworn members who were required to attend each training; and
22. All collective bargaining agreements to which the Department was a party from January 1, 2000 to present.

The Department responds to your requests as follows:

1. Your request for “[a]ll disciplinary records” from January 1, 2000 to present is not reasonably described to allow the Department to locate and identify the documents sought. Furthermore, even if the request was reasonably described, the Department is unable to comply with the request due to its breadth, the available Department resources, and the inability of the Department to utilize an outside vendor at this time to comply with the request. Therefore, your request is denied.
2. The Department published a report entitled “Use of Force Reporting and Findings,” which details statistics from Use of Force incidents involving members of the Department for 2020. The Department also published a Use of Force Reference Guide which contains the Department’s policies and procedures regarding members’ use of force. The report and reference guide are both available to the general public free of charge on the Nassau County website: <https://www.nassaucountyny.gov/eo203>.
3. Your request for “[a]ll records regarding uses of force” from January 1, 2000 to present is not reasonably described to allow the Department to locate and identify the documents sought. Furthermore, even if the request was reasonably described, the Department is unable to comply with the request due to its breadth, the available Department resources, and the inability of the Department to utilize an outside vendor at this time to comply with the request. Therefore, your request is denied. Irrespective of the denial of your request, please see response #2 above.
4. Your request for “[a]ll records documenting stops and/or field interviews” is not reasonably described to allow the Department to locate and identify the documents sought. Furthermore, even if the request was reasonably described, the Department is unable to comply with the request due to its breadth, the available Department resources, and the inability of the Department to utilize an outside vendor at this time to comply with the request. Therefore, your request is denied. Irrespective of the denial of your request, please be advised that the Department published a report entitled “Summons Reporting and Findings,” which details demographic data collected by the Department in 2016 from traffic stops and summonses issued for violations of the New York State Vehicle and Traffic Law (VTL). The data includes: the number of summonses issued; the number of summonses issued by gender; the number of traffic stops by gender; the specific violations of the VTL; the number of traffic stops that resulted in an arrest; the number of arrests by gender; the number of summonses issued by race; and the number of traffic stops by race, *inter alia*. This report is available to the general public free of charge on the Nassau County website: <https://www.nassaucountyny.gov/eo203>.
5. The Department has located thirty-three (33) pages of responsive documents.
6. Due to its breath, the available Department resources, and the inability of the Department to utilize an outside vendor at this time to comply with the request, your request for “[a]ll civilian complaints against law enforcement officers” from January 1, 2000 to present is denied. Therefore, your request is denied. However, please be advised that the Department published a report entitled “Complaint Reporting and Findings,” which details statistics

regarding: the total number of civilian complaints made against members of the Department per year from 2016 to 2020; the total number of complaints per year by type; the total number of founded complaints per year; the total number of founded complaints per year by type; the total number of complaints per year by race; and the total number of complaints per year by gender, *inter alia*. The report is available to the general public free of charge on the Nassau County website: <https://www.nassaucountyny.gov/eo203>.

7. Your request for “[a]ll records regarding the manner in which civilian complaints against law enforcement officers are investigated” is not reasonably described to allow the Department to locate and identify the documents sought. Therefore, your request is denied.
8. The previously mentioned “Complaint Reporting and Findings” report contains Department Procedure ADM 1211 – Civilian Complaint Investigations, which describes the Department’s policy and procedure of investigating complaints and allegations of conduct against members of the Departments. Such report is available to the general public free of charge on the Nassau County website: <https://www.nassaucountyny.gov/eo203>.
9. Your request for “[a]ll materials produced for the purpose on educating the public on the NCPD’s complaint process” is not reasonably described to allow the Department to locate and identify the documents sought. Therefore, your request is denied. However, please be advised that the Department website enables members of the public to submit an electronic complaint against any member of the Department. The form is available at <https://forms.nassaucountyny.gov/agencies/PD/complaint.php>.
10. The Department is currently reviewing its records to determine whether it possesses any responsive documents. Please allow approximately thirty (30) days for a response.
11. The Department is currently reviewing its records to determine whether it possesses any responsive documents. Please allow approximately thirty (30) days for a response.
12. See Responses #6 and #8 above.
13. See Response #8 above.
14. The Department is currently reviewing its records to determine whether it possesses any responsive documents. Please allow approximately thirty (30) days for a response.
15. The Department is currently reviewing its records to determine whether it possesses any responsive documents. Please allow approximately thirty (30) days for a response.
16. Your request for “[a]ll investigative reports regarding each law enforcement officers cleared of, or found to have engaged in, wrongdoing in civilian complaints” from January 1, 2000 to present is denied, as the Department is unable to comply with the request due to its breadth, the available Department resources, and the inability of the Department to utilize an outside vendor at this time to comply with the request. Therefore, your request is denied.

17. See Responses #6 and #8 above.
18. The Department is currently reviewing its records to determine whether it possesses any responsive documents. Please allow approximately thirty (30) days for a response.
19. The Department has located forty-six (46) pages of responsive documents.
20. Your request for “[a]ll materials used by the NCPD” is not reasonably described to allow the Department to locate and identify the documents sought. Therefore, your request is denied.
21. Your request for “records sufficient to identify:” the total number of training programs held between January 1, 2000 and present on investigation of civilian complaints, use of force, de-escalation strategies and tactics, conducting pedestrian stops, vehicle stops, and/or field interviews, and cultural diversity, procedural justice, and/or cross-cultural awareness and cross-cultural competency based on race, ethnicity, immigration status, LGBT status, and disability; the frequency with which training programs have been held; the policies and procedures indicating the frequency with which recruits and sworn members are required to receive the training; and the total number of recruits and sworn members who attended each training program is denied, as such request is not reasonably described to allow the Department to locate and identify the documents sought. Irrespective of the denial of your request, please be advised that since 2000, every police recruit who has graduated from the Department’s Police Academy has received training on the aforementioned topics. Please be further advised that since 2000, every Department supervisor (members of the rank of Sergeant and above) has received training from the Department’s Police Academy on the aforementioned topics. Between 2004 and present, the Department has provided the Basic Course for Police Officers and the Basic Course of Peace Officers twenty-two (22) times. Between 2004 and present, the Department has provided the Basic Course in Police Supervision and the Basic Criminal Investigations Course thirty-three (33) times.
22. The Department has located three-hundred eight (308) pages of responsive documents.

Pursuant to POL § 87(1)(b)(iii), the fee for copies of the responsive records is twenty-five cents (\$0.25) per photocopy, which is required to be paid in advance of the preparation of such copies. *See* 21 NYCRR 1401.8(f). Please submit payment in the amount of ninety-six dollars and seventy-five cents (\$96.70) to the Department, noting your Legal Bureau Number on the check or postal money order. Upon receipt of your payment, the Department will make the records available to you. *See* POL § 89(3)(a).

