

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

K. BABE HOWELL,

Petitioner,

-against-

NEW YORK CITY POLICE DEPARTMENT, and
RAYMOND KELLY, in his official capacity as
Commissioner of the New York City Police Department

Respondents.

For a Judgment Pursuant to Article 78
Of the Civil Practice Law and Rules

Index No.:

100839/2013

**NOTICE OF VERIFIED
PETITION**

PLEASE TAKE NOTICE that upon the annexed petition duly verified on the 10th day of June, 2013, and all the proceedings referred to therein, the undersigned will petition this Court at the Motion Support Part of the Courthouse located at 60 Centre Street, Room 130, New York, New York on the 15th day of July, 2013, at 9:30 am or as soon thereafter as counsel can be heard, for judgment pursuant to Article 78 of the Civil Practice Law and Rules:

(1) directing Respondents NEW YORK CITY POLICE DEPARTMENT, and RAYMOND KELLY, in his official capacity as Commissioner of the New York City Police Department, to provide Petitioner with records responsive to item requests numbered 1 through 12 in Petitioner's September 2, 2011, FOIL request;

(2) ordering, in the alternative, an in camera review of responsive records in the event that this would better inform the Court as to the contents and form of the records requested by Petitioner, as well as the need for redactions;

(3) awarding attorneys' fees in favor of Petitioners and against Respondents in an amount to be determined at the conclusion of this proceeding; and

(4) granting Petitioner such and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE pursuant to CPLR 7804(c), that answering papers, if any, are to be served upon the undersigned at least five days before the return date of this application or any adjourned date.

VENUE herein is based on CPLR Section 506(b) in that the Respondents have a place of business located in New York County.

Dated: Long Island City, New York

June 10, 2013

Yours, etc.,



K. BABE HOWELL

Petitioner
c/o CUNY School of Law
2 Court Square
Long Island City, NY 11101
(718) 340-4553

To: Raymond Kelly, Commissioner
Attn: Jonathan David
Records Access Appeals Officer
New York City Police Department
1 Police Plaza, Room 1406
New York, New York 10038

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

K. BABE HOWELL,

Petitioner,

Index No.: 100839/2013

-against-

NEW YORK CITY POLICE DEPARTMENT, and
RAYMOND KELLY, in his official capacity as
Commissioner of the New York City Police Department

VERIFIED PETITION

Respondents.

For a Judgment Pursuant to Article 78
Of the Civil Practice Law and Rules

PRELIMINARY STATEMENT

1. This Article 78 proceeding pursuant to the Freedom of Information Law ("FOIL"), Article 6 of the Public Officers Law, seeks to vindicate the right of Petitioner K. BABE HOWELL and of the public to access records pertaining to the policies, procedures, and scope of respondent NEW YORK CITY POLICE DEPARTMENT's (NYPD) gang database system.

2. Petitioner submitted a request under the Freedom of Information Law ("FOIL"),¹ on September 2, 2011, for documents and information pertaining to the NYPD's gang database system for academic purposes, and was subsequently denied access to the majority of those documents on January 17, 2013. Petitioner appealed to the NYPD's FOIL Unit Records Access Officer on February 15, 2013. To date, she has never received a response.

3. Respondents have refused to produce records in response, denying the majority of the documents requested by invoking several FOIL exemptions without explaining the relevance of

¹ N.Y. Pub. Off. L. §§ 84-90

the exemptions to the records requested. The records provided (18 pages) were largely unresponsive to the request and unrelated to gang databases.

4. Respondents' failure to timely respond to petitioner's administrative appeal presents an exhaustion of administrative remedies, and petitioner now asks the Court to order respondents to comply with their obligations under FOIL and provide the requested records. Because of the unreasonableness of respondents' refusal to provide the requested records, petitioner also requests that the Court award petitioner attorney's fees.

VENUE

5. Pursuant to CPLR 7804(b) and 506(b), venue in this proceeding lies in New York County, the judicial district in which respondents took the action challenged here and where the offices of respondents are located.

PARTIES

6. Petitioner is an Associate Professor at The City University of New York School of Law. She seeks the records in connection with academic research and publication of scholarly research. New York's Freedom of Information Law is a crucial vehicle for a researcher like petitioner to be able to fulfill her roles as a scholar and a citizen to assist the public in understanding the activities of the government, including municipal agencies, and their policies and practices.

7. Respondent NEW YORK CITY POLICE DEPARTMENT is an agency of the City of New York.

8. Respondent RAYMOND J. KELLY is the Police Commissioner of the City of New York, and the head of respondent NEW YORK CITY POLICE DEPARTMENT. He is

ultimately responsible for the NYPD's compliance with the Freedom of Information Law ("FOIL"), Article 6 of the Public Officers Law.

FACTS

9. There is a public interest in knowing more about how the NYPD implements its gang database program. Some jurisdictions use extremely broad criteria for determining gang membership and documenting gang members and associates in gang databases while others use narrower criteria. New York has recently expanded its gang unit² and maintains gang databases but has not yet published the criteria or provided statistics and demographics for alleged gang association. The public in general and New Yorkers in particular have an interest in how the largest municipal police force in the nation tackles this important issue. To that end, petitioner seeks these records in connection with academic scholarship, including possible use in analytical examination in published form.

10. On September 2, 2011, Petitioner submitted a Freedom of Information Law (FOIL) request (FOIL request) pursuant to New York Public Officers Law §§ 84-90 for documents related to the NYPD's gang database. Exhibit 1.

11. Petitioner's FOIL request was acknowledged on September 12, 2011. Respondent estimated that it would take "twenty business days" to "assess the potential applicability of exemptions set forth in FOIL, and whether the record can be located." Exhibit 2.

12. On October 11, 2011, Petitioner received a confirmation of receipt, and was informed in a letter by the NYPD FOIL Unit that the processing of Petitioner's request would be completed

² Associated Press, NYPD to Double the Size of Gang Unit, USA Today, Oct. 2, 2012, available at <http://www.usatoday.com/story/news/nation/2012/10/02/nypd-gangs-social-media/1607799/>. (Quoting Commission Raymond Kelly, indicating that the doubling of the Gang Unit to 300 detectives would permit them to focus on "looser associations of younger men who identify themselves by the block they live on, or which side of the housing development they reside).

by February 15, 2012 because the “[r]ecords [were] archived and [] difficult to locate and retrieve” and “[n]umerous records must be revived in order to determine whether disclosure is requested” and the “[r]ecord(s) [had] not yet been received from other NYPD units” and the “[r]equests [are] extremely voluminous and/or complex.” Exhibit 3.

14. On February 15, 2012, Petitioner received a follow up letter from the NYPD FOIL Unit informing her that the office needed “additional time” to determine Petitioner’s request because the “record[s] [had] not yet been received from other NYPD unit(s).” Exhibit 4.

15. On January 11, 2013, Petitioner had not received any further updates pertaining to Petitioner’s FOIL request and called the NYPD FOIL Unit to ask that the agency’s office promptly inform Petitioner as to the status of Petitioner’s request, as all three aforementioned letters sent by the NYPD’s FOIL Unit indicated that if Petitioner’s request was “. . .denied in whole or in part,” Petitioner would be “. . .advised in writing of the reason for any denial, and of the name and address of the Records Access Appeals Officer.”

16. Petitioner received a letter denying the vast majority of the FOIL request³ from the FOIL Unit Records Access Officer Richard Mantellino dated January 17, 2013 and mailed on January 18, 2013. Exhibit 5. The letter stated in part:

“Your request for these records listed under Items 1, 3, 5, 6, 8, 9, 10, 11, 12 are denied under various sections of N.Y. Public Officers Law (“POL”). §§ 87(2). Records requested under item 1 are exempt from disclosure pursuant to 87(2)(i). Records requested under item 3 are exempt under §§ 87(2)(e) (iv). Records requested under item 5, item 6, item 8, are denied under §§ 87(2)(g), §§ 87(2)(e)(iv), §§ 87(2)(b), §§ 87(2)(e)(iii), §§ 87(2)(e)(iv) [sic], & 87(2)(f). Records listed as Item 9 are denied under 87(2)(b) & 87(2)(e)(iv). Records listed as Item 10 are denied under §§ 87(2)(a). Records requested as item 11 are denied under §§ 87(2)(g) & §§ 87(2)(e)(iv) . . . I am unable to provide access to records requested as item 12 on the basis that your request does not reasonably describe a record in a manner that would enable a search to be conducted by the New York City Police Department.”

³ 18 pages of documents accompanied this letter. Five pages from the NYPD Patrol Guide related to the gangs. The remaining 13 pages included Stop and Frisk NYPD Patrol Guidelines and a UF-250 Stop and Frisk form.

17. On February 15, 2013, petitioner filed a FOIL Appeal Letter appealing the blanket denials of the items 1, 3, 5, 6, 8, 9, 10, 11, and 12 and the partial denial of items 2, 4, and 7, based on the limited and unresponsive documents. Exhibit 6.

18. In Petitioner's February 15, 2013, FOIL Appeal to the Records Access Appeal Officer, Petitioner noted that, as required by the Freedom of Information Law, a response is required within 10 business days of the receipt of an appeal. Petitioner requested an explanation in writing, as required by law, if the records were denied on appeal.

19. The United States Postal Service tracking service indicates that the appeal was delivered on February 19, 2013. Exhibit 7. As of the date of this Petition, Petitioner never received any response by the NYPD to the February 15, 2013, FOIL appeal.

**CAUSE OF ACTION: ARTICLE 78 REVIEW OF
WRONGFUL DENIAL OF FOIL REQUEST**

20. Petitioner repeats and realleges every allegation contained in paragraphs 1 through 19 as if fully set forth herein.

21. Article 78 is the appropriate method for review of agency determinations concerning FOIL requests.

22. Petitioner has a clear right under Public Officers Law § 84 *et. seq.* to the records requested.

23. Respondents have not produced the information sought by Petitioner and have failed to properly invoke any exemptions under FOIL.

