



BILL DE BLASIO  
MAYOR

CIVILIAN COMPLAINT REVIEW BOARD  
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RICHARD D. EMERY, ESQ.  
CHAIR

MINA Q. MALIK, ESQ.  
EXECUTIVE DIRECTOR

March 9, 2016

Keegan Stephan  
[REDACTED]  
[REDACTED]

Re: FOIL Request

Dear Mr. Stephan,

I am the Deputy Records Access Officer for the New York City Civilian Complaint Review Board, and have reviewed your request for records concerning “all records (including attachments) related to any and all complaints, substantiated or otherwise, of the NYPD and/or any agent(s) of the NYPD, destroying video evidence of police misconduct.”

Pursuant to the Freedom of Information Law, I am respectfully denying your request.

Public Officers Law § 87(2)(a) permits agencies to deny access to records when they are “are specifically exempted from disclosure by state or federal statute.” Among those exempted records are personnel records “used to evaluate performance toward continued employment or promotion” of a police officer, which are confidential pursuant to Civil Rights Law § 50-a(1). Courts have routinely and specifically held that CCRB records – which by their very nature are used to evaluate police officer performance – are restricted by Civil Rights Law § 50-a. *See Telesford v. Patterson*, 27 A.D.3d 328 (1st Dept. 2006) (dismissing Article 78 petition seeking CCRB records pursuant to Freedom of Information Law). Also, I would note that, to the extent your request seeks records concerning any matters that were not substantiated, any such requests would also represent an unreasonable invasion of privacy.

Further, there is no way to redact the files in a way that will disassociate allegations against a particular officer given the nature of your request. Because of that, any responsive records must be denied entirely. *See, e.g., Daily Gazette Co. v. City of Schenectady*, 93 N.Y.2d 145 (1999) (discussing Legislature’s intent in enacting Civil Service Law § 50-a).

You are, of course, welcome to seek access to CCRB’s investigative files through a court order properly sought and issued pursuant to Civil Rights Law § 50-a and CPLR 2307 or CPL § 610.20(3).

Please address future Freedom of Information Law requests to: Records Access Officer, New York City Civilian Complaint Review Board, 100 Church Street, 10<sup>th</sup> Floor, New York, NY 10007. Please contact me at (212) 912-2013 or [lflook@ccrb.nyc.gov](mailto:lflook@ccrb.nyc.gov), or Records Access Officer Brian Krist at (212) 912-2096 or [bkrist@ccrb.nyc.gov](mailto:bkrist@ccrb.nyc.gov) if you have any questions. If you wish to appeal my decision, you must do so in writing within thirty (30) days to Roger Smith, Esq., CCRB Records Access Appeals Officer, at the above address.

Sincerely,

A handwritten signature in black ink, appearing to read 'LF', with a stylized flourish extending to the right.

Lindsey Flook, Esq.  
Assistant Deputy Executive Director of Investigations  
Deputy Records Access Officer