Please be advised that you may appeal this decision within thirty (30) days by submitting written correspondence, containing the above-referenced Legal Bureau Number, to:

Office of the Commissioner of Police  
1490 Franklin Avenue  
Mineola, New York 11501

Sincerely,

*Det. Christine McDonald*

Christine McDonald  
Detective  
Legal Bureau



# EXHIBIT E

**From:** [Todd, Christopher V.](#)  
**To:** [Prussien, Kingdar](#)  
**Cc:** [Miller, Atara](#); [Taylor, Errol](#); [Wellin, Andrew](#); [Lovin, Samantha](#); [Grover, Monica](#); [Olson, Becca](#); [FOIL](#)  
**Subject:** [EXT] RE: FOIL Request LB No. 649-20  
**Date:** Thursday, January 7, 2021 2:14:24 PM  
**Attachments:** [image001.png](#)  
[NCPD Complaint Report Finding.pdf](#)  
[Appendix B.pdf](#)

---

Kingdar –

As discussed.

To follow-up on our conversation, the Department has agreed to rescind the December 11, 2020, denial of your FOIL request as the parties are actively cooperating to resolve the issues described therein. At the conclusion of these communications, the Department will review the request and issue a determination in accordance with Article 6 of the Public Officers Law, which will be provided to you.

Thanks,



**Christopher V. Todd**  
Deputy Bureau Chief  
Nassau County Police Department  
Legal Bureau  
1490 Franklin Avenue  
Mineola, NY 11501  
(516) 573-7210  
[cvtodd@pdcn.org](mailto:cvtodd@pdcn.org)

Disclaimer: This transmission (including any attachments) may contain confidential information, privileged material (including material protected by the attorney-client or other applicable privileges), or constitute non-public information. Any use of this information by anyone other than the intended recipient is prohibited. If you have received this transmission in error, please immediately reply to the sender and delete this information from your system. Use, dissemination, distribution, or reproduction of this transmission by unintended recipients is not authorized and may be unlawful.

---

**From:** Prussien, Kingdar <[KPrussien@milbank.com](mailto:KPrussien@milbank.com)>  
**Sent:** Wednesday, January 6, 2021 1:06 PM  
**To:** Todd, Christopher V. <[CVTodd@PDCN.ORG](mailto:CVTodd@PDCN.ORG)>  
**Cc:** Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Taylor, Errol <[ETaylor@milbank.com](mailto:ETaylor@milbank.com)>; Wellin, Andrew <[awellin@milbank.com](mailto:awellin@milbank.com)>; Lovin, Samantha <[SLovin@milbank.com](mailto:SLovin@milbank.com)>; Grover, Monica <[mgrover@milbank.com](mailto:mgrover@milbank.com)>; Olson, Becca <[rolson@milbank.com](mailto:rolson@milbank.com)>; FOIL <[FOIL@PDCN.ORG](mailto:FOIL@PDCN.ORG)>  
**Subject:** RE: FOIL Request LB No. 649-20

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is

safe.

Mr. Todd,

We are available at 3:30 p.m. I will update the calendar invite with Zoom information.

Regards,

Kingdar

Kingdar Prussien | [Milbank](#) | Associate

Pronouns: he/him/his

55 Hudson Yards | New York, NY 10001-2163

T: [+1 212.530.5262](tel:+12125305262) | M: [+1 917.734.7907](tel:+19177347907)

[KPrussien@milbank.com](mailto:KPrussien@milbank.com) | [milbank.com](http://milbank.com)

---

**From:** Todd, Christopher V. <[CVTodd@PDCN.ORG](mailto:CVTodd@PDCN.ORG)>

**Sent:** Wednesday, January 6, 2021 12:57 PM

**To:** Prussien, Kingdar <[KPrussien@milbank.com](mailto:KPrussien@milbank.com)>

**Cc:** Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Taylor, Errol <[ETaylor@milbank.com](mailto:ETaylor@milbank.com)>; Wellin, Andrew <[awellin@milbank.com](mailto:awellin@milbank.com)>; Lovin, Samantha <[SLovin@milbank.com](mailto:SLovin@milbank.com)>; Grover, Monica <[mgrover@milbank.com](mailto:mgrover@milbank.com)>; FOIL <[FOIL@PDCN.ORG](mailto:FOIL@PDCN.ORG)>

**Subject:** [EXT] RE: FOIL Request LB No. 649-20

I am unavailable at 1000. Can we do in the afternoon, 1500 or after?

---

**From:** Prussien, Kingdar <[KPrussien@milbank.com](mailto:KPrussien@milbank.com)>

**Sent:** Tuesday, January 5, 2021 11:53 AM

**To:** Todd, Christopher V. <[CVTodd@PDCN.ORG](mailto:CVTodd@PDCN.ORG)>

**Cc:** Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Taylor, Errol <[ETaylor@milbank.com](mailto:ETaylor@milbank.com)>; Wellin, Andrew <[awellin@milbank.com](mailto:awellin@milbank.com)>; Lovin, Samantha <[SLovin@milbank.com](mailto:SLovin@milbank.com)>; Grover, Monica <[mgrover@milbank.com](mailto:mgrover@milbank.com)>; FOIL <[FOIL@PDCN.ORG](mailto:FOIL@PDCN.ORG)>

**Subject:** RE: FOIL Request LB No. 649-20

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Todd,

Happy New Year to you and your loved ones.

We are available at 10 a.m. on Thursday, January 7. If that works for you, I can circulate a calendar invite with Zoom information.

Regards,

Kingdar

Kingdar Prussien | **Milbank** | Associate

Pronouns: he/him/his

55 Hudson Yards | New York, NY 10001-2163

T: [+1 212.530.5262](tel:+12125305262) | M: [+1 917.734.7907](tel:+19177347907)

[KPrussien@milbank.com](mailto:KPrussien@milbank.com) | [milbank.com](http://milbank.com)

---

**From:** Todd, Christopher V. <[CVTodd@PDCN.ORG](mailto:CVTodd@PDCN.ORG)>

**Sent:** Tuesday, January 5, 2021 9:43 AM

**To:** Prussien, Kingdar <[KPrussien@milbank.com](mailto:KPrussien@milbank.com)>

**Cc:** Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Taylor, Errol <[ETaylor@milbank.com](mailto:ETaylor@milbank.com)>; Wellin, Andrew <[awellin@milbank.com](mailto:awellin@milbank.com)>; Lovin, Samantha <[SLovin@milbank.com](mailto:SLovin@milbank.com)>; Grover, Monica <[mgrover@milbank.com](mailto:mgrover@milbank.com)>; FOIL <[FOIL@PDCN.ORG](mailto:FOIL@PDCN.ORG)>

**Subject:** [EXT] RE: FOIL Request LB No. 649-20

Good morning Mr. Prussien –

Happy New Year to you, your family, and everyone at Milbank.

What is your availability for this Thursday, January 7, 2021?

Thanks,



Christopher V. Todd

Deputy Bureau Chief

Nassau County Police Department

Legal Bureau

1490 Franklin Avenue

Mineola, NY 11501

(516) 573-7210

[cvtodd@pdcn.org](mailto:cvtodd@pdcn.org)

Disclaimer: This transmission (including any attachments) may contain confidential information, privileged material (including material protected by the attorney-client or other applicable privileges), or constitute non-public information. Any use of this information by anyone other than the intended recipient is prohibited. If you have received this transmission in error, please immediately reply to the sender and delete this information from your system. Use, dissemination, distribution, or reproduction of this transmission by unintended recipients is not authorized and may be unlawful.

