

BELDOCK LEVINE & HOFFMAN LLP
99 PARK AVENUE, PH/26TH FLOOR
NEW YORK, N.Y. 10016

CYNTHIA ROLLINGS
JONATHAN MOORE
JONATHAN K. POLLACK
HENRY A. DLUGACZ
STEPHEN J. BLUMERT
MARC A. CANNAN
DAVID B. RANKIN
LUNA DROUBI
MYRON BELDOCK (1929-2016)
LAWRENCE S. LEVINE (1934-2004)
ELLIOT L. HOFFMAN (1929-2016)

TEL: (212) 490-0400
FAX: (212) 277-5880
WEBSITE: blhny.com

COUNSEL
BRUCE E. TRAUNER
PETER S. MATORIN
KAREN L. DIPPOLD
JEFFREY A. GREENBERG
MARJORY D. FIELDS
EMILY JANE GOODMAN
(JUSTICE, NYS SUPREME COURT, RET.)
FRANK HANDELMAN

December 9, 2019

REF: **8427.01**

WRITER'S DIRECT DIAL:

212-277-5825

VIA Electronic Mail Only

New York City Police Department's Records Access Officer
Lt. Richard Mantellino
Legal Bureau – FOIL Unit
One Police Plaza, Room 110-C
New York, NY 10038

Re: *FOIL Request of Shawn Williams*

Dear Records Access Officer:

Our office represents Mr. Shawn Williams in the investigation into the shooting death of his son, Antonio Williams on September 29, 2019. If not specifically stated, all requests related to this shooting and the subsequent investigation. He requests the following information pursuant to New York Freedom of Information Law, N.Y. Pub. Off. Law sec. 84 et seq.

1. Documents which would contain the names and badge numbers of the officers who were involved in the shooting of Mr. Williams and P.O. Mulkeen on September 29, 2019 and the events which lead up to that shooting at or around 1132 E. 229th Street near Laconia Avenue in the Bronx, NY in and around the Edenwald Houses at approximately 12:30 am;
2. Documents which would contain the name(s) of the officer(s) who discharged their weapon(s) and how many bullet(s) were shot by each officer, if any, on September 29, 2019 at or around 1132 E. 229th Street near Laconia Avenue in the Bronx, NY in and around the Edenwald Houses at approximately 12:30 am;
3. Documents which would contain the name(s) of the officer(s) who's bullet(s) hit Mr. Williams, and how many of their bullets hit Mr. Williams;

Records Access Officer – New York City Police Department

December 9, 2019

Page 2

4. Documents which would contain the name(s) of the officer(s) who's bullet(s) hit P.O. Mulkeen, and how many of their bullets hit P.O. Mulkeen;
5. Body worn camera footage for September 29, 2019 which depict in whole or in part the shooting of Mr. Williams and P.O. Mulkeen and the events which lead up to that shooting at or around 1132 E. 229th Street near Laconia Avenue in the Bronx, NY in and around the Edenwald Houses at approximately 12:30 am;
6. Body worn camera footage for September 29, 2019 for the remainder of the day for each individual who was involved in the stop of Mr. Williams;
7. All shot spotter records from September 29, 2019 at our around 1132 E. 229th Street near Laconia Avenue in the Bronx, NY in and around the Edenwald Houses;
8. Unusual Occurrence Reports (PD 370-152/PD 370-151) created consistent with PG 212-09 ("Unusual Occurrence Reports"), UF-49s, Unusual Incident Reports, DD-5s, handwritten notes, and any other records, memorializing observations, statements, or other facts about:
 - a. Mr. Williams's conduct, or the conduct of Mr. Williams's perceived friend(s), on September 29, 2019, prior to the shooting of Mr. Williams;
 - b. Mr. Williams's shooting on September 29, 2019, or the conduct of any NYPD officer leading up to or after the shooting, related to the shooting, Mr. Williams's injuries, medical care provided to Mr. Williams, searches for marijuana, a gun, or any other evidence related to the shooting, and any steps taken to ensure the integrity of the scene of the shooting;
 - c. Investigations, disciplinary actions, or prosecutions undertaken or contemplated related to Mr. Williams's shooting or misconduct related to Mr. Williams's shooting, including, but not limited to, unauthorized statements made by NYPD officers to the media related to Mr. Williams's shooting;
9. Recordings of 311 or 911 calls regarding Mr. Williams, requests for medical assistance related to the shooting of Mr. Williams, searches related to the shooting, investigations into any of those events, or any other, related events on September 29, 2019;
10. SPRINT or ICAD recordings including job runs related to Mr. Williams, his shooting, or any related events on September 29, 2019 and, any related SPRINT printouts or indices;
11. Activity Log (PD112-145), Memo Book, Investigator's Daily Activity Report, Stop Reports, Daily Activity Report (PD 439-156), or other, similar NYPD records documenting observations and/or events created pursuant to PG 212-08 ("Activity Logs")