24. Respondents did not meet their burden to provide specific and particularized justification for withholding the requested records from disclosure under FOIL.

25. Petitioner has exhausted all administrative remedies upon appealing Respondents' denial of her FOIL request. Petitioner has no other remedy at law.

26. Petitioner has not made a prior application for the relief requested herein.

RELIEF REQUESTED

WHEREFORE, Petitioner seeks judgment:

(1) Pursuant to CPLR 7806, directing Respondents to comply with their duty under FOIL to disclose all portions of the requested records not subject to any exemption or other privilege;

(2) Awarding attorneys' fees and reasonable litigation costs as allowed under Public Officers Law § 89; and

(3) Granting such other and further relief as the Court deems just and proper.

Respectfully Submitted,



K. BABE HOWELL

Petitioner
c/o CUNY School of Law
2 Court Square
Long Island City, NY 11101
(718) 340-4553

VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF QUEENS)

K. BABE HOWELL, an attorney admitted to practice in the State of New York, affirms pursuant to CPLR 2106 under the penalties of perjury:

1. I am the Petitioner in the within proceeding.

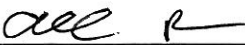
2. I have read the attached Verified Petition and know its contents.

3. All of the material allegations of the Verified Petition are true to my personal knowledge, and all statements in the Verified Petition are true to my personal knowledge or upon information and belief. As to those statements that are based upon information and belief, I believe those statements to be true.



K. Babe Howell

Sworn to before me
this 10th day of June, 2013



Notary Public

ALLISON BETH ROBBINS
Notary Public, State of New York
No. 02RO6245950
Qualified in Queens County
Commission Expires Aug. 08, 2015

SUPREME COURT OF THE STATE OF NEW YORK
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K. BABE HOWELL,

Petitioner,

Index No.:

-against-

NEW YORK CITY POLICE DEPARTMENT, and
RAYMOND KELLY, in his official capacity as
Commissioner of the New York City Police Department

**AFFIRMATION OF
K. BABE HOWELL**

Respondents.

For a Judgment Pursuant to Article 78
Of the Civil Practice Law and Rules

K. BABE HOWELL, an attorney duly admitted to the practice of law in the State of New York, affirms under penalty of perjury the following:

1. I am an Associate Professor at CUNY School of Law.
2. I submit this affirmation in support of the attached Verified Petition seeking equitable relief under Article 78 of the New York Civil Practice Law and Rules.
3. I am an academic and write articles relating to the costs and consequences of policing of minor offenses. My publications include: *Broken Lives from Broken Windows: The Hidden Costs of Aggressive Order-Maintenance Policing*, 33 N.Y.U. Rev. of L. & Soc. Change 271 (2009); *Fear Itself: The Impact of Allegations of Gang Affiliation on Pre-Trial Detention*, 23 St. Thomas L. Rev. 620 (2011); *Gang Databases: Labeled for Life*, The Champion 28 (July/August 2011).

4. My law review articles are available to the public free of charge via my SSRN author page.⁴

5. In my research on gang databases, I have learned that most jurisdictions use criteria for inclusion in gang databases that do not require actual criminal conduct or actual gang membership. Instead, typical criteria for determining gang membership can be satisfied by dress, tattoos, association with friends, relatives, and neighbors, frequenting alleged gang locations, and informants.⁵ Gang databases are also not necessarily purged regularly. Thus gang databases may include non-gang members and inactive gang members. Individuals listed in gang databases are not notified of inclusion and are generally not entitled to challenge inclusion.

6. In addition to be over-inclusive law enforcement databases tend to be marked by significant over-representation of populations of color and under-representation of white gang members. The use of less demanding criteria contributes to this problem.⁶ For example, Minnesota maintains two databases. The Gang Pointer File requires at least one conviction for a gross misdemeanor, a minimum age of 14, and that an individual meet 3 criteria for inclusion. The second database, GangNet, requires only a single criterion. In 2009, the Gang Pointer File included about 2500 people (54 percent [1324] African American, and 36 percent [870] white.⁷ The alternative database GangNet included nearly 17,000 individuals.⁸ In 2009, only 18 percent of individuals in this larger database were white (3120).⁹ The more flexible criteria of GangNet sweeps in many more Blacks, Latinos and Asians because it requires nothing more than

⁴ <http://ssrn.com/author=1309667>.

⁵ See Exhibit 8 for typical gang documentation criteria from several western jurisdictions and Nassau County New York.

⁶ Community Justice Project, Evaluation of Gang Databases in Minnesota & Recommendations for Change, University of St. Thomas In Collaboration with Saint Paul NAACP, 22 (Nov. 2009)(available at: <http://twincities.indymedia.org/files/GangsofStPaulReport.pdf>).

⁷ Id. at 9, footnote 38. Despite the more demanding criteria, a partial audit of this database revealed a 15% "failure rate." Id.

⁸ Id.

⁹ Id. at 22.

10. Since publishing the articles on gang databases I have received calls from journalists in Chicago and Tampa in connection with the use of gang databases.¹³

11. I have also received calls from immigration attorneys concerned about the effect of filing for Deferred Action under the DREAM Act. I have been told of concerns that young people with no criminal record may nonetheless be included in gang databases. To date, I do not know whether inclusion in gang database is being used in DACA cases but the evidence is clear that DHS and ICE use gang databases in some instances. According to information gained by a Freedom of Information Act request relating the ICE/DHS Gang Surge Operation, gang allegations have been used by ICE to remove people who had no criminal records.¹⁴

12. These are simply some examples relating to the impact of gang databases and concerns about how they are compiled and maintained. The public has an interest in knowing how the largest police force in the country maintains gang databases.

13. Finally, the public has an interest in open government and compliance with the Freedom of Information Law. The NYPD is mistaken in its refusal to produce the requested documents.¹⁵

14. I request that the petition be granted and that the court order the release of the documents. No previous application for the relief requested here has been made.

Dated: June 10, 2013



K. Babe Howell

¹³ <http://www.tampabay.com/news/publicsafety/crime/police-gang-lists-can-have-life-long-impacts-and-are-questioned-by-legal/1251855>

¹⁴ Jaqueline Stevens, ICE Agents Deported Chicago Residents Without Criminal History Based on Unsubstantiated Claims of Gang Membership, States Without Nations (December 6, 2012) <http://stateswithoutnations.blogspot.com/2012/12/ice-agents-deported-chicago-residents.html>

¹⁵ Exhibit 9 for a chart of requests and bases for refusal.

EXHIBITS

- Exhibit 1 September 2, 2011, FOIL request, assigned # 2011-PL-5310.
- Exhibit 2 September 12, 2011, Acknowledgement of Receipt from NYPD.
- Exhibit 3 October 11, 2011, NYPD Estimate regarding time to completion.
- Exhibit 4 February 15, 2012, NYPD revised estimate regarding time to process request.
- Exhibit 5 January 17, 2013, FOIL Response Denying 1, 3, 5, 6, 8, 9, 10, 11, and 12, and partially denying 2, 4, 7.
- Exhibit 6 February 15, 2013, FOIL Appeal Letter. (The Appeal was filed with Exhibit 1 and 5 above, which are excluded in this exhibit).
- Exhibit 7 USPS Track and Confirm print-out for delivery of FOIL Appeal document.
- Exhibit 8 Sample Gang Database Criteria from

Charles M. Katz & Vincent J. Webb, Policing Gangs in America, 146 (2006).

Nassau County Police Department.
- Exhibit 9 Chart of 12 FOIL requests and bases for refusal (or extent of disclosure).

EXHIBIT 1

The City University of New York
CUNY SCHOOL OF LAW

*sent
regular
mail
9/2/11*

K. Babe Howell
Associate Professor
Babe.howell@mail.law.cuny.edu

(718) 340-4553 Tel
(718) 340-4155 Fax

65-21 Main Street
Flushing, NY 11367



September 2, 2011

New York Police Department
F.O.I.L Unit, Room 110C
1 Police Plaza
New York, NY 10038

Re: Freedom of Information Request

Dear Freedom of Information Officer:

The following request is submitted pursuant to New York Public Officers Law §§ 84 – 90. The request is made by K. Babe Howell, Associate Professor at CUNY School of Law for a research and writing project on the creation, use, and maintenance of gang databases.

1. All documents, regulations and guidelines pertaining to how the NYPD gang database is created, maintained, verified, purged, shared, and archived.
2. All documents, records, guidelines, or regulations, defining “gangs.”
3. All documents, records, guidelines, regulations, or statements, setting forth criteria for certifying an individual as a gang member, associate or affiliate in the gang database.
4. Copies of forms used for field interviews and documentation of potential or actual gang members, affiliates or associates.
5. All documents and records reflecting
 - the number of individuals included in NYPD gang databases for each month from 2001 to present.
 - the number of individuals purged from the gang database for each month from 2001 to present.
 - the number of individuals added to the gang database for each month from 2001 to present.
 - the demographic – race, gender, and age - information if available for those on the gang database for each month from 2001 to present.
6. All documents, records and lists of identified gangs and estimates of number in each gang in New York City from 2001 to present.
7. All regulations, rules, guidelines, standards, etc., for car or street stops where gang activity is suspected.

The City University of New York
CUNY SCHOOL OF LAW

Page 2 of 2

8. All documents and/or records reflecting the number of stops where gang activity was suspected, by month or year for the last ten years.
9. All documents and/or records of complaints from officers or civilians regarding gang activity.
10. All Youth Reports or reports by Youth Officers concerning alleged youth gang members.
11. All status reports, reports, documents, records, assessments, reviews, etc. of gang unit programs or policies.
12. Any statistical reports that provide data (number, clearance rates, types of charges) on gang investigations or gang arrests.

Thank you in advance for your response. If you have any questions do not hesitate to contact me at 718-340-4553 or via email at babe.howell@mail.law.cuny.edu.