---

**From:** Prussien, Kingdar <[KPrussien@milbank.com](mailto:KPrussien@milbank.com)>

**Sent:** Monday, January 4, 2021 8:02 PM

**To:** Todd, Christopher V. <[CVTodd@PDCN.ORG](mailto:CVTodd@PDCN.ORG)>

**Cc:** Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Taylor, Errol <[ETaylor@milbank.com](mailto:ETaylor@milbank.com)>; Wellin, Andrew <[awellin@milbank.com](mailto:awellin@milbank.com)>; Lovin, Samantha <[SLovin@milbank.com](mailto:SLovin@milbank.com)>; Grover, Monica

<[mgrover@milbank.com](mailto:mgrover@milbank.com)>; FOIL <[FOIL@PDCN.ORG](mailto:FOIL@PDCN.ORG)>

**Subject:** RE: FOIL Request LB No. 649-20

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Todd,

Please let us know when you are available to discuss outstanding issues concerning our FOIL Request LB No. 649-20.

Regards,

Kingdar

Kingdar Prussien | [Milbank](#) | Associate

Pronouns: he/him/his

55 Hudson Yards | New York, NY 10001-2163

T: [+1 212.530.5262](tel:+12125305262) | M: [+1 917.734.7907](tel:+19177347907)

[KPrussien@milbank.com](mailto:KPrussien@milbank.com) | [milbank.com](http://milbank.com)

---

**From:** Prussien, Kingdar

**Sent:** Thursday, December 31, 2020 8:26 PM

**To:** 'Todd, Christopher V.' <[CVTodd@PDCN.ORG](mailto:CVTodd@PDCN.ORG)>

**Cc:** Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Taylor, Errol <[ETaylor@milbank.com](mailto:ETaylor@milbank.com)>; Wellin, Andrew <[awellin@milbank.com](mailto:awellin@milbank.com)>; Lovin, Samantha <[SLovin@milbank.com](mailto:SLovin@milbank.com)>; Grover, Monica <[mgrover@milbank.com](mailto:mgrover@milbank.com)>; 'FOIL' <[FOIL@PDCN.ORG](mailto:FOIL@PDCN.ORG)>

**Subject:** RE: FOIL Request LB No. 649-20

Mr. Todd,

Thank you again for speaking with members of the team on Tuesday. Please see attached for correspondence memorizing certain items that were discussed.

At the conclusion of our discussion, we agreed to have another meet and confer to cover outstanding issues. Considering what we have already discussed, the primary uncovered topic relates to the training-related materials sought in Requests 20 and 21. Given that tomorrow is a holiday, please let us know when you are available early next week to discuss.

Have a safe and happy new year. We look forward to continued cooperation throughout this process.

Regards,

Kingdar

Kingdar Prussien | [Milbank](#) | Associate  
Pronouns: he/him/his  
55 Hudson Yards | New York, NY 10001-2163  
T: [+1 212.530.5262](tel:+12125305262) | M: [+1 917.734.7907](tel:+19177347907)  
[KPrussien@milbank.com](mailto:KPrussien@milbank.com) | [milbank.com](http://milbank.com)

---

**From:** Prussien, Kingdar  
**Sent:** Thursday, December 24, 2020 11:53 AM  
**To:** 'Todd, Christopher V.' <[CVTodd@PDCN.ORG](mailto:CVTodd@PDCN.ORG)>  
**Cc:** Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Taylor, Errol <[ETaylor@milbank.com](mailto:ETaylor@milbank.com)>; Wellin, Andrew <[awellin@milbank.com](mailto:awellin@milbank.com)>; Lovin, Samantha <[SLovin@milbank.com](mailto:SLovin@milbank.com)>; O'Reilly, Elizabeth <[eoreilly@milbank.com](mailto:eoreilly@milbank.com)>; Grover, Monica <[mgrover@milbank.com](mailto:mgrover@milbank.com)>; FOIL <[FOIL@PDCN.ORG](mailto:FOIL@PDCN.ORG)>  
**Subject:** RE: FOIL Request LB No. 649-20

Mr. Todd,

Tuesday (12/29) at 11 a.m. ET works for us. I will circulate a calendar invite with Zoom information.

Regards,

Kingdar

Kingdar Prussien | [Milbank](#) | Associate  
Pronouns: he/him/his  
55 Hudson Yards | New York, NY 10001-2163  
T: [+1 212.530.5262](tel:+12125305262)  
[KPrussien@milbank.com](mailto:KPrussien@milbank.com) | [milbank.com](http://milbank.com)

---

**From:** Todd, Christopher V. <[CVTodd@PDCN.ORG](mailto:CVTodd@PDCN.ORG)>  
**Sent:** Thursday, December 24, 2020 11:14 AM  
**To:** Prussien, Kingdar <[KPrussien@milbank.com](mailto:KPrussien@milbank.com)>  
**Cc:** Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Taylor, Errol <[ETaylor@milbank.com](mailto:ETaylor@milbank.com)>; Wellin, Andrew <[awellin@milbank.com](mailto:awellin@milbank.com)>; Lovin, Samantha <[SLovin@milbank.com](mailto:SLovin@milbank.com)>; O'Reilly, Elizabeth <[eoreilly@milbank.com](mailto:eoreilly@milbank.com)>; FOIL <[FOIL@PDCN.ORG](mailto:FOIL@PDCN.ORG)>  
**Subject:** [EXT] RE: FOIL Request LB No. 649-20

Good morning Mr. Prussien –

I can make myself available between Tuesday and Thursday. Please let me know a time and date that you prefer.

Thank you,



Christopher V. Todd  
Deputy Bureau Chief  
Nassau County Police Department  
Legal Bureau  
1490 Franklin Avenue  
Mineola, NY 11501  
(516) 573-7210  
[cvtodd@pdcn.org](mailto:cvtodd@pdcn.org)

Disclaimer: This transmission (including any attachments) may contain confidential information, privileged material (including material protected by the attorney-client or other applicable privileges), or constitute non-public information. Any use of this information by anyone other than the intended recipient is prohibited. If you have received this transmission in error, please immediately reply to the sender and delete this information from your system. Use, dissemination, distribution, or reproduction of this transmission by unintended recipients is not authorized and may be unlawful.

---

**From:** Prussien, Kingdar <[KPrussien@milbank.com](mailto:KPrussien@milbank.com)>  
**Sent:** Wednesday, December 23, 2020 3:36 PM  
**To:** Todd, Christopher V. <[CVTodd@PDCN.ORG](mailto:CVTodd@PDCN.ORG)>  
**Cc:** Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Taylor, Errol <[ETaylor@milbank.com](mailto:ETaylor@milbank.com)>; Wellin, Andrew <[awellin@milbank.com](mailto:awellin@milbank.com)>; Lovin, Samantha <[SLovin@milbank.com](mailto:SLovin@milbank.com)>; O'Reilly, Elizabeth <[eoreilly@milbank.com](mailto:eoreilly@milbank.com)>; FOIL <[FOIL@PDCN.ORG](mailto:FOIL@PDCN.ORG)>  
**Subject:** RE: FOIL Request LB No. 649-20

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We haven't heard back from you concerning the requested meet-and-confer to discuss the Nassau County Police Department's responses to our FOIL Request LB No. 649-20. Are you available sometime next week to discuss? Please let us know when works best for you.

We look forward to continued cooperation throughout this process.

