

Exhibit D



POLICE DEPARTMENT
Office of Deputy Commissioner,
Legal Matters
One Police Plaza, Room 1406A
New York, New York 10038
FOILAppeals@NYPD.org

December 19, 2022

Beth Haroules
NYCLU
bharoules@nyclu.org

RE: FREEDOM OF INFORMATION LAW
REQUEST: FOIL-2022-056-22971
Re: Mental Health Involuntary Removals
Directive

Dear Ms. Haroules:

This is in response to your email dated December 16, 2022, regarding records requested pursuant to the Freedom of Information Law (FOIL). Your appeal is premature because, as of the date of your appeal, the Records Access Officer (RAO) had not yet issued a determination on your request, and, therefore, your appeal lacked the predicate denial of access.

The authority of the undersigned is limited to the review of determinations made by the Records Access Officer concerning the disclosure of records requested pursuant to the Freedom of Information Law. In your appeal letter, you acknowledge receipt of the Records Access Officer's response to your original request in which he issued an estimate of 90 business days for completion of your request. Because the RAO has yet to make a final determination, the undersigned is unable to issue a substantive appeal determination.

The RAO complied with the provisions of New York Public Officers Law Section 89(3), which requires that, "[e]ach entity subject to the provisions of this article, within five business days of the receipt of a written request for a record reasonably described, shall . . . furnish a written acknowledgement of the receipt of such request and a statement of the approximate date, which shall be reasonable under the circumstances of the request, when such request will be granted or denied".

On December 15, 2022, the RAO acknowledged receipt of your request in a timely manner, provided you with an approximate date when a determination would be made (approximately 90 business days or "**on or about May 1, 2023**"), and commenced a search for the records you requested. This estimate was made by taking into account the volume of documents requested, the time involved in locating the material, and the complexity of the issues involved in determining whether the materials fall within one of the exceptions to disclosure.

As of this writing, the search for the records responsive to your request remains ongoing and it is estimated that the RAO will issue a determination upon receipt of the records and after a thorough review of any possible exemptions pursuant to Public Officers Law §87(2).

Respectfully,



Jordan S. Mazur
Sergeant
Records Access Appeals Officer

c: Committee on Open Government