Sincerely,



K. Babe Howell
Associate Professor
718-340-4553
babe.howell@mail.law.cuny.edu



POLICE DEPARTMENT
LEGAL BUREAU

F.O.I.L. Unit, Room 110C
One Police Plaza
New York, NY 10038

CUNY School of Law
K.Babe Howell
65-21 Main Street
Flushing NY 11367

9/12/2011

Foil Req # 2011-PL-5310

Your File #

Dear Sir or Madam:

This is in response to your letter dated 9/2/2011 which was received by this office on 9/7/2011 in which you requested access to certain records under the Freedom of Information Law, N.Y. Public Officers Law (POL) §§ 84 et seq. (FOIL).

Before a determination can be rendered, further review is necessary to assess the potential applicability of exemptions set forth in FOIL, and whether the records can be located. I estimate that this review will be completed, and a determination issued, within twenty business days of the date of this letter.

This is not a denial of the records you requested. Should your request be denied in whole or in part, you will then be advised in writing of the reason for any denial, and of the name and address of the Records Access Appeals Officer.

Sincerely,

Paralegal [Signature]
for James Russo
Sergeant
Records Access Officer



POLICE DEPARTMENT
LEGAL BUREAU

F.O.I.L. Unit, Room 110C
One Police Plaza
New York, NY 10038

CUNY School of Law
K.Babe Howell
65-21 Main Street
Flushing NY 11367

10/11/2011

Foil Req # 2011-PL-5310

Your File #

Dear Sir or Madam:

This letter is in response to your letter dated 9/2/2011, which was acknowledged on 9/12/2011.

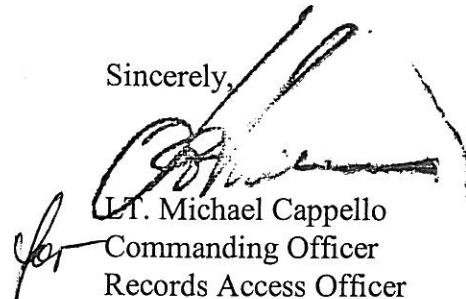
Please be advised that this office requires additional time to determine your request. This office receives a very large number of FOIL requests. We make every effort to process FOIL requests as expeditiously as possible, in the order in which they are received.

Your request has been assigned to Police Officer Rivera of this office, and it is estimated that processing of your request will be completed by 2/15/2012. The estimated time required to determine your request is based on the following factor(s):

- Records are located in several locations and are difficult to search or locate.
- Records are archived and are difficult to locate and retrieve.
- Numerous records must be reviewed in order to determine whether disclosure is required.
- Record(s) have not yet been received from other NYPD unit(s).
- Request is extremely voluminous and/or complex.
- Other:

This is not a denial of the records you requested. Should your request be denied in whole or in part, you will then be advised in writing of the reason for any denial, and of the name and address of the Records Access Appeals Officer.

Sincerely,



LT. Michael Cappello
Commanding Officer
Records Access Officer



POLICE DEPARTMENT
LEGAL BUREAU

F.O.I.L. Unit, Room 110C
One Police Plaza
New York, NY 10038

CUNY School of Law
K.Babe Howell
65-21 Main Street
Flushing NY 11367

2/15/2012

Foil Req # 2011-PL-5310
Your File #

Dear Sir or Madam:

This letter is in further response to your letter dated 9/2/2011, which was acknowledged on 9/12/2011.

Please be advised that this office requires additional time to determine your request. This office receives a very large number of FOIL requests. We make every effort to process FOIL requests as expeditiously as possible, in the order in which they are received.

Your request has been assigned to Police Officer Rivera of this office, and it is estimated that processing of your request will be completed by 4/15/2012. The estimated time required to determine your request is based on the following factor(s):

- Records are located in several locations are difficult to search or locate.
- Records are archived and are difficult to locate and retrieve.
- Numerous records must be reviewed in order to determine whether disclosure is required.
- Record(s) have not yet been received from other NYPD unit(s).
- Request is extremely voluminous and/or complex.
- Other:

This is not a denial of the records you requested. Should your request be denied in whole or in part, you will then be advised in writing of the reason for any denial, and of the name and address of the Records Access Appeals Officer.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Mantellino".

Richard Mantellino
Lieutenant
Records Access Officer



POLICE DEPARTMENT
 LEGAL BUREAU
 F.O.I.L. UNIT, ROOM 110C
 ONE POLICE PLAZA
 NEW YORK, NY 10038

January 17, 2013

CUNY School of Law
 K. Babe Howell
 65-21 Main Street
 Flushing, NY 11367

File # 2011PL-5310
 Your File #

Dear Sir or Madam:

This is in response to your letter dated 09/02/2011 in which you request access to certain records under the New York State Freedom of Information Law ("FOIL").

In regard to your request for records listed as item 2, our unit conducted a search and is providing Patrol Guide Procedure 212-13. In response to your request listed as item 4 we are providing a copy of PD344-151A-Stop, Question and Frisk Report worksheet. Additionally, for records listed as item 7, I am providing Patrol Guide procedure 212-11, & Interim Order's #21 of 2010, #23 of 2010, #20 of 2009.

Your request for these records listed under Items 1, 3, 5, 6, 8, 9, 10, 11, 12 are denied under various sections of N.Y. Public Officers Law ("POL"). §§ 87(2). Records requested under item 1 are exempt from disclosure pursuant to 87(2)(i). Records requested under item 3 are exempt under §§ 87(2)(e) (iv). Records requested under item 5, item 6, item 8 are denied under §§ 87(2)(g), §§ 87(2)(e) (iv), §§ 87(2)(b), §§ 87(2)(e)(iii), §§ 87(2)(e)(iv), & §§ 87(2)(f). Records listed as Item 9 are denied under §§ 87(2)(b) & §§ 87(2)(e)(iv). Records listed as Item 10 are denied under §§ 87(2)(a). Records requested as item 11 are denied under §§ 87(2)(g) & §§ 87(2)(e)(iv).

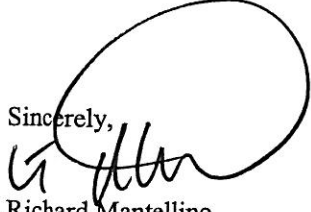
The Freedom of Information Law allows access to existing documents reasonably described and does not necessitate the creation of a document. I am unable to provide access to records requested as item 12 on the basis that your request does not reasonably describe a record in a manner that would enable a search to be conducted by the New York City Police Department.

Please remit a payment of \$4.25 for 18 pages of documents provided and attached to this letter.

Should you so desire, you may appeal this decision or any portion thereof. Such an appeal must be made in writing, within thirty (30) days of the date of this letter, and must be forwarded to:

Jonathan David
 Records Access Appeals Officer
 New York City Police Department
 One Police Plaza-Room 1406
 New York, NY 10038-1497

Sincerely,



Richard Mantellino
 Records Access Officer



PATROL GUIDE

Section: Command Operations		Procedure No: 212-13	
REPORTING GANG-RELATED CRIMINAL ACTIVITY			
DATE ISSUED: 01/01/2000	DATE EFFECTIVE: 01/01/2000	REVISION NUMBER:	PAGE: 1 of 5

PURPOSE

To establish and define the procedures required of uniformed members of the service for reporting gang-related criminal activity or suspected gangs or gang members.

DEFINITIONS

For the purpose of this procedure, the following definitions will be used:

GANG - A group of persons, with a formal or informal structure that includes designated leaders and members, that engages in or is suspected of engaging in unlawful conduct.

DRUG GANG - A gang as defined above that exists primarily for the purpose of distributing illegal narcotics and/or marijuana.

GANG RELATED INCIDENT - Any incident of unlawful conduct by a gang member or suspected gang member.

GANG MOTIVATED INCIDENT - Any gang related incident that is done primarily:

- a. To benefit or further the interests of the gang, or
- b. As part of an initiation, membership rite, or act of allegiance to or support for a gang, or
- c. As a result of a conflict or fight between gang members of the same or different gangs.

GANG RELATED INTELLIGENCE - Information about a gang, suspected gang, an individual gang, or suspected gang member. This includes information about gang meetings, recruiting attempts by gangs, plans by gang members to organize or take part in protests, marches, and other public events, self-styled "community" events organized by a gang, as well as any information useful in developing profiles and intelligence about gang activities.

PROCEDURE

Upon learning of a possible gang-related or gang-motivated incident, or upon making an arrest of a suspected or identified gang member for any offense:

UNIFORMED MEMBER OF THE SERVICE

- 1. Take immediate action as necessary.
- 2. Notify the patrol supervisor.
- 3. Enter information in **ACTIVITY LOG (PD112-145)**, if appropriate.
- 4. Contact the Intelligence Division's Operations Desk immediately at (877) 4-INTELL (877-446-8355) or (718) 834-4301 [24 hours/7 days a week].
 - a. Provide all pertinent information to the Intelligence Division member accepting the report, along with the telephone number of the command/location calling from.

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
212-13	01/01/2000		2 of 5

**UNIFORMED
MEMBER OF
THE SERVICE
(continued)**

5. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** and/or **ON LINE BOOKING SYSTEM ARREST WORKSHEET**, as appropriate.

NOTE

*If incident or information is not recorded on **COMPLAINT REPORT** or **ON LINE BOOKING SYSTEM ARREST WORKSHEET**, follow P.G. 212-12, "Citywide Intelligence Reporting System."*

Gang related intelligence (not an incident or arrest) will be recorded as such, and will be reported to the Intelligence Division as per P.G. 212-12, "Citywide Intelligence Reporting System." This will insure proper information can be forwarded to all commands concerned. If the information received involves a drug gang, in addition to notifying the Intelligence Division, also notify the Organized Crime Control Bureau's Field Operations Desk at (212) 374-6620.

6. Be guided by direction given by the Intelligence Division member.
- a. If requested, and when feasible, remain at command until Intelligence Division investigators arrive.
7. Provide full cooperation to Intelligence Division personnel conducting investigation of the reported gang incident.
8. Enter the following information in the "Details Section" of the **COMPLAINT REPORT WORKSHEET (PD313-152A)** and in "Box # 11" (when an arrest is made) of the **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**:
- a. Name of Intelligence Division member taking notification, and
- b. Intelligence Division Log Number.