Regards,

Kingdar

Kingdar Prussien | [Milbank](#) | Associate  
Pronouns: he/him/his  
55 Hudson Yards | New York, NY 10001-2163  
T: +1 212.530.5262  
[KPrussien@milbank.com](mailto:KPrussien@milbank.com) | [milbank.com](http://milbank.com)

---

**From:** O'Reilly, Elizabeth <[eoreilly@milbank.com](mailto:eoreilly@milbank.com)>  
**Sent:** Monday, December 21, 2020 12:46 PM  
**To:** [cvtodd@pdcn.org](mailto:cvtodd@pdcn.org)  
**Cc:** Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Taylor, Errol <[ETaylor@milbank.com](mailto:ETaylor@milbank.com)>; Wellin, Andrew <[awellin@milbank.com](mailto:awellin@milbank.com)>; Prussien, Kingdar <[KPrussien@milbank.com](mailto:KPrussien@milbank.com)>; Lovin, Samantha <[SLovin@milbank.com](mailto:SLovin@milbank.com)>; FOIL <[FOIL@PDCN.ORG](mailto:FOIL@PDCN.ORG)>

**Subject:** RE: FOIL Request LB No. 649-20

Mr. Todd,

We are continuing our review of Nassau County's responses to our FOIL Request LB No. 649-20 and would request a meet-and-confer to discuss the responses. Please let us know if you are available this Wednesday, December 23 for a Zoom meet-and-confer and if there is a particular time that is preferable.

Best regards,

Elizabeth O'Reilly | **Milbank** | Associate  
55 Hudson Yards | New York, NY 10001-2163  
T: +1 212.530.5387  
[eoreilly@milbank.com](mailto:eoreilly@milbank.com) | [milbank.com](http://milbank.com)

---

**From:** FOIL <[FOIL@PDCN.ORG](mailto:FOIL@PDCN.ORG)>

**Sent:** Friday, December 11, 2020 9:04 PM

**To:** O'Reilly, Elizabeth <[eoreilly@milbank.com](mailto:eoreilly@milbank.com)>

**Cc:** Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Taylor, Errol <[ETaylor@milbank.com](mailto:ETaylor@milbank.com)>; Wellin, Andrew <[awellin@milbank.com](mailto:awellin@milbank.com)>; Prussien, Kingdar <[KPrussien@milbank.com](mailto:KPrussien@milbank.com)>

**Subject:** [EXT] FOIL Request LB No. 649-20

Please see the attached regarding the Department's response to the above-referenced FOIL request.

Thank you.

---

**From:** O'Reilly, Elizabeth <[eoreilly@milbank.com](mailto:eoreilly@milbank.com)>

**Sent:** Wednesday, November 25, 2020 3:34 PM

**To:** Todd, Christopher V. <[CVTodd@PDCN.ORG](mailto:CVTodd@PDCN.ORG)>

**Cc:** Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Taylor, Errol <[ETaylor@milbank.com](mailto:ETaylor@milbank.com)>; Wellin, Andrew <[awellin@milbank.com](mailto:awellin@milbank.com)>; Prussien, Kingdar <[KPrussien@milbank.com](mailto:KPrussien@milbank.com)>

**Subject:** FOIL Request Correspondence Reference # LB 649-20

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see the attached correspondence.

Regards,

Elizabeth O'Reilly | **Milbank** | Associate  
55 Hudson Yards | New York, NY 10001-2163  
T: +1 212.530.5387  
[eoreilly@milbank.com](mailto:eoreilly@milbank.com) | [milbank.com](http://milbank.com)



=====

This e-mail message may contain legally privileged and/or confidential information. If you are not the intended recipient(s), or the employee or agent responsible for delivery of this message to the intended recipient(s), you are hereby notified that any dissemination, distribution or copying of this e-mail message is strictly prohibited. If you have received this message in error, please immediately notify the sender and delete this e-mail message from your computer.

=====

This e-mail message may contain legally privileged and/or confidential information. If you are not the intended recipient(s), or the employee or agent responsible for delivery of this message to the intended recipient(s), you are hereby notified that any dissemination, distribution or copying of this e-mail message is strictly prohibited. If you have received this message in error, please immediately notify the sender and delete this e-mail message from your computer.

=====

This e-mail message may contain legally privileged and/or confidential information. If you are not the intended recipient(s), or the employee or agent responsible for delivery of this message to the intended recipient(s), you are hereby notified that any dissemination, distribution or copying of this e-mail message is strictly prohibited. If you have received this message in error, please immediately notify the sender and delete this e-mail message from your computer.

=====

This e-mail message may contain legally privileged and/or confidential information. If you are not the intended recipient(s), or the employee or agent responsible for delivery of this message to the intended recipient(s), you are hereby notified that any dissemination, distribution or copying of this e-mail message is strictly prohibited. If you have received this message in error, please immediately notify the sender and delete this e-mail message from your computer.

=====

This e-mail message may contain legally privileged and/or confidential information. If you are not the intended recipient(s), or the employee or agent responsible for delivery of this message to the intended recipient(s), you are hereby notified that any dissemination, distribution or copying of this e-mail message is strictly prohibited. If you have received this message in error, please immediately notify the sender and delete this e-mail message from your computer.

## EXHIBIT F

# 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."<sup>1</sup> 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***

---

<sup>1</sup> 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).

February 10, 2021

Page 2

*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.*

February 10, 2021

Page 3

### 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

February 10, 2021

Page 4

- 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;

February 10, 2021

Page 5

- 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.

February 10, 2021

Page 6

Very truly yours,

/s/ Atara Miller

Atara Miller

Partner

amiller@milbank.com

T: 212-530-5421

/s/ Errol Taylor

Errol Taylor

Partner

etaylor@milbank.com

T: 212-530-5545



## EXHIBIT G

**Brumfield, Meredith**

---

**From:** Lovin, Samantha  
**Sent:** Friday, February 19, 2021 12:44 PM  
**To:** CVTodd@PDCN.ORG  
**Cc:** Miller, Atara; Taylor, Errol; Wellin, Andrew; Prussien, Kingdar; Pere, Lyndsey  
**Subject:** RE: FOIL Request Correspondence Reference # LB 649-20

Mr. Todd,

We are following up on the below to inquire when we can expect a response to our more particularized FOIL requests.

On a related note, we understand from the Article 78 petition that Newsday recently filed regarding its FOIL request directed to the Nassau County Police Department's ("NCPD"), that the NCPD took the position that Public Officers Law Section 87(2)(b) permits it to withhold (or redact) unsubstantiated and unfounded civilian complaints against police officers. Based on NCPD's response to our FOIL requests and our prior discussions, we had understood that unsubstantiated or unfounded civilian complaints will be produced in response to our request for all disciplinary records. Please let us know by no later than Tuesday, February 23, whether NCPD intends to object to producing documents or information related to unfounded and/or unsubstantiated complaints.

Thank you,  
Samantha

Samantha Lovin | [Milbank](#) | Associate  
55 Hudson Yards | New York, NY 10001-2163  
T: +1 212.530.5433  
[slovin@milbank.com](mailto:slovin@milbank.com) | [milbank.com](http://milbank.com)

---

**From:** Lovin, Samantha  
**Sent:** Wednesday, February 10, 2021 11:18 AM  
**To:** 'CVTodd@PDCN.ORG' <CVTodd@PDCN.ORG>  
**Cc:** Miller, Atara <AMiller@milbank.com>; Taylor, Errol <ETaylor@milbank.com>; Wellin, Andrew <awellin@milbank.com>; Prussien, Kingdar <KPrussien@milbank.com>; Pere, Lyndsey <lpere@milbank.com>  
**Subject:** FOIL Request Correspondence Reference # LB 649-20

Mr. Todd,

Please see the attached correspondence.