Records Access Officer – New York City Police Department

December 9, 2019

Page 3

or other NYPD procedure covering February 2-3, 2012 by the officers who were in the car with P.O. Mulkeen and any other NYPD officers who:

- a. Allegedly observed Mr. Williams prior to his death on September 29, 2019;
 - b. Responded to the scene of Mr. Williams's shooting within 2 hours of the shooting Mr. Williams on September 29, 2019;
 - c. Interacted in any way with Mr. Williams on September 29, 2019;
12. Records related to Mr. Williams on September 29, 2019, including any related memo book entries, Stop, Question, and Frisk Reports, in either paper or electronic format;
13. Records memorializing or reflecting the use of force on Mr. Williams on September 29, 2019, and any purported justifications for them, including, but not limited to, any such documents required to be created under PG 203-11 ("Use of Force") or other NYPD procedure;
14. NYPD AIDED Report Worksheet(s) (PD 304-152b), and any other NYPD records related to or reflecting Mr. Williams's injuries, or medical treatment sought for or given to Mr. Williams, on September 29, 2019, prepared pursuant to PG 216-01 ("Aided Cases – General Procedure"), 216-02 ("Preparation Of Aided Report Worksheet") or other NYPD procedure;
15. Crime Scene Unit or other records depicting or reflecting related to the shooting on September 29, 2019, including, but not limited to, photographs or video or other records depicting Mr. Williams, blood splatter, Mr. Williams's clothes, or any other evidence;
16. Records reflecting steps taken by NYPD officers to preserve or document evidence related to the shooting including, but not limited to, photographs or video depicting the scene of the shooting or any related evidence, and any such records reflecting compliance with PG 212-04 ("Crime Scene") and/or Interim Order 70 Issued November 13, 2009, or any other NYPD procedures, related to integrity and treatment of crime scenes;
17. Records reflecting the treatment by NYPD officers and emergency medical responders of Mr. Williams's body after he was shot and before he was pronounced dead and the chain of custody of Mr. Williams's body, including, but not limited to, any Identification Tag (PD 317-091) or other records created consistent with PG Section 216-04 ("Dead Human Body General Procedure"), as well as any other records reflecting who interacted with Mr. Williams's body between 12:30 a.m. and 11:00 p.m., or in what manner;
18. Records reflecting which steps NYPD officers took to notify Mr. Williams's family about his death or the circumstances surrounding his death, and when, including, but not limited

Records Access Officer – New York City Police Department

December 9, 2019

Page 4

to, any such records created consistent with PG 216-15 (“Notifications”) regarding procedures to be followed “[w]hen it is necessary to notify relatives/friends of a deceased ... person;”