NOTE

*Uniformed members of the service will also record in the "Details Section" of the **COMPLAINT REPORT WORKSHEET** the following :*

- a. *If victim/witness has gang affiliation and name of gang*
- b. *Perpetrator's gang affiliation and name of gang.*

9. Enter the appropriate designated gang code on the **COMPLAINT REPORT WORKSHEET** in the caption which reads "Detective Squad Case Number":
- a. **Codes 30** (Gang-Motivated) or **31** (Gang-Related) for incidents occurring within the confines of Patrol Services Bureau Patrol Boroughs/ S.A.T.COM. Brooklyn North (excluding Transit and Housing)
- b. **Codes 40** (Gang-Motivated) or **41** (Gang-Related) for incidents occurring within the New York City Transit System
- c. **Codes 50** (Gang-Motivated) or **51** (Gang-Related) for incidents occurring on New York City Housing Authority Developments or Properties.

NOTE

Desk officers will ensure that those members of the service assigned to the operation of the On Line Complaint System (OLCS) enter the aforementioned gang information and designated code in the appropriate fields.

10. FAX copy of completed **COMPLAINT REPORT (PD313-152)** to the Intelligence Division at (718) 625-3076.

PATROL GUIDE

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NOTE

All uniformed members of the service, regardless of Bureau/District assignment (Patrol Services, Housing, Detective, Organized Crime Control, Transit, etc.) will be responsible for complying with the contents of this order, and telephone notification to the Intelligence Division. Clerical members assigned to precincts, transit districts, housing police service areas, detective squads, etc. will immediately notify their command's desk officer when a walk-in complaint is received concerning a possible gang-related incident and be guided by this supervisor's instruction.

**INTELLIGENCE
DIVISION
MEMBER
ACCEPTING
NOTIFICATION**

11. Obtain as much information as possible from member of the service making notification.
12. Enter information on Intelligence Division Report of Possible Gang Incident.
13. Assign next Intelligence Division Log number to member making notification.
14. Obtain telephone number of location from which member is calling.
 - a. Advise member making notification to remain available, when feasible, if it appears additional information will be needed or if Gang Intelligence Unit personnel are responding to the member's location.

NOTE

If the member making the notification is about to end his/her tour, he or she will re-contact the Intelligence Division on their next available tour of duty, if necessary.

**GANG
INTELLIGENCE
UNIT MEMBER**

15. Notify Gang Intelligence supervisor immediately.
16. Review information received and confer with supervisor to determine whether immediate response to precinct/command of occurrence is necessary.
17. Notify, when appropriate, the member who made the original notification to the Intelligence Division.
 - a. Advise member that a team from the Gang Intelligence Unit is responding.
18. Obtain, prior to responding:
 - a. Any and all information on gang incidents or activity which may have previously occurred within subject area of precinct/command in question
 - b. Results of name checks on gang members involved in subject incident
 - c. Results of query to all pertinent Intelligence Division databases
 - d. Photographs of gang members involved.
19. Provide all pertinent intelligence to, and assist, arresting officer/precinct squad detective assigned.
20. Prepare **COMPLAINT FOLLOW-UP (PD313-081)** describing any intelligence gathered from the incident and attach photos of the subjects involved.
21. FAX copy of **COMPLAINT REPORT** and **COMPLAINT FOLLOW-UP** if prepared to Borough Gang Unit or Transit C.A.G.E. unit if appropriate.
22. Enter all information obtained during debriefing, etc. into pertinent Intelligence Division database(s).

PATROL GUIDE

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- UNIFORMED MEMBER OF THE SERVICE**
23. Provide Gang Intelligence Unit member with all information available.
 24. Permit Gang Intelligence Unit member to interview prisoner(s), complainant(s), witness(es), or other police officer(s).
 25. Notify, when appropriate, Gang Intelligence Unit member of the:
 - a. Name of the Assistant District Attorney assigned;
 - b. Charges preferred against the defendant;
 - c. Charges on any indictment;
 - d. Amount of any bail;
 - e. Next court date;
 - f. Scheduling of each subsequent court appearance;
 - g. Status of the prisoner;
 - h. Final disposition.

NOTE *A uniformed member of the service will immediately notify both the Gang Intelligence Unit member and complainant if the defendant posts bail or is released from custody.*

26. Submit all completed forms to desk officer for review.

- PRECINCT/ BUREAU DETECTIVE SQUAD MEMBER ASSIGNED**
27. Keep the Gang Intelligence Unit informed of developments in the investigation, particularly those that may either support or disprove that the Incident was gang related or gang motivated.
 28. Report disposition of case to the Gang Intelligence Unit.

NOTE *The Commanding Officer, Intelligence Division or his/her designee, will have sole authority to designate an incident as gang related or motivated. Whenever possible, this determination will be made within five (5) days from the date of occurrence. Once this determination is made, the Gang Intelligence Unit member assigned will notify the commanding officer, precinct of occurrence and the arresting officer or detective concerned, without delay.*

- PRECINCT/PSA/ TRANSIT DISTRICT DESK OFFICER**
29. Review and sign **COMPLAINT REPORT WORKSHEET** and (when an arrest is made) **ON LINE BOOKING SYSTEM WORKSHEET**, paying particular attention for notification to Intelligence Division and Gang Incident Log number.

- PRECINCT YOUTH OFFICER**
30. Review all **COMPLAINT REPORTS/ARREST REPORTS** with Gang Incident Log numbers, and all Gang Related Intelligence.

NOTE *The precinct youth officer will send notification to Youth Processing Unit whenever there is a gang member involved who is less than sixteen (16) years of age.*

PATROL GUIDE

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COMMANDING OFFICER, INTELLIGENCE DIVISION

31. Prepare and forward to the Chief of Department each month the following:
- a. A statistical report summarizing all gang-related/motivated incidents.
 - b. An analysis summarizing activity and trends concerning violent street gangs.

ADDITIONAL DATA

The Gang Intelligence Unit has a 24 hour, 7 day-a-week, response capability and can dispatch experienced detectives to debrief gang prisoners, and victims and witnesses of gang-related incidents. The Gang Intelligence Unit serves as the Department's central repository of intelligence on violent street gangs.

The Intelligence Division will ensure that any valuable criminal intelligence obtained regarding suspected gangs or gang members is rapidly disseminated to all units within the Department that can use this information to further their investigations and to reduce crime.

RELATED PROCEDURES

*Citywide Intelligence Reporting System (P.G. 212-12)
Guidelines for Uniformed Members of the Service Conducting Investigations of Unlawful Political Activities (P.G. 212-72)
Juvenile Reports (P.G. 215-08)*

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)
COMPLAINT FOLLOW-UP (PD313-081)
COMPLAINT REPORT (PD313-152)
COMPLAINT REPORT WORKSHEET (PD313-152A)
JUVENILE REPORTS (PD377-151)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)



**STOP, QUESTION AND FRISK
REPORT WORKSHEET**
PD344-151A (Rev. 11-02)

(COMPLETE ALL CAPTIONS)

Pct. Serial No.	
Date	Pct. Of Occ.
Time Of Stop	Period Of Observation Prior To Stop
Radio Run/Sprint #	
Address/Intersection Or Cross Streets Of Stop	
<input type="checkbox"/> Inside	<input type="checkbox"/> Transit
<input type="checkbox"/> Outside	<input type="checkbox"/> Housing
Type Of Location Describe:	
Specify Which Felony/P.L. Misdemeanor Suspected	Duration Of Stop

What Were Circumstances Which Led To Stop?
(MUST CHECK AT LEAST ONE BOX)

- Carrying Objects In Plain View Used In Commission Of Crime e.g., Slim Jim/Pry Bar, etc.
- Fits Description.
- Actions Indicative Of "Casing" Victim Or Location.
- Actions Indicative Of Acting As A Lookout.
- Suspicious Bulge/Object (Describe)
- Other Reasonable Suspicion Of Criminal Activity (Specify)
- Actions Indicative Of Engaging In Drug Transaction.
- Furtive Movements.
- Actions Indicative Of Engaging In Violent Crimes.
- Wearing Clothes/Disguises Commonly Used In Commission Of Crime.

Name Of Person Stopped	Nickname/ Street Name	Date Of Birth
Address		Apt. No. Tel. No.
Identification: <input type="checkbox"/> Verbal <input type="checkbox"/> Photo I.D. <input type="checkbox"/> Refused		
<input type="checkbox"/> Other (Specify)		
Sex: <input type="checkbox"/> Male	Race: <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> White Hispanic <input type="checkbox"/> Black Hispanic	
<input type="checkbox"/> Female	<input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> American Indian/Alaskan Native	
Age	Height	Weight
		Hair
		Eyes
		Build

Other (Scars, Tattoos, Etc.)

