



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

May 18, 2015

Gideon Oliver  
277 Broadway, Suite 1501  
New York, New York 10007

**RE: FREEDOM OF INFORMATION LAW**  
**REQUEST: LBF #14PL10945**

Dear Mr. Oliver:

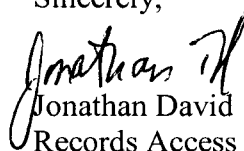
This is in response to your letter dated March 2, 2015, appealing the purported "constructive denial" by the New York City Police Department's Records Access Officer (RAO) of your December 12, 2014 request, pursuant to the Freedom of Information Law ("FOIL"), for "all records in the NYPD's possession regarding the deployment, use, management and operation of Long Range Acoustical Devices (LRADS)."

Inasmuch as your FOIL request was not denied, the appeal lacks the predicate denial of access and is, therefore, premature. On December 15, 2014, the RAO sent you a letter acknowledging receipt of your request, which was assigned file number 14PL10945, and advising you that a determination regarding your request would be made within twenty business days.

By a letter dated March 2, 2015, you purported to appeal what you described as the "constructive denial" of the requested records. However, your request was not denied. In fact, the RAO complied with the provisions of New York Public Officers Law Section 89(3) in that he acknowledged receipt of your request in a timely manner, provided you with an approximate date when it would be decided, and commenced a search for the records you requested. The date estimated by the RAO was reasonable given the nature of your request, the time required to search for and review responsive records, and to review related legal issues, as well as the large volume of requests processed by the NYPD's FOIL unit, and the availability of staff members to process requests. Therefore, any appeal is premature, and the matter is remanded to the RAO for further processing of your original request. In this regard, in a letter dated April 27, 2015, the RAO stated that the search for responsive records was ongoing, and the RAO provided a new estimated determination date of June 22, 2015.

Also, your March 2, 2015 letter was submitted to the RAO in duplicate, and was separately logged in under file numbers 14PL10945 and 14PL10989. File number 14PL10989 is therefore closed and discontinued. Please refer only to file number 14PL10945 in any future correspondence regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Jonathan David". The signature is written in a cursive style with a large, stylized initial "J".

Jonathan David  
Records Access Appeals Officer

c: Committee on Open Government