



Freedom of Information Law Request for Records

*This form is **NOT** intended for use as an appeal. Refer to the link below for more information*

INSTRUCTIONS

- All requests must be made in writing. Please use this form to assist you in structuring your request
- Within five (5) business days this agency will respond to your request for records with a written acknowledgement of receipt, and a statement of the approximate time frame required to respond to your request
- All applicable fees must be collected before any legally releasable record(s) are provided.
- Submit completed form by mail to:

Village of Oxford Police Department
20 Lafayette Park
Oxford, New York 13830

Requestor Information (Required)

Date (mm/dd/yyyy)	Prefix	Name (Last, First, MI)	Suffix	Phone #
April 26, 2021		Beryl C.D. Lipton		617-500-7123
Mailing Address		City	State	Zip
DEPT MR 96236 411A Highland Avenue		Somerville	Massachusetts	02144
Person You Represent (Last, First, MI)				
Your Firm/Organization Name (if applicable)				Phone #
Gannett New York (USA Today)				
Firm/Organization Address		City	State	Zip
(Please direct communications to the above address.)				

Record Information

Identify or describe the government record(s) sought with detailed information to assist this agency in locating the record(s)

Incident # (if available)	Incident Type	Incident Date (mm/dd/yyyy)	Incident Time (am/pm)
N/A			
Incident Location			
N/A			
Name of Involved Individual(s) (Last, First, MI)		DOB (mm/dd/yyyy)	
N/A			



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Briefly Provide Other Descriptive Information on Record(s) Sought:

To Whom It May Concern:

Pursuant to the New York Freedom of Information Law, I hereby request the following records:

All materials and records describing and sufficient to show/disclose all law enforcement disciplinary records, including materials on allegations of misconduct made and all disciplinary proceedings taken against any law enforcement officer currently or formerly in the employ of this policing agency.

For a more specific definition of the term "law enforcement disciplinary record," please see Section 86 of the New York Public Officers Law. For a more specific definition of the term "law enforcement officer," please refer to the definitions of peace officer found in subdivisions twenty-three and twenty-three-a of section 2.10 of the criminal procedure law and subdivision twenty-four of section 2.10 of the criminal procedure law, as well as the definition of police officer found in section 1.20 of the criminal procedure law.

As described in the New York Freedom of Information Law, a record is:

"any information kept, held, filed, produced or reproduced by, with or for an agency or the state legislature, in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes."

Records kept in a digital or electronic form are also records, would be responsive to this request, and should be provided.

The request records are typically required to be retained, in part, under the New York State Records Retention and Disposition Schedule MU-1 (http://www.archives.nysed.gov/records/retention_mu-1), including, but not limited to, item no. 365, which includes:

"Investigative records and disciplinary proceedings, including but not limited to statement of charge, transcript of hearing, notice of decision, letter of termination or resignation, letter of reinstatement, record of appeal procedure, and correspondence."

While materials under that schedule have a set retention of 3 years after the final decision rendered, this request and materials responsive to it include *all* records held in the possession of any office or individual employed or formerly employed by this policing agency, including those kept off-site, in digital form, and in personnel files.

Please note that any failure to provide all potentially-responsive materials and/or the destruction of materials potentially responsive to this request would be a violation of the spirit of the New York Freedom of Information Law, as well as unlawful under the New York FOIL and the terms of the previously-submitted litigation hold notice.

Materials responsive to this request include — but are not limited to — all complaints, reports, records of discipline and penalties, aggregate collections of complaint and disciplinary materials (spreadsheets, databases), investigatory materials, relevant related correspondence, photographs, video, other related evidence, proof of discipline or fulfillment of penalties, and all personnel materials (including those used in promotion, contract, and other employment negotiations and considerations) for which the misconduct allegations or disciplinary materials are relevant.

Materials responsive to this request include all complaints — internal, external, and civilian — and include records disclosing the names, badge numbers, and personnel identification of each officer involved and/or serving as a witness, as well as all available details of the incident/complaint: date, time, location, nature of the incident, description of the incident, nature of the investigation, investigatory materials, the disposition of the case, and any subsequent materials related to the execution of any resultant discipline. Responsive materials include all complaints and allegations against any officer, employee, or representative of this policing agency, regardless of whether that complaint or allegation resulted in any investigation or disciplinary action.

Responsive materials also include all records of use of force by officers, including records disclosing the names, badge numbers, and personnel identification of each officer involved and/or serving as a witness, as well as all available details of the incident: date, time, location, nature of the incident, description of the incident, nature of the use of force, subsequent investigatory materials related to the use of force, the disposition of any investigation into the incident, and any subsequent materials related to the use of force.

Please provide materials on a rolling basis, beginning with materials created during the following timeframes:

- January 1, 2010 - November 30, 2020
- January 1, 2000 - January 1, 2010
- January 1, 1990 - January 1, 2000
- January 1, 1980 - January 1, 1990
- January 1, 1970 - January 1, 1980

If materials are not available for the requested timeframes, please let me know for which periods they are available. We understand that not all recordkeeping systems facilitate convenient access to some materials.

Pursuant to NYCRR Section 1401.5(c)(1), should any of this request be unclear or lack sufficient description for your office, please provide direction that would enable this requester to request records reasonably described. Please also note that the New York FOIL states:

"An agency shall not deny a request on the basis that the request is voluminous or that locating or reviewing the requested records or providing the requested copies is burdensome because the agency lacks sufficient staffing or on any other basis if the agency may engage an outside professional service to provide copying, programming or other services required to provide the copy...."

Please also see FOIL AO 19671, an Advisory Opinion from the Committee on Open Government [<https://docs.dos.ny.gov/coog/foia/19671.htm>].

If your office has questions about this request or would like to discuss it for any reason, please contact this requester via the contact email address provided and feel free to follow up by phone: 617-299-1832.

This request is being submitted to each policing agency in New York as part of a collaborative project led by MuckRock and involving multiple other educational and journalistic partners and participants. For this reason, over the lifetime of this request, your agency may interface with individuals not listed on this initial communication.

This request is being made in the public interest by a news organization as part of non-profit (not commercial) journalistic work and research on behalf of the public. In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request and as part of the necessary negotiations for successful processing.

As far as it is possible, please fulfill elements of this request electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter.

Signature of Requester:

Date:

April 26, 2021