Did Officer Explain Reason For Stop	If No, Explain:
<input type="checkbox"/> Yes <input type="checkbox"/> No	

Were Other Persons Stopped/ Questioned/Frisked?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, List Pct. Serial Nos.
---	--	-------------------------------

If Physical Force Was Used, Indicate Type:

<input type="checkbox"/> Hands On Suspect	<input type="checkbox"/> Drawing Firearm
<input type="checkbox"/> Suspect On Ground	<input type="checkbox"/> Baton
<input type="checkbox"/> Pointing Firearm At Suspect	<input type="checkbox"/> Pepper Spray
<input type="checkbox"/> Handcuffing Suspect	<input type="checkbox"/> Other (Describe)
<input type="checkbox"/> Suspect Against Wall/Car	

Was Suspect Arrested?	Offense	Arrest No.
<input type="checkbox"/> Yes <input type="checkbox"/> No		

Was Summons Issued?	Offense	Summons No.
<input type="checkbox"/> Yes <input type="checkbox"/> No		

Officer In Uniform?	If No, How Identified?
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Shield <input type="checkbox"/> I.D. Card
	<input type="checkbox"/> Verbal

Was Person Frisked? Yes No **IF YES, MUST CHECK AT LEAST ONE BOX**
 Inappropriate Attire - Possibly Concealing Weapon Furtive Movements
 Verbal Threats Of Violence By Suspect Actions Indicative Of Engaging In Violent Crimes
 Knowledge Of Suspects Prior Criminal
 Violent Behavior/Use Of Force/Use Of Weapon
 Other Reasonable Suspicion Of Weapons (Specify)

Refusal To Comply With Officer's Direction(s) Leading To Reasonable Fear For Safety
 Violent Crime Suspected
 Suspicious Bulge/Object (Describe)

Was Person Searched? Yes No **IF YES, MUST CHECK AT LEAST ONE BOX** Hard Object Admission Of Weapons Possession
 Outline Of Weapon Other Reasonable Suspicion Of Weapons (Specify)

Was Weapon Found? Yes No **IF YES, Describe:** Pistol/Revolver Rifle/Shotgun Assault Weapon Knife/Cutting Instrument
 Machine Gun Other (Describe)

Was Other Contraband Found? Yes No **IF YES, Describe Contraband And Location**
 Demeanor Of Person After Being Stopped _____
 Remarks Made By Person Stopped _____

Additional Circumstances/Factors: (Check All That Apply)

- Report From Victim/Witness
- Area Has High Incidence Of Reported Offense Of Type Under Investigation
- Time Of Day, Day Of Week, Season Corresponding To Reports Of Criminal Activity
- Suspect Is Associating With Persons Known For Their Criminal Activity
- Proximity To Crime Location
- Other (Describe) _____
- Evasive, False Or Inconsistent Response To Officer's Questions
- Changing Direction At Sight Of Officer/Flight
- Ongoing Investigations, e.g., Robbery Pattern
- Sights And Sounds Of Criminal Activity, e.g., Bloodstains, Ringing Alarms

Pct. Serial No. _____ Additional Reports Prepared: Complaint Rpt. No. _____ Juvenile Rpt. No. _____ Aided Rpt. No. _____ Other Rpt. (Specify) _____

REPORTED BY: Rank, Name (Last, First, M.I.) _____
 Print _____ Tax# _____
 Signature _____ Command _____
 Print _____ Signature _____ Tax# _____
 Signature _____ Command _____



PATROL GUIDE

Section: Command Operations		Procedure No: 212-11	
STOP AND FRISK			
DATE ISSUED: 07/18/03	DATE EFFECTIVE: 07/25/03	REVISION NUMBER: 03-03	PAGE: 1 of 3

PURPOSE To conduct criminal investigations and protect uniformed members of the service from injury while conducting investigations involving stop and question situations.

DEFINITIONS STOP - To temporarily detain a person for questioning.
FRISK - A running of the hands over the clothing, feeling for a weapon.
SEARCH - To place hands inside pocket or other interior parts of clothing to determine if object felt is a weapon.

PROCEDURE When a uniformed member of the service reasonably suspects a person has committed, is committing or is about to commit a felony or a Penal Law misdemeanor:

- UNIFORMED MEMBER OF THE SERVICE**
1. Stop person and request identification and explanation of conduct.
 - a. If not in uniform, identify yourself as a police officer.
 2. Frisk, if you reasonably suspect you or others are in danger of physical injury.
 3. Search, if frisk reveals object which may be a weapon.

NOTE *Only that portion of the suspect's clothing where object was felt may be searched.*

4. Detain suspect while conducting investigation to determine whether there is probable cause to make an arrest.
 - a. Suspect may be detained for a period of time reasonably related to the facts, which initially justified the stop or are discovered during the stop.
 - b. Complete investigation as expeditiously as possible.
5. Release suspect immediately after completing the investigation if probable cause to arrest does not exist.
6. Prepare **STOP, QUESTION AND FRISK REPORT WORKSHEET (PD344-151A)** for EACH person stopped.

NOTE *If person stopped refuses to identify him/herself (and there is no reason to take summary action) check off "REFUSED" in the appropriate space of **STOP, QUESTION AND FRISK REPORT WORKSHEET**. Allow suspect to depart only after completing investigation and only if investigation does not establish probable cause to arrest the suspect. Request patrol supervisor to respond and confirm refusal, review **STOP, QUESTION AND FRISK REPORT WORKSHEET**, and action taken. Do not detain suspect while awaiting arrival of patrol supervisor if investigation is completed and no probable cause to arrest suspect.*

- UNIFORMED MEMBER OF THE SERVICE**
7. Enter details in **ACTIVITY LOG (PD112-145)**.
 8. Inform desk officer, precinct of occurrence, of facts.
 9. Submit **STOP, QUESTION AND FRISK REPORT WORKSHEET** to desk officer, precinct of occurrence.

PATROL GUIDE

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DESK OFFICER

10. Review each **STOP, QUESTION AND FRISK REPORT WORKSHEET** submitted and:
 - a. Instruct member preparing **WORKSHEET**, if necessary.
 - b. Enter precinct serial number and sign **WORKSHEET(S)**.

NOTE

A separate precinct serial number will be assigned for EACH WORKSHEET.

11. Bring **STOP, QUESTION AND FRISK REPORT WORKSHEET(S)** to the attention of the commanding officer.
12. Photocopy **STOP, QUESTION AND FRISK REPORT WORKSHEET(S)** and forward as follows:
 - a. ORIGINAL - Criminal Records Section.
 - b. Photocopy - Precinct binder.
 - c. Photocopy - Detective Squad.
13. Make appropriate entries on **STOP, QUESTION AND FRISK INDEX COVERSHEET (PD344-152)**.

COMMANDING OFFICER

14. Maintain a **STOP, QUESTION AND FRISK WORKSHEET** binder at the desk for use by other uniformed members of the service.

ADDITIONAL DATA

A suspect should not be moved or transported from the location where s/he is stopped for questioning unless s/he voluntarily consents or there is an exigency e.g., hostile crowd gathers and officer must move suspect from the area for safety purposes, victim/witness is injured and cannot be brought to location where suspect is being detained, so officer transports suspect to injured party.

Some factors which contribute to "reasonable suspicion":

- a. *The demeanor of the suspect.*
- b. *The gait and manner of the suspect.*
- c. *Any knowledge the officer may have of the suspect's background and character.*
- d. *Whether the suspect is carrying anything and what he is carrying.*
- e. *Manner of dress of suspect including bulges in clothing.*
- f. *Time of day or night.*
- g. *Any overheard conversation of the suspect.*
- h. *The particular streets and areas involved.*
- i. *Any information received from third parties.*
- j. *Proximity to scene of crime.*

*Desk officers or designated supervisors in other than patrol precinct commands (i.e., PSAs, transit districts, OCCB, borough task force or anti-crime units, etc.) who receive completed **WORKSHEETS** will be responsible for obtaining the next precinct serial number from the desk officer of the precinct concerned. This number **ONLY** will be entered into the box captioned "PCT. SER. NO." on the **STOP, QUESTION AND FRISK REPORT WORKSHEET**. The desk officers or designated supervisors in other than the patrol precinct commands will then review, sign, and photocopy the **WORKSHEET**. A copy will be immediately faxed to the precinct concerned, and the completed original **WORKSHEETS** delivered back to the precinct concerned within twenty four (24) hours.*

PATROL GUIDE

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**ADDITIONAL
DATA
(continued)**

*In addition, desk officers or designated supervisors in other than patrol precinct commands will also maintain a standardized Stop, Question and Frisk binder with corresponding **INDEX COVERSHEET**, and will enter a command tracking number consisting of the command abbreviation, followed by a serial number, beginning with number one (1) each year (e.g. TD32-001) in the upper right hand corner section of each **WORKSHEET**. This command tracking number is not the same as, and is **NOT** to be entered in the precinct serial number caption on the **WORKSHEET** received. A third photocopy of each **WORKSHEET** will also be made and maintained with the Stop, Question and Frisk binder at that command.*

*The **STOP, QUESTION AND FRISK REPORT WORKSHEET** is not prepared where the officer makes a summary arrest or issues a summons for an observed violation unless the suspect was initially stopped for investigation based on reasonable suspicion.*

*All uniformed members of the service below the rank of Captain are required to carry **ACTIVITY LOG** insert **STREET ENCOUNTERS – LEGAL ISSUES (PD344-153)** when performing patrol duties in uniform.*

**FORMS AND
REPORTS**

ACTIVITY LOG (PD112-145)
STOP, QUESTION AND FRISK REPORT WORKSHEET (PD344-151A)
STOP, QUESTION AND FRISK INDEX COVERSHEET (PD344-152)
STREET ENCOUNTERS – LEGAL ISSUES (PD344-153)



INTERIM ORDER

SUBJECT: REVISION TO PATROL GUIDE 212-11, "STOP AND FRISK," PATROL GUIDE 204-09, "REQUIRED FIREARMS/ EQUIPMENT" AND ADMINISTRATIVE GUIDE 325-18, "COMMAND REFERENCE LIBRARY"		
DATE ISSUED:	REFERENCE:	NUMBER:
05-18-10	P.G. 212-11, P.G. 204-09 AND A.G. 325-18	21

1. Interim Order 20, series 2009, entitled, "Revision to Patrol Guide 212-11, 'Stop and Frisk'," introduced an **ACTIVITY LOG (PD112-145)** insert entitled, "**WHAT IS A STOP, QUESTION AND FRISK ENCOUNTER? (PD344-111)**" for a pilot program in the 32nd, 44th and 75th Precincts. The pilot program was implemented so that a uniformed member of the service may provide the subject of a stop, question and/or frisk encounter with a **WHAT IS A STOP, QUESTION AND FRISK ENCOUNTER?** tear off information card to explain the legal authority for the stop and common reasons why individuals are stopped by the police. Due to the success of this pilot program, it has been expanded to all commands citywide.