Regards,  
Samantha

Samantha Lovin | [Milbank](#) | Associate  
55 Hudson Yards | New York, NY 10001-2163  
T: +1 212.530.5433  
[slovin@milbank.com](mailto:slovin@milbank.com) | [milbank.com](http://milbank.com)

# EXHIBIT H

**From:** [Prussien, Kingdar](#)  
**To:** [CVTodd@PDCN.ORG](mailto:CVTodd@PDCN.ORG)  
**Cc:** [Miller, Atara](#); [Taylor, Errol](#); [Wellin, Andrew](#); [Lovin, Samantha](#); [Pere, Lyndsey](#)  
**Subject:** RE: FOIL Request Correspondence Reference # LB 649-20  
**Date:** Wednesday, February 24, 2021 1:22:00 PM

---

Mr. Todd,

We are following up on the below to see (1) when we can expect a response to our more particularized FOIL requests, and (2) whether NCPD intends to object to producing documents or information related to unfounded and/or unsubstantiated civilian complaints against police officers. Please let us know as soon as possible.

We look forward to continued cooperation throughout this process.

Regards,

Kingdar

Kingdar Prussien | [Milbank](#) | Associate  
Pronouns: he/him/his  
55 Hudson Yards | New York, NY 10001-2163  
T: [+1 212.530.5262](tel:+12125305262) | M: [+1 917.734.7907](tel:+19177347907)  
[KPrussien@milbank.com](mailto:KPrussien@milbank.com) | [milbank.com](http://milbank.com)

---

**From:** Lovin, Samantha <[SLovin@milbank.com](mailto:SLovin@milbank.com)>  
**Sent:** Friday, February 19, 2021 12:44 PM  
**To:** [CVTodd@PDCN.ORG](mailto:CVTodd@PDCN.ORG)  
**Cc:** [Miller, Atara](mailto:AMiller@milbank.com) <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; [Taylor, Errol](mailto:ETaylor@milbank.com) <[ETaylor@milbank.com](mailto:ETaylor@milbank.com)>; [Wellin, Andrew](mailto:awellin@milbank.com) <[awellin@milbank.com](mailto:awellin@milbank.com)>; [Prussien, Kingdar](mailto:KPrussien@milbank.com) <[KPrussien@milbank.com](mailto:KPrussien@milbank.com)>; [Pere, Lyndsey](mailto:pere@milbank.com) <[pere@milbank.com](mailto:pere@milbank.com)>  
**Subject:** RE: FOIL Request Correspondence Reference # LB 649-20

Mr. Todd,

We are following up on the below to inquire when we can expect a response to our more particularized FOIL requests.

On a related note, we understand from the Article 78 petition that Newsday recently filed regarding its FOIL request directed to the Nassau County Police Department's ("NCPD"), that the NCPD took the position that Public Officers Law Section 87(2)(b) permits it to withhold (or redact) unsubstantiated and unfounded civilian complaints against police officers. Based on NCPD's response to our FOIL requests and our prior discussions, we had understood that unsubstantiated or unfounded civilian complaints will be produced in response to our request for all disciplinary records. Please let us know by no later than Tuesday, February 23, whether NCPD intends to object to producing documents or information related to unfounded and/or unsubstantiated complaints.

Thank you,  
Samantha

Samantha Lovin | [Milbank](#) | Associate  
55 Hudson Yards | New York, NY 10001-2163  
T: [+1 212.530.5433](tel:+12125305433)  
[slovin@milbank.com](mailto:slovin@milbank.com) | [milbank.com](http://milbank.com)

---

**From:** Lovin, Samantha  
**Sent:** Wednesday, February 10, 2021 11:18 AM  
**To:** 'CVTodd@PDCN.ORG' <[CVTodd@PDCN.ORG](mailto:CVTodd@PDCN.ORG)>  
**Cc:** Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Taylor, Errol <[ETaylor@milbank.com](mailto:ETaylor@milbank.com)>; Wellin, Andrew <[awellin@milbank.com](mailto:awellin@milbank.com)>; Prussien, Kingdar <[KPrussien@milbank.com](mailto:KPrussien@milbank.com)>; Pere, Lyndsey <[lpere@milbank.com](mailto:lpere@milbank.com)>  
**Subject:** FOIL Request Correspondence Reference # LB 649-20

Mr. Todd,

Please see the attached correspondence.

Regards,  
Samantha

Samantha Lovin | [Milbank](#) | Associate  
55 Hudson Yards | New York, NY 10001-2163  
T: [+1 212.530.5433](tel:+12125305433)  
[slovin@milbank.com](mailto:slovin@milbank.com) | [milbank.com](http://milbank.com)

# EXHIBIT I

**From:** [Todd, Christopher V.](#)  
**To:** [Prussien, Kingdar](#)  
**Cc:** [Miller, Atara](#); [Taylor, Errol](#); [Wellin, Andrew](#); [Lovin, Samantha](#); [Pere, Lyndsey](#)  
**Subject:** [EXT] RE: FOIL Request Correspondence Reference # LB 649-20  
**Date:** Wednesday, February 24, 2021 1:32:24 PM  
**Attachments:** [image001.png](#)

---

Mr. Kingdar –

The Department is in the process of reviewing your amended request and will provide a response within twenty (20) business days.

Thank you,



**Christopher V. Todd**  
Deputy Bureau Chief  
Nassau County Police Department  
Legal Bureau  
1490 Franklin Avenue  
Mineola, NY 11501  
(516) 573-7210  
[cvtodd@pcdn.org](mailto:cvtodd@pcdn.org)

Disclaimer: This transmission (including any attachments) may contain confidential information, privileged material (including material protected by the attorney-client or other applicable privileges), or constitute non-public information. Any use of this information by anyone other than the intended recipient is prohibited. If you have received this transmission in error, please immediately reply to the sender and delete this information from your system. Use, dissemination, distribution, or reproduction of this transmission by unintended recipients is not authorized and may be unlawful.

---

**From:** Prussien, Kingdar <KPrussien@milbank.com>  
**Sent:** Wednesday, February 24, 2021 1:23 PM  
**To:** Todd, Christopher V. <CVTodd@PCDN.ORG>  
**Cc:** Miller, Atara <AMiller@milbank.com>; Taylor, Errol <ETaylor@milbank.com>; Wellin, Andrew <awellin@milbank.com>; Lovin, Samantha <SLovin@milbank.com>; Pere, Lyndsey <lpere@milbank.com>  
**Subject:** RE: FOIL Request Correspondence Reference # LB 649-20

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Todd,

We are following up on the below to see (1) when we can expect a response to our more particularized FOIL requests, and (2) whether NCPD intends to object to producing documents or information related to unfounded and/or unsubstantiated civilian complaints against police officers.

Please let us know as soon as possible.

We look forward to continued cooperation throughout this process.

