

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK

Present:

HON. ROY S. MAHON
Justice

NEW YORK CIVIL LIBERTIES UNION,

TRIAL/IAS PART 2

Petitioner,

INDEX NO. 612605/21

- against -

**MOTION SEQUENCE
NO. 1 & 2**

**NASSAU COUNTY and NASSAU COUNTY POLICE
DEPARTMENT,**

**MOTION SUBMISSION
DATE: January 24, 2022**

Respondents.

The following papers read on this motion:

Notice of Petition

X

Upon the foregoing papers, the Petition by Petitioner for an Order directing Respondents Nassau County and the Nassau County Police Department to comply with their duty under New York's Freedom of Information Law ("FOIL") to provide Petitioner access to the records requested by Petitioner in its FOIL request dated September 15 2020, concerning, *inter alia*, law enforcement disciplinary records, civilian complaints, records of stops and field interviews, and investigatory records and awarding Petitioner its reasonable attorneys' fees and litigation costs pursuant to Public Officers Law §89(4)© and the motion by the non-party Nassau County Police Benevolent Association Inc. for an Order for leave to file a *amicus curiae* brief in opposition to the Petition, are both determined as hereinafter provided:

By letter dated September 15, 2020, the Petitioner filed a request for certain records pursuant to the Freedom of Information Law (FOIL). Said request is e-filed in document #6.

Subsequently, the Petitioner filed an appeal based upon "constructive denial", which was determined by correspondence dated June 3, 2021. Said correspondence is e-filed in document #18.

Upon review of the Petitioner's requested relief a review of the Petitioner's September 15, 2020 request for documents related to Disciplinary Records; Use of Force; Field Interviews; Civilian Complaints; Internal Affairs Unit: Investigative Reports; Diversity in the Ranks; Policies; Training and Collective Bargaining Agreements to the Respondents have not been completely provided pursuant to the Petitioner's request. As such, the Respondent shall provide complete responses within 60 days of this Order.

In relation to the foregoing, to the extent that the Petitioner seeks certain records prior to the Legislature's repeal of Civil Rights Law §50-a and the enactment of Public Officer's Law §86(6) said

legislation does not set forth that said enactment was to be given retroactive effect prior to its enactment, the Petitioner's application for said records is **denied** (see Statutes §51 et seq.)

The application by the non-party Nassau County PBA for an Order for leave to file a *amicus curiae* brief in opposition to the Petition, is **denied**.

SO ORDERED.

DATED: 4/12/2022

.....
Rog S. Mohr
J.S.C.

ENTERED

May 02 2022

NASSAU COUNTY
COUNTY CLERK'S OFFICE

/