



May 7, 2024

VIA ONLINE FORM

Sergeant Cynthia Acerra
Legal Bureau – FOIL Unit
One Police Plaza, Room 110-A
New York, NY 10038
Via Online Form

Re: Freedom of Information Law Request

Dear Records Access Officer:

Pursuant to the Freedom of Information Law (FOIL), N.Y. Pub. Off. Law §§ 84-90, American Oversight makes the following request for records.

Requested Records

American Oversight requests that the New York Police Department (NYPD) produce the following records within five business days:

1. All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (a) the NYPD officials specified below and (b) the external parties listed below.

NYPD Officials:

- a. Police Commissioner Edward Caban
- b. First Deputy Commissioner Tania Kinsella
- c. Chief of Department Jeffrey Maddrey
- d. Chief of Staff Raul Pintos
- e. Deputy Commissioner of Operations Kaz Daughtry
- f. Deputy Commissioner for Community Affairs Mark Stewart
- g. Deputy Commissioner for Intelligence & Counterterrorism Rebecca Weiner
- h. Deputy Commissioner for Trials Rosemarie Maldonado
- i. Chief of Special Operations Wilson Arambales



External Parties:

1. Former President Donald Trump, and/or anyone communicating on behalf of Donald J. Trump for President 2024 and/or Trump Save America Joint Fundraising Committee (donaldjtrump.com)
 2. Anyone communicating on behalf of the Republican National Committee (gop.com)
 3. Anyone communicating on behalf of the New York GOP (nygop.org)
 4. Todd Blanche, and/or anyone communicating on behalf of Blanche Law (blanchelaw.com)
 5. Chris Kise, and/or communicating on behalf of Chris Kise & Associates (ckise.net)
 6. Steve Sadow
 7. John Lauro and/or anyone communicating on behalf of Lauro & Singer (laurosinger.com)
2. All email communications (including emails, email attachments, complete email chains, and calendar invitations) sent by the NYPD officials specified above and containing the key terms “DJT” or “Trump.”

In an effort to accommodate the NYPD and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited part 2 of its request to emails sent by the specified officials. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both a specified official’s response to an email containing a key term and the initial received message are responsive to this request and should be produced.

Please provide all responsive records from March 15, 2024, through the date the search is conducted.

Fee Waiver Request

American Oversight requests that your agency consider waiving any fees associated with processing this request for records pursuant to 21 NYCRR § 1401.8(g). American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses information gathered through research and public records requests, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.com.¹

¹ American Oversight currently has approximately 16,000 followers on Facebook and 111,500 followers on Twitter.com. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited May 1, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited May 1, 2024).

The public has a significant interest in communications of top officials at NYPD with and about former president Donald Trump. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the New York city government, including whether and to what extent these communications have taken place.

Accordingly, American Oversight respectfully requests a fee waiver.

To the extent your agency anticipates charging any fees in connection with this request for records, American Oversight requests that you inform us in advance of doing so.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Emma Lewis at records@americanoversight.org or (202) 919-6303. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Emma Lewis
Emma Lewis
on behalf of
American Oversight