2. Therefore, effective immediately, Patrol Guide 212-11, "Stop and Frisk" is amended as follows:

- a. REVISE step "5", opposite actor "UNIFORMED MEMBER OF THE SERVICE", on page "1" to read:

"UNIFORMED
MEMBER OF
THE SERVICE

5. Release suspect immediately after completing the investigation if probable cause to arrest does not exist and provide suspect with an explanation for the stop, question and/or frisk encounter, absent exigent circumstances.

- a. A WHAT IS A STOP, QUESTION AND FRISK ENCOUNTER? (PD344-111) tear off information card, may be provided to the stopped individual."

- b. REVISE "FORMS AND REPORTS", on page "3" to read:

"FORMS AND
REPORTS

ACTIVITY LOG (PD112-145)
STOP, QUESTION AND FRISK REPORT WORKSHEET (PD344-151A)
STOP, QUESTION AND FRISK INDEX COVERSHEET (PD344-152)
STREET ENCOUNTERS - LEGAL ISSUES (PD344-153)
WHAT IS A STOP, QUESTION AND FRISK ENCOUNTER? (PD344-111)"

3. Accordingly, Patrol Guide 204-09, "Required Firearms/Equipment" is amended as follows:

a. REVISE step "12", opposite "REQUIRED EQUIPMENT", on page "3" to read:

- "REQUIRED EQUIPMENT 12. ACTIVITY LOG (PD112-145) with following inserts:
- a. AUTO IDENTIFICATION (PD371-090)
 - b. COMPILATION OF SPANISH PHRASES (PD167-090)
 - c. INSTRUCTIONS FOR HANDLING MENTALLY ILL OR EMOTIONALLY DISTURBED PERSONS (PD104-110)
 - d. DOMESTIC VIOLENCE/VICTIMS OF CRIME (PD154-110)
 - e. CORRUPTION HAZARDS IDENTIFICATION (PD427-011)
 - f. COURTESY, PROFESSIONALISM AND RESPECT (PD439-111)
 - g. STREET ENCOUNTERS – LEGAL ISSUES (PD344-153)
 - h. POSSIBLE INDICATORS OF TERRORIST ACTIVITY (PD378-111)
 - i. WHAT IS A STOP, QUESTION AND FRISK ENCOUNTER? (PD344-111)
 - j. Any other insert, as required."

4. Additionally, Administrative Guide 325-18, "Command Reference Library" is amended as follows:

a. REVISE REFERENCE NUMBER "9", on page "3" to read:

- "9 ACTIVITY LOG INSERTS
AUTO IDENTIFICATION (PD371-090)
COMPILATION OF SPANISH PHRASES (PD167-090)
INSTRUCTIONS FOR HANDLING MENTALLY ILL OR EMOTIONALLY DISTURBED PERSONS (PD104-110)
DOMESTIC VIOLENCE/VICTIMS OF CRIME (PD154-110)
CORRUPTION HAZARDS IDENTIFICATION (PD427-011)
COURTESY, PROFESSIONALISM AND RESPECT (PD439-111)
STREET ENCOUNTERS – LEGAL ISSUES (PD344-153)
POSSIBLE INDICATORS OF TERRORIST ACTIVITY (PD378-111)
WHAT IS A STOP, QUESTION AND FRISK ENCOUNTER? (PD344-111)"

b. **REVISE** "FORMS AND REPORTS", on page "4" to read:

"FORMS AND REPORTS

INSTRUCTIONS FOR HANDLING MENTALLY ILL OR EMOTIONALLY DISTURBED PERSONS (PD104-110)
AUTO IDENTIFICATION (PD371-090)
COMPILATION OF SPANISH PHRASES (PD167-090)
DOMESTIC VIOLENCE/VICTIMS OF CRIME (PD154-110)
COURTESY, PROFESSIONALISM AND RESPECT (PD439-111)
CORRUPTION HAZARDS IDENTIFICATION (PD427-011)
STREET ENCOUNTERS - LEGAL ISSUES (PD344-153)
POSSIBLE INDICATORS OF TERRORIST ACTIVITY (PD378-111)
WHAT IS A STOP, QUESTION AND FRISK ENCOUNTER? (PD344-111)"

5. Commanding officers will ensure that required **ACTIVITY LOG** insert entitled, "**WHAT IS A STOP, QUESTION AND FRISK ENCOUNTER? (PD344-111)**" is made available to ALL uniformed members of the service assigned to their commands for distribution to the public.

6. Commands will requisition the **ACTIVITY LOG** insert **WHAT IS A STOP, QUESTION AND FRISK ENCOUNTER? (PD344-111)** through the Quartermaster Section as follows:

<u>INDEX NUMBER</u>	<u>PD NUMBER</u>	<u>TITLE</u>
2231	344-111	WHAT IS A STOP, QUESTION AND FRISK ENCOUNTER?

7. Interim Order 20, series 2009, is hereby **REVOKED**.

8. Any provisions of the Department Manual or any other Department directive in conflict with the contents of this Order are suspended.

BY DIRECTION OF THE POLICE COMMISSIONER

DISTRIBUTION
All Commands

INTERIM ORDER NO. 21



INTERIM ORDER

SUBJECT: REVISION TO PATROL GUIDE 212-11, "STOP AND FRISK"		
DATE ISSUED:	REFERENCE:	NUMBER:
04-23-09	P.G. 212-11	20

1. In order to ensure that individuals who are subject to a stop, question and/or possible frisk encounter by a uniformed member of the service receive an explanation for the stop, Patrol Guide 212-11, "Stop and Frisk" is being revised.

2. Therefore, effective immediately, Patrol Guide 212-11, "Stop and Frisk" is amended as follows:

a. REVISE step "5", opposite "UNIFORMED MEMBER OF THE SERVICE", on page "1" to read:

"UNIFORMED MEMBER OF THE SERVICE"

5. Release suspect immediately after completing the investigation if probable cause to arrest does not exist and provide suspect with an explanation for the stop, question and/or frisk encounter, absent exigent circumstances."

3. In addition, uniformed members of the service assigned to the 32nd, 44th and 75th Precincts, after providing an explanation for the stop, question and/or frisk encounter, may provide the stopped individual with a tear off information card from a new **ACTIVITY LOG** insert entitled, "**WHAT IS A STOP, QUESTION AND FRISK ENCOUNTER?**" (PD344-111). This insert consists of perforated cards and informs the individual of the legal authority for the stop and common reasons individuals are stopped by the police. The insert will be made available to the public online in six (6) languages at www.nyc.gov/nypd.

4. Under no circumstances will the issuance of the **WHAT IS A STOP, QUESTION AND FRISK ENCOUNTER?** tear off card exempt members from completing a **STOP, QUESTION AND FRISK REPORT WORKSHEET (PD344-151A)**, as required in *P.G. 212-11, "Stop and Frisk."*

5. The Patrol Services Bureau will ensure that the inserts are distributed to the 32nd, 44th and 75th Precincts. Commanding officers of these commands will ensure that **WHAT IS A STOP, QUESTION AND FRISK ENCOUNTER? ACTIVITY LOG** inserts are made available to uniformed members of the service under their supervision for distribution to the public.

6. Any provisions of the Department Manual or any other Department directive in conflict with the contents of this Order are suspended.

BY DIRECTION OF THE POLICE COMMISSIONER

DISTRIBUTION
All Commands



INTERIM ORDER

SUBJECT: REVISION TO PATROL GUIDE 212-60, "INTERIOR VERTICAL PATROL OF HOUSING AUTHORITY BUILDINGS"		
DATE ISSUED:	REFERENCE:	NUMBER:
06-08-10	*P.G. 212-60	23

1. In order to enhance the effectiveness of vertical patrols in Housing Authority buildings, Patrol Guide 212-60, "Interior Vertical Patrol of Housing Authority Buildings" has been revised.

2. To provide uniformed members of the service additional guidance concerning situations occurring within Housing Authority facilities the following procedure illustrates appropriate action to be taken with consideration afforded to the uniqueness and totality of the circumstances surrounding each encounter.

3. Accordingly, a uniformed member of the service may approach and question persons who may be violating Housing Authority rules and regulations, including potentially unauthorized persons found in Housing Authority buildings. However, an officer may not stop (temporarily detain) a suspected trespasser unless the officer reasonably suspects that the person is in the building without authority. If, but only if, reasonable suspicion exists, a **STOP, QUESTION AND FRISK REPORT WORKSHEET (PD344-151A)** shall be prepared pursuant to P.G. 212-11, "Stop and Frisk."

4. Some factors which may contribute to "reasonable suspicion," in addition to those factors set forth in P.G. 212-11, "Stop and Frisk," include contradictory assertions made to justify presence in the building and/or assertions lacking credibility made to justify presence in the building.

5. Therefore, effective immediately, Patrol Guide 212-60, "Interior Vertical Patrol of Housing Authority Buildings" is **SUSPENDED** and the following new procedure will be complied with:

PURPOSE To assist the Housing Authority in enforcing its rules, limiting criminal activity, providing a safe and secure environment and ensuring the habitability of its residential buildings for Housing Authority residents and their guests by performing interior vertical patrols.

PROCEDURE Uniformed members of the service shall frequently inspect the interior of Housing Authority buildings on assigned posts as follows:

UNIFORMED MEMBER OF THE SERVICE

1. Notify Communications Section, utilizing radio code 10-75V, and make **ACTIVITY LOG (PD112-145)** entry of the time and street address upon entering the building.
2. Notify Video Interactive Patrol Enhanced Response (VIPER) unit by radio, if VIPER cameras present.

VIPER UNIT MEMBER

3. Advise uniformed member of conditions that:
 - a. Require attention
 - b. Significantly affect safety.
4. Provide ongoing assistance to uniformed member of the service performing vertical patrol.