Regards,

Kingdar

Kingdar Prussien | [Milbank](#) | Associate  
Pronouns: he/him/his  
55 Hudson Yards | New York, NY 10001-2163  
T: [+1 212.530.5262](tel:+12125305262) | M: [+1 917.734.7907](tel:+19177347907)  
[KPrussien@milbank.com](mailto:KPrussien@milbank.com) | [milbank.com](http://milbank.com)

---

**From:** Lovin, Samantha <[SLovin@milbank.com](mailto:SLovin@milbank.com)>

**Sent:** Friday, February 19, 2021 12:44 PM

**To:** [CVTodd@PDCN.ORG](mailto:CVTodd@PDCN.ORG)

**Cc:** Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Taylor, Errol <[ETaylor@milbank.com](mailto:ETaylor@milbank.com)>; Wellin, Andrew <[awellin@milbank.com](mailto:awellin@milbank.com)>; Prussien, Kingdar <[KPrussien@milbank.com](mailto:KPrussien@milbank.com)>; Pere, Lyndsey <[lpere@milbank.com](mailto:lpere@milbank.com)>

**Subject:** RE: FOIL Request Correspondence Reference # LB 649-20

Mr. Todd,

We are following up on the below to inquire when we can expect a response to our more particularized FOIL requests.

On a related note, we understand from the Article 78 petition that Newsday recently filed regarding its FOIL request directed to the Nassau County Police Department's ("NCPD"), that the NCPD took the position that Public Officers Law Section 87(2)(b) permits it to withhold (or redact) unsubstantiated and unfounded civilian complaints against police officers. Based on NCPD's response to our FOIL requests and our prior discussions, we had understood that unsubstantiated or unfounded civilian complaints will be produced in response to our request for all disciplinary records. Please let us know by no later than Tuesday, February 23, whether NCPD intends to object to producing documents or information related to unfounded and/or unsubstantiated complaints.

Thank you,  
Samantha

Samantha Lovin | [Milbank](#) | Associate  
55 Hudson Yards | New York, NY 10001-2163  
T: [+1 212.530.5433](tel:+12125305433)  
[slovin@milbank.com](mailto:slovin@milbank.com) | [milbank.com](http://milbank.com)

---

**From:** Lovin, Samantha

**Sent:** Wednesday, February 10, 2021 11:18 AM

**To:** 'CVTodd@PDCN.ORG' <[CVTodd@PDCN.ORG](mailto:CVTodd@PDCN.ORG)>



**Cc:** Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Taylor, Errol <[ETaylor@milbank.com](mailto:ETaylor@milbank.com)>; Wellin, Andrew <[awellin@milbank.com](mailto:awellin@milbank.com)>; Prussien, Kingdar <[KPrussien@milbank.com](mailto:KPrussien@milbank.com)>; Pere, Lyndsey <[lpere@milbank.com](mailto:lpere@milbank.com)>

**Subject:** FOIL Request Correspondence Reference # LB 649-20

Mr. Todd,

Please see the attached correspondence.

Regards,  
Samantha

Samantha Lovin | [Milbank](#) | Associate  
55 Hudson Yards | New York, NY 10001-2163  
T: [+1 212.530.5433](tel:+12125305433)  
[slovin@milbank.com](mailto:slovin@milbank.com) | [milbank.com](http://milbank.com)

=====

This e-mail message may contain legally privileged and/or confidential information. If you are not the intended recipient(s), or the employee or agent responsible for delivery of this message to the intended recipient(s), you are hereby notified that any dissemination, distribution or copying of this e-mail message is strictly prohibited. If you have received this message in error, please immediately notify the sender and delete this e-mail message from your computer.

## EXHIBIT J

**From:** [Prussien, Kingdar](#)  
**To:** [Todd, Christopher V.](#)  
**Cc:** [Miller, Atara](#); [Taylor, Errol](#); [Wellin, Andrew](#); [Lovin, Samantha](#); [Pere, Lyndsey](#)  
**Subject:** RE: FOIL Request Correspondence Reference # LB 649-20  
**Date:** Monday, March 29, 2021 11:00:00 AM  
**Attachments:** [image001.png](#)

---

Mr. Todd,

We are following up on the below because we anticipated a response last week. Please let us know (1) when we can expect a response to our more particularized FOIL requests, and (2) whether NCPD intends to object to producing documents or information related to unfounded and/or unsubstantiated civilian complaints against police officers.

We look forward to continued cooperation throughout this process.

Regards,

Kingdar

Kingdar Prussien | [Milbank](#) | Associate  
Pronouns: he/him/his  
55 Hudson Yards | New York, NY 10001-2163  
T: [+1 212.530.5262](#) | M: [+1 917.734.7907](#)  
[KPrussien@milbank.com](mailto:KPrussien@milbank.com) | [milbank.com](http://milbank.com)

---

**From:** Todd, Christopher V. <CVTodd@PDCN.ORG>  
**Sent:** Wednesday, February 24, 2021 1:32 PM  
**To:** Prussien, Kingdar <KPrussien@milbank.com>  
**Cc:** Miller, Atara <AMiller@milbank.com>; Taylor, Errol <ETaylor@milbank.com>; Wellin, Andrew <awellin@milbank.com>; Lovin, Samantha <SLovin@milbank.com>; Pere, Lyndsey <lpere@milbank.com>  
**Subject:** [EXT] RE: FOIL Request Correspondence Reference # LB 649-20

Mr. Kingdar –

The Department is in the process of reviewing your amended request and will provide a response within twenty (20) business days.

Thank you,



Christopher V. Todd  
Deputy Bureau Chief  
Nassau County Police Department  
Legal Bureau

1490 Franklin Avenue  
Mineola, NY 11501  
(516) 573-7210  
[cvtodd@pcdn.org](mailto:cvtodd@pcdn.org)

Disclaimer: This transmission (including any attachments) may contain confidential information, privileged material (including material protected by the attorney-client or other applicable privileges), or constitute non-public information. Any use of this information by anyone other than the intended recipient is prohibited. If you have received this transmission in error, please immediately reply to the sender and delete this information from your system. Use, dissemination, distribution, or reproduction of this transmission by unintended recipients is not authorized and may be unlawful.

---

**From:** Prussien, Kingdar <[KPrussien@milbank.com](mailto:KPrussien@milbank.com)>  
**Sent:** Wednesday, February 24, 2021 1:23 PM  
**To:** Todd, Christopher V. <[CVTodd@PDCN.ORG](mailto:CVTodd@PDCN.ORG)>  
**Cc:** Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Taylor, Errol <[ETaylor@milbank.com](mailto:ETaylor@milbank.com)>; Wellin, Andrew <[awellin@milbank.com](mailto:awellin@milbank.com)>; Lovin, Samantha <[SLovin@milbank.com](mailto:SLovin@milbank.com)>; Pere, Lyndsey <[lpere@milbank.com](mailto:lpere@milbank.com)>  
**Subject:** RE: FOIL Request Correspondence Reference # LB 649-20

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Todd,

We are following up on the below to see (1) when we can expect a response to our more particularized FOIL requests, and (2) whether NCPD intends to object to producing documents or information related to unfounded and/or unsubstantiated civilian complaints against police officers. Please let us know as soon as possible.

We look forward to continued cooperation throughout this process.

