

To Whom It May Concern:

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

May 17, 2023

Yorktown Police Department
Attn: Freedom of Information Act Request
2275 Crompond Road
Yorktown Heights, NY 10598

Dear FOIA Officer,

Under the Freedom of Information Act, 5 U.S.C. § 552, I am requesting access to and copies of the following records related to the incident that occurred on May 10, 2023, involving a driver under the influence, Mr. Timothy Rishel, who crashed into a pole, as reported by the Daily Voice news outlet.

Audio files of the 911 calls made in connection with the incident.

Dashcam footage from all police vehicles present at the scene.

All related police reports.

Footage from all body-worn cameras (BWC) and mobile video recorders (MVR) present at the scene.

Names and badge numbers of all officers present at the scene.

Each category of the request should be considered separately for purposes of fee assessment, redaction, and denial.

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. I would prefer the request be filled electronically, by e-mail attachment if available or CD-ROM if not.

If any portion of the records I requested are to be redacted or withheld, please provide an index of such records, detailing the portions that are withheld, the FOIA exemption which you believe justifies your refusal, and how I may appeal such decision.

Please find attached a screenshot of the aforementioned news article for your reference. Here is the live link to the news article for your convenience: <https://dailyvoice.com/new-york/cortlandt/24-year-old-drunk-driver-crashes-into-pole-in-yorktown-police-say/> .

It is in the public interest to learn about this incident, especially considering the potential risks and consequences of driving under the influence. The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

There are several court rulings that support my request for this information:

In *ACLU of Southern California v. Superior Court of Los Angeles County* (2015), the California appellate court ruled that law enforcement body camera footage is public record and subject to disclosure.

In *Scott v. Harris* (2007), the U.S. Supreme Court held that a police dashcam video could be introduced as a fact of the case.

In *Citizens for Responsibility & Ethics in Washington (CREW) v. U.S. Department of Justice* (2016), it was ruled that agencies must provide responsive non-exempt records, or portions of records, that are reasonably segregated from exempt records.

Should you deny my request, or any part of the request, please provide a detailed explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

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. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Jordan Lassiter

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24-Year-Old Drunk Driver Crashes Into Pole In Yorktown, Police Say

A drunk driver was caught and sent to the hospital after crashing into a telephone pole in Northern Westchester, police said.



The crash happened in Yorktown by the intersection of Saw Mill River Road (Route 35) and Broad Street, police said. Photo Credit: Google Maps street view/Pixabay via Diego Fabian Pardo Pabon

Ben Cmic 05/14/2023 7:30 a.m.

The incident happened on Wednesday, May 10 just after 3 p.m., when a Yorktown officer was patrolling in the area of Broad Street and Saw Mill River Road (Route 35) and saw a vehicle that had veered off the road and into a telephone pole, according to Yorktown Police.

The officer then conducted an investigation and determined that the driver, 24-year-old Timothy Rishel of Yorktown Heights, had been driving while intoxicated with an open container inside the vehicle.

Rishel was then arrested and taken to Westchester Medical Center to receive treatment for injuries sustained in the crash.

While at the hospital, Rishel was issued tickets for DWI, driving with an open container, and other traffic offenses, and was then released on his own recognizance to Westchester Medical Center staff.

He will appear in Yorktown Justice Court on Thursday, May 25.

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