

Exhibit 5

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