Regards,

Kingdar

Kingdar Prussien | [Milbank](#) | Associate  
Pronouns: he/him/his  
55 Hudson Yards | New York, NY 10001-2163  
T: [+1 212.530.5262](tel:+12125305262) | M: [+1 917.734.7907](tel:+19177347907)  
[KPrussien@milbank.com](mailto:KPrussien@milbank.com) | [milbank.com](http://milbank.com)

---

**From:** Lovin, Samantha <[SLovin@milbank.com](mailto:SLovin@milbank.com)>  
**Sent:** Friday, February 19, 2021 12:44 PM  
**To:** [CVTodd@PDCN.ORG](mailto:CVTodd@PDCN.ORG)  
**Cc:** Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Taylor, Errol <[ETaylor@milbank.com](mailto:ETaylor@milbank.com)>; Wellin, Andrew <[awellin@milbank.com](mailto:awellin@milbank.com)>; Prussien, Kingdar <[KPrussien@milbank.com](mailto:KPrussien@milbank.com)>; Pere, Lyndsey

<lper@milbank.com>

**Subject:** RE: FOIL Request Correspondence Reference # LB 649-20

Mr. Todd,

We are following up on the below to inquire when we can expect a response to our more particularized FOIL requests.

On a related note, we understand from the Article 78 petition that Newsday recently filed regarding its FOIL request directed to the Nassau County Police Department’s (“NCPD”), that the NCPD took the position that Public Officers Law Section 87(2)(b) permits it to withhold (or redact) unsubstantiated and unfounded civilian complaints against police officers. Based on NCPD’s response to our FOIL requests and our prior discussions, we had understood that unsubstantiated or unfounded civilian complaints will be produced in response to our request for all disciplinary records. Please let us know by no later than Tuesday, February 23, whether NCPD intends to object to producing documents or information related to unfounded and/or unsubstantiated complaints.

Thank you,  
Samantha

Samantha Lovin | **Milbank** | Associate  
55 Hudson Yards | New York, NY 10001-2163  
T: +1 212.530.5433  
[slovin@milbank.com](mailto:slovin@milbank.com) | [milbank.com](http://milbank.com)

---

**From:** Lovin, Samantha  
**Sent:** Wednesday, February 10, 2021 11:18 AM  
**To:** 'CVTodd@PDCN.ORG' <[CVTodd@PDCN.ORG](mailto:CVTodd@PDCN.ORG)>  
**Cc:** Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Taylor, Errol <[ETaylor@milbank.com](mailto:ETaylor@milbank.com)>; Wellin, Andrew <[awellin@milbank.com](mailto:awellin@milbank.com)>; Prussien, Kingdar <[KPrussien@milbank.com](mailto:KPrussien@milbank.com)>; Pere, Lyndsey <[lper@milbank.com](mailto:lper@milbank.com)>  
**Subject:** FOIL Request Correspondence Reference # LB 649-20

Mr. Todd,

Please see the attached correspondence.

Regards,  
Samantha

Samantha Lovin | **Milbank** | Associate  
55 Hudson Yards | New York, NY 10001-2163  
T: +1 212.530.5433  
[slovin@milbank.com](mailto:slovin@milbank.com) | [milbank.com](http://milbank.com)

=====

This e-mail message may contain legally privileged and/or confidential information. If you are not the intended recipient(s), or the employee or agent responsible for delivery of this message to the intended recipient(s), you are hereby notified that any dissemination, distribution or copying of this e-mail message is strictly prohibited. If you have received this message in error, please immediately notify the sender and delete this e-mail message from your computer.

# EXHIBIT K

**From:** [Prussien, Kingdar](#)  
**To:** [acalvo@pdcn.org](mailto:acalvo@pdcn.org)  
**Cc:** [Taylor, Errol](#); [Miller, Atara](#); [Wellin, Andrew](#)  
**Subject:** FOIL Request # LB 649-20  
**Date:** Tuesday, April 13, 2021 4:09:00 PM

---

Ann,

Thank you for speaking with me today. Per our discussion, I understand that Mr. Todd is out on leave, returning to the office on Tuesday, April 20.

We are writing to follow up on the revised FOIL requests we sent to Mr. Todd on February 10, based on meet-and-confers we had with him. On February 24, Mr. Todd confirmed by email that “[t]he Department is in the process of reviewing your amended request and will provide a response within twenty (20) business days.” The county’s response was due on March 24. We understand that Mr. Todd is currently on leave and that no one else within the county was assigned responding to our FOIL requests. We expect a prompt response from Mr. Todd upon his return from leave, and in no event later than Friday, April 23.

If Mr. Todd’s return to the office is delayed beyond April 20, we expect someone else to take over and provide a response by the April 23 deadline.

Regards,

Kingdar

Kingdar Prussien | [Milbank](#) | Associate  
Pronouns: he/him/his  
55 Hudson Yards | New York, NY 10001-2163  
T: [+1 212.530.5262](tel:+12125305262) | M: [+1 917.734.7907](tel:+19177347907)  
[KPrussien@milbank.com](mailto:KPrussien@milbank.com) | [milbank.com](http://milbank.com)



# EXHIBIT L

**From:** [Prussien, Kingdar](#)  
**To:** "Todd, Christopher V."  
**Cc:** [Miller, Atara](#); [Taylor, Errol](#); [Wellin, Andrew](#); [Lovin, Samantha](#); [Pere, Lyndsey](#)  
**Subject:** RE: FOIL Request Correspondence Reference # LB 649-20  
**Date:** Monday, May 10, 2021 2:42:00 PM  
**Attachments:** [image001.png](#)

---

Mr. Todd,

I hope this email finds you well. I understand that you were away on family leave from March 26 to April 20, and that you are now back in the office.

As you may recall, after a series of productive meet-and-confers held on December 29, 2020 and January 7, 2021, the Nassau County Police Department ("NCPD") rescinded its December 11, 2020 denial of certain of the New York Civil Liberties Union's Freedom of Information Law requests sent on September 15, 2020 (the "Requests"). Thereafter, on February 10, we sent you a letter clarifying several of the Requests as part of our ongoing effort to work collaboratively with NCPD in locating and identifying records. On February 24, you confirmed by email that "[t]he Department is in the process of reviewing your amended request and will provide a response within twenty (20) business days." NCPD's response was due on March 24, but no response was given on that date and you subsequently went on leave.

On the morning of April 13, Ms. Ann Calvo, your administrative assistant, confirmed by telephone that you were scheduled to return to the office on April 20, and informed us that she would send you a message to contact us promptly upon your return. During the afternoon of April 13, we sent you a message through Ms. Calvo, stating that we expected a response to the Requests by no later than April 23. Nevertheless, we have yet to receive any response.

At this point, NCPD's time for objecting to the Requests has long passed, and therefore have been waived, and we expect a response soon. If we do not receive a response by the end of the day on Wednesday, May 12, we will interpret that as a constructive denial and seek the appropriate remedies.