19. Records created consistent with PG Section 218-28 (“Safeguarding Property of Deceased Persons”) or other NYPD procedure regarding the safeguarding, seizure, chain of custody, or testing of property related to Mr. Williams’s shooting, including, but not limited to, any firearms allegedly recovered including, but not limited to, any of the following records:
 - a. Property Clerk Invoice Worksheet (PD 521-141A);
 - b. Property Clerk Invoice (PD 521-141);
 - c. Evidence Transmittal Report (PD 521-158);
 - d. Request for Laboratory Examination Report – First Sheet (PD 521-165);
 - e. Request for Laboratory Examination Report – Second Sheet (PD 521-165A);
 - f. Request for Laboratory Examination Report – Third Sheet (PD 521-165B);
20. Firearm Discharge/Assault Report (PD 424-151) related to the shooting of Mr. Williams and any other reports or records related to or created as a result of the discharge of firearms on September 29, 2019, including, but not limited to, reports related to any ballistics, gun residue, blood splatter, forensic, or other testing, and all documents required to be created when an officer shoots their firearm and kills someone by PG 205-08 (“Trauma Counseling Program”), 206-17 (“Removal and Restoration of Firearms”), 212-29 (“Firearms Discharge by Uniformed Members of the Service”), 212-53 (“Command Responsibilities When A Person Dies Or Sustains A Serious Injury In Connection With Police Activity”), and Interim Order No. 52, issued September 30, 2007 (“Alcohol Testing for Uniformed Members Of The Service Involved In Firearms Discharges Resulting In Injury To Or Death Of A Person”) or other NYPD procedure;
21. Records created consistent with PG Section 218-23/Interim Order 7 Issued February 13, 2009 (“Processing Firearm and Firearm-Related Evidence”) related to the shooting of Mr. Williams, the officers’ firearms, or the chain of custody, testing, or other treatment after the shooting of Mr. Williams, including, but not limited to, any relevant forms listed in Request No. 17 above, or any other forms to be created according to NYPD procedure;
22. Records created consistent with PG Section 218-04 (“Delivery Of Evidence To The Police Laboratory”)/Interim Order 59 Issued December 12, 2007 or other NYPD procedure related to the shooting of Mr. Williams and the treatment, testing, and chain of custody of any evidence related to it, including, but not limited to, the officers’ firearms, blood splatter, gunshot residue on Mr. Williams’s clothing, or the safeguarding, seizure, chain of custody, or testing of any such evidence, including, but not limited to, any relevant forms listed in Request No. 17 above, or any other forms to be created according to NYPD procedure;

Records Access Officer – New York City Police Department

December 9, 2019

Page 5

23. Records, including video or audio recordings and handwritten notes, reflecting interviews/interrogations of or statements given by NYPD officers, including statements given pursuant to GO-15 or PG 206-13 (“Interrogation of Members of the Service”) and all other statements, related to Mr. Williams’s shooting or related events, and any related investigations, disciplinary proceedings, or prosecutions undertaken or contemplated, including, but not limited to, any such interviews/interrogations of or statements given by any NYPD officer, regarding Mr. Williams’s shooting;
24. Records, including video or audio recordings and handwritten notes, reflecting civilian interviews or statements given by non-NYPD officers related to Mr. Williams’s shooting or any related events, and any related investigations, including, but not limited to, any such interviews by NYPD’s Internal Affairs Bureau (“IAB”) or any other NYPD officers;
25. Records, including video or audio recordings and handwritten notes, reflecting police observations of or interactions with members of Mr. Williams’s family from September 29, 2019 to the time this request is answered;
26. Records regarding investigations and disciplinary actions contemplated or taken (including any command disciplines or charges and specifications levied) related to Mr. Williams’s shooting or other events related to Mr. Williams’s shooting (such as leaking information about Mr. Williams, Mr. Williams’s shooting, or related investigations or disciplinary proceedings, to the media), including, but not limited to, any such records created pursuant to PG Sections 206-01 (“Reporting Violations Observed By Supervisors”), 206-02 (“Command Discipline”), 206-03 (“Violations Subject To Command Discipline”), 206-04 (“Authorized Penalties Under Command Discipline”), 206-05 (“Preparation of Charges and Specifications”), 206-06 (“Service And Disposition Of Charges and Specifications”), 206-07 (“Cause For Suspension or Modified Assignment”), 206-08 (“Suspension From Duty Uniformed Member Of The Service”), 206-10 (“Modified Assignment”), 206-11 (“Member Of The Service Arrested”), 206-13 (“Interrogation Of Members Of The Service”), and 206-16 (“Review of Arrest Cases Involving Member of the Service as Defendant”), including, but not limited to, any related Charges and Specifications (PD 468-121) records, and records related to any related disciplinary processes (including such processes arising from any command disciplines or charges and specifications levied) and their dispositions;
27. To the extent not already subject to disclosure based on another request herein, any other records, including handwritten notes, video or audio recordings, including, but not limited to, any video from Video Interactive Patrol Enhancement Response (“VIPER”) cameras or other sources, and/or photographs, documenting observations of 1132 E. 229th Street near Laconia Avenue in the Bronx, NY in and around the Edenwald Houses on September 29, 2019;