**UNIFORMED
MEMBER OF
THE SERVICE**

5. Inspect front, rear and other exterior doors, mailboxes and the interior of the lobby.
6. Inspect elevators and ascertain if they are operable.
 - a. Notify Housing Authority Emergency Service Department maintenance personnel of inoperable elevators.
7. Proceed to top floor of building by elevator, if operable, otherwise by using the stairs.
 - a. Use staircase to gain access to the roof of the building.
8. Conduct inspection of roof, roof landing, elevator rooms, and any other installations.
9. Patrol each floor, staircase and hallway within the building from the top floor to the ground floor.
10. Inspect elevator doors on each floor, taking immediate action when necessary.
 - a. Notify Housing Authority Emergency Service Department or NYPD Emergency Service Unit personnel immediately and remain at scene and secure location until unsafe condition has been corrected if:
 - (1) Elevator door glass is missing
 - (2) Outer elevator door opens when elevator is not present
 - (3) Any other dangerous condition concerning elevators exists.
11. Inspect all accessible basement areas.
12. Be alert for persons who may be violating Housing Authority rules and regulations, including potentially unauthorized persons within NYCHA property, and upon encountering such persons:
 - a. Approach the person(s) and ask:
 - (1) If he or she lives in the building
 - (2) If he or she is visiting someone in the building
 - (3) If he or she has business in the building.

NOTE

When a person's authority to be present in the building is in question, take reasonable measures to verify such authority (e.g., asking for identification, a key to the building entrance doors, etc.).

- b. If a person is found to be violating a Housing Authority rule or regulation, take appropriate police action pursuant to *P.G. 207-29, "Field Reports,"* unless criminal enforcement is appropriate.
- c. If a person refuses to explain or is unable to explain his or her presence in the building, the officer may instruct the person that he or she must leave the building or be subject to arrest for trespass. The officer may then arrest the person for trespass if:
 - (1) The person refuses to exit the building and does not promptly establish a right to be in the building.
- d. If reasonable suspicion develops that a person has committed, is committing or is about to commit a felony or Penal Law misdemeanor, take appropriate police action pursuant to *P.G. 212-11, "Stop and Frisk."*
- e. If probable cause develops that a person has committed or is committing an offense or crime, take appropriate police action pursuant to *P.G. 208-01, "Law of Arrest."*

INTERIM ORDER NO. 23

**UNIFORMED
MEMBER OF
THE SERVICE
(continued)**

13. Notify Communications Section upon exiting building and make **ACTIVITY LOG** entry indicating time building inspection was completed and any condition noted.
 - a. Prepare **FIELD REPORT (PD313-1511)**, **STOP, QUESTION AND FRISK REPORT WORKSHEET (PD344-151A)** or **COMPLAINT REPORT (PD313-152)**, if necessary.
14. Alternate between outside area patrol and interior vertical patrol of Housing Authority grounds and buildings, unless otherwise directed.
15. Inspect each building on assigned post.

**MEMBERS
ASSIGNED TO
RMP DUTIES**

16. Comply with above requirements, if not on an assignment, when available to perform interior patrol.

**PSA/PRECINCT
COMMANDING
OFFICER**

17. Review available sources and identify buildings which are in need of increased interior vertical patrols.
18. Assign and direct members to perform patrols at directed locations.

**PLATOON
COMMANDER/
PATROL
SUPERVISOR/
ASSIGNED
SUPERVISOR**

19. Assign at least two (2) uniformed members of the service to conduct directed vertical patrols.

NOTE

During the course of conducting directed vertical patrols, officers shall be instructed that, absent exigent circumstances, two (2) or more uniformed members of the service must remain together.

20. Ensure all vertical patrols are performed in a satisfactory manner with specific attention to:
 - a. Effectiveness of patrols, including proper tactics
 - b. Radio transmissions
 - c. Proper documentation (e.g., **ACTIVITY LOG** entries, **FIELD REPORTS**, **STOP, QUESTION AND FRISK REPORT WORKSHEETS**, etc.).

**RELATED
PROCEDURES**

*Complaint Reporting System (P.G. 207-01)
Field Reports (P.G. 207-29)
Law of Arrest (P.G. 208-01)
Stop and Frisk (P.G. 212-11)
Vertical Patrol (P.G. 212-59)*

**FORMS AND
REPORTS**

ACTIVITY LOG (PD112-145)
COMPLAINT REPORT (PD313-152)
FIELD REPORT (PD313-1511)
STOP, QUESTION AND FRISK REPORT WORKSHEET (PD344-151A)

INTERIM ORDER NO. 23

6. Interim Order 31, series 2003, is hereby **REVOKED**.

7. Interim Order 41, series 2004, is hereby **REVOKED**.

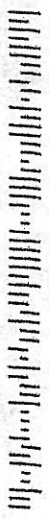
8. Any provisions of the Department Manual or any other Department directive in conflict with the contents of this Order are suspended.

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INTERIM ORDER NO. 23



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ATT: Ass. Prof. K. Babe Howell

65-21 Main Street.

Flushing, NY 11367

The City University of New York
CUNY SCHOOL OF LAW

K. Babe Howell
Associate Professor
Babe.howell@mail.law.cuny.edu

(718) 340-4553 Tel

2 Court Square
Long Island City, NY 11101



February 15, 2013

Mr. Jonathan David
Records Access Appeals Officer
New York City Police Department
One Police Plaza – Room 1406
New York, NY 10038-1497

Re: Freedom of Information Law Appeal

Dear Mr. David:

I hereby appeal the denial of access regarding my FOIL request #2011-PL-5310, which was made on 09/02/2011 to The Freedom of Information Officer at the New York Police Department, F.O.I.L. Unit ("F.O.I.L. Unit"), Room 110C, 1 Police Plaza New York, NY 10038. I have attached the FOIL request, as well as the FOIL response (including a copy of the 18 pages, I received) for your convenience.

According to the response dated 01/17/2013 by F.O.I.L. Unit Records Access Officer Richard Mantellino:

"Your request for these records listed under Items 1, 3, 5, 6, 8, 9, 10, 11, 12 sections of N.Y. Public Officers Law ("POL"). §§ 87(2)(b), §§ 87(2)(e)(iii), §§ 87(2)(e)(iv) [sic], & 87(2)(g) & 87(2)(e)(iv). Records requested under item 5, item 6, item 8, a 87(2)(b), §§ 87(2)(e)(iii), §§ 87(2)(e)(iv) [sic], & 87(2)(g) & 87(2)(e)(iv). Records listed as Item 10 are item 11 are denied under §§ 87(2)(g) & §§ 87(2)(e)(iv) requested as item 12 on the basis that your request does not contain information that would enable a search to be conducted by the New York City Police Department.

I appeal the denials of items 1, 3, 5, 6, 8, 9, 10, 11 search (if any) was made or what documents are potentially N.Y. Public Officers Law you cite apply to these items, categorical denials of my request. Please note, however, that information, and if such information would be revealed then the items request statistical and factual tabulations or data. Once again, raising these particular points does not waive our right to facilitate production of documents.

Further, while the response states that the F.O.I.L. Unit is providing specific documents for my request for records listed as item 2, item 4, and item 7, those documents are largely unresponsive to my request. You provided 16 pages of the NYPD Patrol Guide and the two-page stop and frisk form. You do not indicate that you conducted any search for documents beyond the patrol guide. You provide a single document from the NYPD Patrol Guide that provides the a definition of a gang in response to item 2. However, the FOIL requests all documents relating to the definition of gangs and there is no indication of

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Sent To: JONATHAN DAVID - Records Access Appeals
 Street, Apt. No.; or PO Box No.: NYCPD - One Police Plaza, Room 1406
 City, State, ZIP+4: NY, NY 10038-1497

PS Form 3800, August 2006 See Reverse for Instructions

The City University of New York
CUNY SCHOOL OF LAW

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2 Court Square
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According to the response dated 01/17/2013 by F.O.I.L. Unit Records Access Officer Richard Mantellino:

"Your request for these records listed under Items 1, 3, 5, 6, 8, 9, 10, 11, 12 are denied under various sections of N.Y. Public Officers Law ("POL"). §§ 87(2). Records requested under item 1 are exempt from disclosure pursuant to 87(2)(i). Records requested under item 3 are exempt under §§ 87(2)(e)(iv). Records requested under item 5, item 6, item 8, are denied under §§ 87(2)(g), §§ 87(2)(e)(iv), §§ 87(2)(b), §§ 87(2)(e)(iii), §§ 87(2)(e)(iv) [sic], & 87(2)(f). Records listed as Item 9 are denied under 87(2)(b) & 87(2)(e)(iv). Records listed as Item 10 are denied under §§ 87(2)(a). Records requested as item 11 are denied under §§ 87(2)(g) & §§ 87(2)(e)(iv) . . . I am unable to provide access to records requested as item 12 on the basis that your request does not reasonably describe a record in a manner that would enable a search to be conducted by the New York City Police Department."

I appeal the denials of items 1, 3, 5, 6, 8, 9, 10, 11, and 12. Because you do not indicate what search (if any) was made or what documents are potentially responsive or explain how the sections of the N.Y. Public Officers Law you cite apply to these items, I cannot respond specifically to the broad categorical denials of my request. Please note, however, that I am not requesting personal identifying information, and if such information would be revealed then appropriate redactions can be made. Many of the items request statistical and factual tabulations or data and cannot be denied under § 87(2)(g)(i). Once again, raising these particular points does not waive any other objection to the denial, but simply to facilitate production of documents.

Further, while the response states that the F.O.I.L. Unit is providing specific documents for my request for records listed as item 2, item 4, and item 7, those documents are largely unresponsive to my request. You provided 16 pages of the NYPD Patrol Guide and the two-page stop and frisk form. You do not indicate that you conducted any search for documents beyond the patrol guide. You provide a *single document* from the NYPD Patrol Guide that provides the a definition of a gang in response to item 2. However, the FOIL requests all documents relating to the definition of gangs and there is no indication of

Handwritten initials or mark in the bottom left corner.

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Page 2 of 2

any further search. None of the 18 pages provides any other information about gang-specific policing forms (Item 4), or special rules or guidelines for stops where gang activity is suspected (Item 7). I therefore consider my request for items 2, 4, and 7 partially denied, and appeal on that basis as well.