Regards,

Kingdar

Kingdar Prussien | [Milbank](#) | Associate  
Pronouns: he/him/his  
55 Hudson Yards | New York, NY 10001-2163  
T: [+1 212.530.5262](tel:+12125305262)  
[KPrussien@milbank.com](mailto:KPrussien@milbank.com) | [milbank.com](http://milbank.com)

---

**From:** Prussien, Kingdar  
**Sent:** Monday, March 29, 2021 11:01 AM  
**To:** Todd, Christopher V. <CVTodd@PDCN.ORG>  
**Cc:** Miller, Atara <AMiller@milbank.com>; Taylor, Errol <ETaylor@milbank.com>; Wellin, Andrew

<awellin@milbank.com>; Lovin, Samantha <SLovin@milbank.com>; Pere, Lyndsey  
<lpere@milbank.com>

**Subject:** RE: FOIL Request Correspondence Reference # LB 649-20

Mr. Todd,

We are following up on the below because we anticipated a response last week. Please let us know (1) when we can expect a response to our more particularized FOIL requests, and (2) whether NCPD intends to object to producing documents or information related to unfounded and/or unsubstantiated civilian complaints against police officers.

We look forward to continued cooperation throughout this process.

Regards,

Kingdar

Kingdar Prussien | [Milbank](#) | Associate

Pronouns: he/him/his

55 Hudson Yards | New York, NY 10001-2163

T: [+1 212.530.5262](tel:+12125305262) | M: [+1 917.734.7907](tel:+19177347907)

[KPrussien@milbank.com](mailto:KPrussien@milbank.com) | [milbank.com](http://milbank.com)

---

**From:** Todd, Christopher V. <[CVTodd@PDCN.ORG](mailto:CVTodd@PDCN.ORG)>

**Sent:** Wednesday, February 24, 2021 1:32 PM

**To:** Prussien, Kingdar <[KPrussien@milbank.com](mailto:KPrussien@milbank.com)>

**Cc:** Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Taylor, Errol <[ETaylor@milbank.com](mailto:ETaylor@milbank.com)>; Wellin, Andrew <[awellin@milbank.com](mailto:awellin@milbank.com)>; Lovin, Samantha <[SLovin@milbank.com](mailto:SLovin@milbank.com)>; Pere, Lyndsey <[lpere@milbank.com](mailto:lpere@milbank.com)>

**Subject:** [EXT] RE: FOIL Request Correspondence Reference # LB 649-20

Mr. Kingdar –

The Department is in the process of reviewing your amended request and will provide a response within twenty (20) business days.

Thank you,



Christopher V. Todd

Deputy Bureau Chief

Nassau County Police Department

Legal Bureau

1490 Franklin Avenue

Mineola, NY 11501

(516) 573-7210  
[cvtodd@pdcn.org](mailto:cvtodd@pdcn.org)

Disclaimer: This transmission (including any attachments) may contain confidential information, privileged material (including material protected by the attorney-client or other applicable privileges), or constitute non-public information. Any use of this information by anyone other than the intended recipient is prohibited. If you have received this transmission in error, please immediately reply to the sender and delete this information from your system. Use, dissemination, distribution, or reproduction of this transmission by unintended recipients is not authorized and may be unlawful.

---

**From:** Prussien, Kingdar <[KPrussien@milbank.com](mailto:KPrussien@milbank.com)>  
**Sent:** Wednesday, February 24, 2021 1:23 PM  
**To:** Todd, Christopher V. <[CVTodd@PDCN.ORG](mailto:CVTodd@PDCN.ORG)>  
**Cc:** Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Taylor, Errol <[ETaylor@milbank.com](mailto:ETaylor@milbank.com)>; Wellin, Andrew <[awellin@milbank.com](mailto:awellin@milbank.com)>; Lovin, Samantha <[SLovin@milbank.com](mailto:SLovin@milbank.com)>; Pere, Lyndsey <[lpere@milbank.com](mailto:lpere@milbank.com)>  
**Subject:** RE: FOIL Request Correspondence Reference # LB 649-20

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Todd,

We are following up on the below to see (1) when we can expect a response to our more particularized FOIL requests, and (2) whether NCPD intends to object to producing documents or information related to unfounded and/or unsubstantiated civilian complaints against police officers. Please let us know as soon as possible.

We look forward to continued cooperation throughout this process.

Regards,

Kingdar

Kingdar Prussien | [Milbank](#) | Associate  
Pronouns: he/him/his  
55 Hudson Yards | New York, NY 10001-2163  
T: [+1 212.530.5262](tel:+12125305262) | M: [+1 917.734.7907](tel:+19177347907)  
[KPrussien@milbank.com](mailto:KPrussien@milbank.com) | [milbank.com](http://milbank.com)

---

**From:** Lovin, Samantha <[SLovin@milbank.com](mailto:SLovin@milbank.com)>  
**Sent:** Friday, February 19, 2021 12:44 PM  
**To:** [CVTodd@PDCN.ORG](mailto:CVTodd@PDCN.ORG)  
**Cc:** Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Taylor, Errol <[ETaylor@milbank.com](mailto:ETaylor@milbank.com)>; Wellin, Andrew <[awellin@milbank.com](mailto:awellin@milbank.com)>; Prussien, Kingdar <[KPrussien@milbank.com](mailto:KPrussien@milbank.com)>; Pere, Lyndsey <[lpere@milbank.com](mailto:lpere@milbank.com)>  
**Subject:** RE: FOIL Request Correspondence Reference # LB 649-20

Mr. Todd,

We are following up on the below to inquire when we can expect a response to our more particularized FOIL requests.

On a related note, we understand from the Article 78 petition that Newsday recently filed regarding its FOIL request directed to the Nassau County Police Department's ("NCPD"), that the NCPD took the position that Public Officers Law Section 87(2)(b) permits it to withhold (or redact) unsubstantiated and unfounded civilian complaints against police officers. Based on NCPD's response to our FOIL requests and our prior discussions, we had understood that unsubstantiated or unfounded civilian complaints will be produced in response to our request for all disciplinary records. Please let us know by no later than Tuesday, February 23, whether NCPD intends to object to producing documents or information related to unfounded and/or unsubstantiated complaints.

Thank you,  
Samantha

Samantha Lovin | [Milbank](#) | Associate  
55 Hudson Yards | New York, NY 10001-2163  
T: +1 212.530.5433  
[slovin@milbank.com](mailto:slovin@milbank.com) | [milbank.com](http://milbank.com)

---

**From:** Lovin, Samantha  
**Sent:** Wednesday, February 10, 2021 11:18 AM  
**To:** 'CVTodd@PDCN.ORG' <[CVTodd@PDCN.ORG](mailto:CVTodd@PDCN.ORG)>  
**Cc:** Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Taylor, Errol <[ETaylor@milbank.com](mailto:ETaylor@milbank.com)>; Wellin, Andrew <[awellin@milbank.com](mailto:awellin@milbank.com)>; Prussien, Kingdar <[KPrussien@milbank.com](mailto:KPrussien@milbank.com)>; Pere, Lyndsey <[lpere@milbank.com](mailto:lpere@milbank.com)>  
**Subject:** FOIL Request Correspondence Reference # LB 649-20

Mr. Todd,

Please see the attached correspondence.

Regards,  
Samantha

Samantha Lovin | [Milbank](#) | Associate  
55 Hudson Yards | New York, NY 10001-2163  
T: +1 212.530.5433  
[slovin@milbank.com](mailto:slovin@milbank.com) | [milbank.com](http://milbank.com)

=====

This e-mail message may contain legally privileged and/or confidential information. If you are not the intended recipient(s), or the employee or agent responsible for delivery of this message to the intended

recipient(s), you are hereby notified that any dissemination, distribution or copying of this e-mail message is strictly prohibited. If you have received this message in error, please immediately notify the sender and delete this e-mail message from your computer.