



**POLICE DEPARTMENT**  
**Office of Deputy Commissioner,**  
**Legal Matters**  
**One Police Plaza, Room 1406A**  
**New York, New York 10038**

January 11, 2016

Samuel Cohen, Esq.  
Stecklow Cohen & Thompson  
217 Centre Street, Floor 6  
New York, New York 10013

**RE: FREEDOM OF INFORMATION LAW**  
**REQUEST: LBF #15PL1004**

Dear Mr. Cohen:

This is in response to your letter, dated December 4, 2015, appealing the determination of the Records Access Officer (RAO), dated November 6, 2015, regarding what you describe as documents and inter-agency communications "relating to surveillance of Black Lives Matters protests and demonstrations," that were requested by James Logue from the New York City Police Department pursuant to the Freedom of Information Law ("FOIL").

However, the request made by James Logue, that was assigned file number 15PL1004, did not expressly reference "Black Lives Matters" protests. Rather, the request was for "records pertaining to officers' filming and photographing in Grand Central Station from November, 2014 through January, 2015, including the photographing of protesters on January 19, 2015.

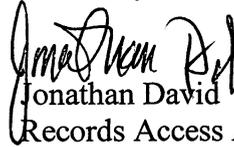
Thus, to the extent that your appeal letter may encompass records that were not requested by Mr. Logue, it is outside my authority to address this aspect of your appeal because my authority is limited to the review of determinations by the Records Access Officer concerning records that were requested from him.

In addition, to the extent that your appeal may encompass records that were requested by Mr. Logue, the appeal is denied because the requested records, if in existence, would be exempt from disclosure pursuant to Public Officers Law (POL) Section 87(2)(e)(iv) since disclosure of any such records would reveal non-routine investigative techniques. In addition, such records are exempt from disclosure pursuant to POL Section 87(2)(e)(i) since the disclosure of any such records would hinder law enforcement investigations and potentially compromise the identity of undercover officers. Also, such records are exempt from disclosure pursuant to POL Section 87(2)(f) because disclosure thereof could endanger both civilians and undercover officers who are in some way connected to any investigation. Also, to the extent that any such records include confidential information, the requested records are further denied pursuant to POL Section 87(2)(e)(iii). Finally, the success of any such investigations could be compromised by disclosure of such records, thereby potentially endangering the people of the City of New York.

Other exemptions under FOIL may also apply.

You may seek judicial review of this determination by commencing an Article 78 proceeding within four months of the date of this decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan David". The signature is stylized and cursive.

Jonathan David  
Records Access Appeals Officer

c: Committee on Open Government