As required by the Freedom of Information Law, a response is required within 10 business days of the receipt of an appeal. If the records are denied on appeal, please explain the reasons for the denial fully in writing as required by law. If you are claiming that responsive documents do not exist to any item requested, please clearly state that in your response.

In addition, please be advised that the Freedom of Information Law directs that your response to this appeal (together with appeal itself) be sent to the Committee on Open Government, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, New York 12231.

Please contact me at 718-340-4553 or by email at babe.howell@law.cuny.edu if you have any questions about the attached FOIL request or this appeal.

Finally, please note the change in address. Please send your response and relevant documents to me at the following address:

K. Babe Howell
Associate Professor
CUNY School of Law
2 Court Square
Long Island City, NY
11101

Sincerely,



K. Babe Howell
Associate Professor

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Charles M. Katz & Vincent J. Webb, Policing Gangs in America 146 (2006)

TABLE 5.2. *Police Gang Unit Criteria for Identifying Gang Members*

Albuquerque	Inglewood	Las Vegas	Phoenix
Self-admission	Self-admission	Self-admission ^a	Self-admission
Tattoos associated with gangs	Tattoos associated with gangs	Tattoos associated with gangs ^a	Tattoos associated with gangs
Clothing and colors	Clothing and colors	Clothing and colors ^b	Clothing and colors
Possession of gang graffiti	Possession of gang graffiti		
Use of hand signs associated with gangs	Use of hand signs associated with gangs	Use of hand signs associated with gangs ^b	
Reliable informant	Reliable informant	Reliable informant ^b	Reliable informant
Associates with known gang members	Associates with known gang members		
Prior arrest with known gang members	Prior arrest with known gang members	Prior arrests with known gang members ^b	
Statements from family members	Statements from family members	Statements from parents ^b	
Identified as a gang member by other law enforcement agency	Identified as a gang member by other law enforcement agency		Identified as a gang member by other law enforcement agency
Attendance at gang function	Attendance at gang function		
Identified by other gang members	Identified by other gang members		
		Participation in gang related crime ^a	
		Any other circumstance when an officer can articulate obvious gang membership ^a	Any other indicators of street gang membership
		Identified as an associated by physical evidence (e.g., photo, letter) ^b	Identified as an associated by physical evidence (e.g., photo, letter)

^a Denotes status as a gang member.
^b Denotes status as a gang member associate.

**Nassau County
Police Department**



**Task Force Against Gangs
Coordinators Office**

THOMAS R. SUOZZI
COUNTY EXECUTIVE

1490 Franklin Avenue
Mineola, New York 11501
(516) 573-5208

JAMES H. LAWRENCE
COMMISSIONER

GANG IDENTIFIERS

To be classified as a gang member we need:

1. Self admission of gang membership
-

-OR-

Any three of the following, not necessarily on the same day:

2. Tattoos depicting gang affiliation
3. Style of dress consistent with gang membership
4. Possession of gang graffiti on personal property or clothing
5. Use of hand signs or symbols associated with gangs
6. Reliable informant identified person gang member
7. Associates with known gang members
8. Prior arrests with known gang members: Crimes consistent with usual gang activity
9. Statements from family members indicating gang membership.
10. Other law enforcement agencies identifying the subject as a gang member
11. Attendance at gang functions or known gang hangouts
12. Identified by other gang members or rival gang members

Any further questions pertaining to gang identification contact Gang Investigations Squad
573-7047

FOIL DENIAL OF REQUEST – REQUESTS DENIED & AUTHORITY CITED, FOIL # 2011 PL-5310

# Request Denied	Authority Cited for Exemption
#1. "All documents, regulations and guidelines pertaining to how the NYPD gang database is created, maintained, verified, purged, shared, and archived."	<p align="center">POL §87(2)(i)</p> <p>Such agency shall, in accordance with its published rules, make available for public inspection and copying all records, except that such agency may deny access to records or portions thereof that:</p> <p><i>(i) if disclosed, would jeopardize an agency's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures. . .</i></p>
#2 All documents, records, guidelines or regulations, defining "gangs."	<p>Partial response: 5 page Patrol Guide Procedure 212-13.</p>
#3. "All documents, records, guidelines, regulations, or statements, setting forth criteria for certifying an individual as a gang member, associate or affiliate in the gang database."	<p align="center">POL §87(2)(e)(iv)</p> <p>Each agency shall, in accordance with its published rules, make available for public inspection and copying all records, except that such agency may deny access to records or portions thereof that:</p> <p><i>(e) are compiled for law enforcement purposes and which, if disclosed, would:</i></p> <p><i>iv. reveal criminal investigative techniques or procedures, except routine techniques and procedures. . .</i></p>
#4 Copies of forms used for field interviews and documentation of potential or actual gang members, affiliates or associates.	<p>Partial response: PD344-151A-Stop, Question and Frisk Report worksheet.</p>
#5. "All documents and records reflecting: -the number of individuals included in NYPD gang databases for each month from 2001 to present -the number of individuals purged from the gang database for each month from 2001 to present -the number of individuals added to the gang database for each month from 2001 to present -the demographic – race, gender, and age – information available for those on the gang database for each month from 2001 to present	<p align="center">POL §§§§ 87(2)(g); (e)(iv);(b);(f)</p> <p>2. Each agency shall, in accordance with its published rules, make available for public inspection and copying all records, except that such agency may deny access to records or portions thereof that:</p> <p><i>(g) are inter-agency or intra-agency materials which are not:</i></p> <p><i>i. statistical or factual tabulations or data;</i> <i>ii. instructions to staff that affect the public;</i> <i>iii. final agency policy or determinations;</i> <i>iv. external audits, including but not limited to audits performed by the comptroller and the federal government;</i></p> <p><i>(e)(iv) are compiled for law enforcement purposes and which, if disclosed, would reveal criminal investigative techniques or procedures, except routine techniques and procedures;</i></p>

	<p><i>(b) if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of this article;</i></p> <p><i>(f) if disclosed could endanger the life or safety of any person.</i></p>
<p>#6. All documents, records, and lists of identified gangs and estimates of number in each gang in New York City from 2001 to present.</p>	<p>POL §§§§ 87(2)(g); (e)(iv);(b);(f)</p> <p>2. Each agency shall, in accordance with its published rules, make available for public inspection and copying all records, except that such agency may deny access to records or portions thereof that:</p> <p>(g) are inter-agency or intra-agency materials which are not:</p> <ul style="list-style-type: none"> i. statistical or factual tabulations or data; ii. instructions to staff that affect the public; iii. final agency policy or determinations; iv. external audits, including but not limited to audits performed by the comptroller and the federal government; <p><i>(e)(iv) are compiled for law enforcement purposes and which, if disclosed, would reveal criminal investigative techniques or procedures, except routine techniques and procedures;</i></p> <p><i>(b) if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of this article;</i></p> <p><i>(f) if disclosed could endanger the life or safety of any person.</i></p>
<p>#7 All regulations, rules, guidelines, standards, etc. for car or street stops where gang activity is suspected.</p>	<p>Partial response: Patrol Guide procedure 212-11, & Interim Order's #21 of 2010, #23 of 2010, #20 of 2009.</p>
<p>#8. All documents and/or records reflecting the number of stops where gang activity was suspected, by month or year for the last ten years.</p>	<p>POL §§§§ 87(2)(g); (e)(iv);(b);(f)</p> <p>2. Each agency shall, in accordance with its published rules, make available for public inspection and copying all records, except that such agency may deny access to records or portions thereof that:</p> <p>(g) are inter-agency or intra-agency materials which are not:</p> <ul style="list-style-type: none"> i. statistical or factual tabulations or data;

	<p><i>ii. instructions to staff that affect the public;</i> <i>iii. final agency policy or determinations;</i> <i>iv. external audits, including but not limited to audits performed by the comptroller and the federal government;</i></p> <p><i>(e)(iv) are compiled for law enforcement purposes and which, if disclosed, would reveal criminal investigative techniques or procedures, except routine techniques and procedures;</i></p> <p><i>(b) if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of this article;</i></p> <p><i>(f) if disclosed could endanger the life or safety of any person.</i></p>
<p>#9. All documents and/or records of complaints from officers or civilians regarding gang activity.</p>	<p>POL §87(2)(b);(e)(iv)</p> <p>2. Each agency shall, in accordance with its published rules, make available for public inspection and copying all records, except that such agency may deny access to records or portions thereof that:</p> <p><i>(b) if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of this article;</i></p> <p><i>(e)(iv) are compiled for law enforcement purposes and which, if disclosed, would: . reveal criminal investigative techniques or procedures, except routine techniques and procedures.</i></p>
<p>#10. All Youth Reports or reports by Youth Officers concerning alleged youth gang members.</p>	<p>POL §87(2)(a)</p> <p>2. Each agency shall, in accordance with its published rules, make available for public inspection and copying all records, except that such agency may deny access to records or portions thereof that:</p> <p><i>(a) are specifically exempted from disclosure by state or federal statute.</i></p>
<p>#11. All status reports, reports, documents, records, assessments, reviews, etc., of gang unit programs or policies.</p>	<p>POL §87(2)(g); (e)(iv)</p> <p>Each agency shall, in accordance with its published rules, make available for public inspection and copying all records, except that such agency may deny access to records or portions thereof that:</p> <p><i>(g) are inter-agency or intra-agency materials which are not:</i> <i>i. statistical or factual tabulations or data;</i> <i>ii. instructions to staff that affect the public;</i> <i>iii. final agency policy or determinations;</i></p>

#11. All status reports, reports, documents, records, assessments, reviews, etc., of gang unit programs or policies.

POL §87(2)(g); (e)(iv)

Each agency shall, in accordance with its published rules, make available for public inspection and copying all records, except that such agency may deny access to records or portions thereof that:

(g) are inter-agency or intra-agency materials which are not:

- i. statistical or factual tabulations or data;*
- ii. instructions to staff that affect the public;*
- iii. final agency policy or determinations;*
- iv. external audits, including but not limited to audits performed by the comptroller and the*