Records Access Officer – New York City Police Department

December 9, 2019

Page 6

28. All video recordings collected by the NYPD from any source, including but not limited to NYCHA buildings, residential security cameras, and bystander footage, which show all or part of the shooting involving Mr. Williams 1132 E. 229th Street near Laconia Avenue in the Bronx, NY in and around the Edenwald Houses on September 29, 2019;
29. Communications, including but not limited to emails or text messages, with the press by the NYPD, and statements to the press made by the NYPD, including the NYPD's Deputy Commissioner of Public Information ("DCPI") or DCPI officers, regarding Mr. Williams, Mr. Williams's shooting, and any related events;
30. Communications, including but not limited to emails or text messages, between the NYPD and any and all Mayor's Office personnel related to the incident.
31. Notes and other records relied on, or containing information relied on by any NYPD personnel in September of 2019 in making the public statements to the press described in the various media reports of the incidents;
32. Notes and other records relied on, or containing information relied on, by James P. O'Neill and personnel at DCPI in making any other public statements to the press in and around September and October of 2019 about Mr. Williams, and the killing of Mr. Williams, or any related investigations, disciplinary actions, or prosecutions undertaken or contemplated, including, but not limited to, statements about whether:
 - a. Mr. Williams had a gun on September 29, 2019;
 - b. Police said anything to Mr. Williams on September 29, 2019 prior to the shooting of Mr. Williams, and if so, what, when, and where;
 - c. Mr. Williams fled from the police on September 29, 2019;
 - d. Mr. Williams struggled with police on September 29, 2019;
33. To the extent not already subject to disclosure based on another request made herein, records related to NYPD investigations arising from Mr. Williams's shooting or any events related to Mr. Williams's shooting (such as leaking information about Mr. Williams, Mr. Williams's shooting, or related investigations or disciplinary proceedings to the media), including, but not limited to, any such investigations by the NYPD's:
 - a. Crime Scene Unit;
 - b. Firearms Discharge Unit;
 - c. Internal Affairs Bureau;
 - d. Detective Bureau;
 - e. Homicide Bureau;
 - f. Chief of Department – Investigation Review Section;
 - g. Disciplinary Assessment Unit;
 - h. Personnel Bureau;

Records Access Officer – New York City Police Department

December 9, 2019

Page 7

- i. Department Advocate's Office;
 - j. Police Laboratory;
34. Records containing the names of or otherwise identifying the officers who were on duty on September 29, 2019 with P.O. Mulkeen during and prior to the fatal interaction with Mr. Williams;
35. Records related to any Civilian Complaint Review Board ("CCRB") complaints or investigations related to Mr. Williams's shooting or any events related to Mr. Williams's shooting, including, but not limited to, any such records created pursuant to PG 211-14 ("Investigations By Civilian Complaint Review Board") and any related Request For Records And/Or Information Regarding CCRB Case (PD 149-164) forms;
36. Records related to any non-NYPD investigations or prosecutions arising from Mr. Williams's shooting or any events related to Mr. Williams's shooting by the DOJ/USAO, USAO-SDNY, Bronx County DA, or any other entity, including, but not limited to, records disclosed by NYPD to any such entity, and all related communications between or among the NYPD and the DOJ/USAO, USAO-SDNY, Bronx County DA, or any other entity, related to Mr. Williams's shooting or any related investigations or prosecutions;
37. Records reflecting communications between the NYPD and the Office of the Mayor between September 29, 2019 and the present regarding investigations, disciplinary actions, or prosecutions related to Mr. Williams's shooting;
38. Records reflecting communications between the NYPD and the New York City Council between September 29, 2019 and the present regarding investigations, disciplinary actions, or prosecutions related to Mr. Williams's shooting; and
39. The "Firearms Discharge Manual, A Guide to the Preparation of a Shooting Incident Report" referred to in PG 212-29(14) and elsewhere in PG 212-29.

Should you deny any portion of this request based on a determination that you are legally exempt from the disclosure requirement with respect to a particular document, please provide a written explanation specifically citing the Public Officers Law § 87(2) category into which you allege that each document allegedly exempt from disclosure falls.

Please articulate particularized and specific justifications for withholding any documents from disclosure.

Additionally, please provide me with the name, email address, mailing address, and facsimile number of the person or body to whom I should direct an administrative appeal of any such potential denial.

Records Access Officer – New York City Police Department

December 9, 2019

Page 8

As you may be aware, the Freedom of Information Law requires an agency respond to a request within five (5) business days of receipt of a request.

Respectfully submitted,

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the right.

David B. Rankin