

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 41**

BRENNAN CENTER FOR JUSTICE AT
NEW YORK UNIVERSITY SCHOOL OF LAW,

Petitioner,

-against-

NEW YORK CITY POLICE DEPARTMENT,

Respondent,

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

Index No. 161369/2023

IAS Part 41

Hon. Nicholas W. Moyne,
J.S.C

Oral Argument Requested

NOTICE OF MOTION TO COMPEL

PLEASE TAKE NOTICE THAT, upon the accompanying affirmation of Rex Lee dated April 21, 2025, the exhibits submitted therewith, the accompanying Memorandum in Support dated April 21, 2025, and upon all of the pleadings, papers, and proceedings heretofore and herein, Petitioner Brennan Center for Justice at New York University School of Law, will move this Court, in the Motion Submission Part, Room 130, 60 Center Street, New York, New York 10007, at 9:30 a.m. on May 9, 2021, or as soon thereafter as counsel can be heard, for an order to compel Respondent New York City Police Department to re-produce documents without improper redactions or, in the alternative, to conduct an *in camera* review of a sample of the NYPD's production, and for such other and further relief the Court deems just and proper.

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TAKE FURTHER NOTICE THAT, pursuant to CPLR 2214(b), answering affidavits and any notice of cross-motions, with supporting papers, must be served at least seven (7) days prior to the return date of this motion, and any reply or responding affidavits must be served one day before the return date of this motion.

Dated: April 21, 2025
New York, New York

/s/ Rex Lee

Rex Lee
Rafe Andrews

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**Petitioner's Memorandum Of Law In Support Of Its
Motion To Compel Production**

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PRELIMINARY STATEMENT¹

Despite having ostensibly agreed to produce records in response to the Brennan Center's FOIL Request following the parties' appearance before the Court in June 2024, the NYPD's prevarication has continued. Although the NYPD has started producing records about its use and monitoring of citizens' social media activity, it has relied on impermissible redactions to conceal most of the information. Little, if anything, can be gleaned from the records, leaving the Brennan Center and the public in no better a position to understand how the NYPD carries out its public duties than before. The Brennan Center thus seeks an order from this Court to compel the NYPD to reproduce the documents according to law or, in the alternative, to conduct an *in camera* review of a sample of the NYPD's production.

First, the NYPD has made sweeping redactions of otherwise publicly available social media posts—made by the public, to the public—on the basis that disclosing what was said would invade the speakers' privacy. The privacy interests of social media users, however, do not justify the wholesale redactions that NYPD has employed, especially when weighed against the competing interest of transparency into how the NYPD utilizes this ubiquitous medium. The Brennan Center even proposed that the NYPD limit itself to more targeted redactions—of personally-identifiable information, like names, addresses, and social security numbers—rather than concealing the posts in their entirety; to use a scalpel rather than cleaver. But the NYPD refused, suggesting that the NYPD's interest is less about protecting individuals' privacy than protecting itself.

Second, the NYPD has redacted information that it has unilaterally deemed to be “non-responsive” to the Brennan Center's FOIL Request. But “non-responsiveness” is not an exemption

¹ The Brennan Center does not purport to convey the position, if any, of the New York University School of Law.

under FOIL. The NYPD may not pick and choose which parts of a responsive document to produce. Under New York law, when a document contains information responsive to a public records request, the entire record must be disclosed.

Accordingly, the Court should order the NYPD to reproduce the documents and remove any redactions relating, first, to improper privacy claims (though the NYPD may redact, for example, names, addresses, and social security numbers) and, second, to so-called non-responsiveness. In the alternative, the Court should conduct an *in camera* review of a sample of the records.

BACKGROUND

A. The Brennan Center's FOIL Request

The Brennan Center is a non-partisan public policy and law institute that focuses on fundamental issues of democracy and justice and advocates for national security policies that respect the rule of law, constitutional and human rights, and fundamental freedoms. The Brennan Center is concerned with the dangers that national security policy and law enforcement and domestic counterterrorism policies pose to constitutional liberties. Through scholarship, legislative efforts, and legal advocacy, the Brennan Center seeks to keep the public informed of these issues and hold law enforcement agencies accountable to the rule of law. Access to public information—including the records of law enforcement agencies—is an essential element that enables the Brennan Center to advance its mission.

On January 30, 2020, the Brennan Center issued a FOIL Request to the NYPD FOIL Unit, seeking information about the NYPD's practices in monitoring social media. *See* NYSCEF 4. The FOIL Request sought categories of documents including policies governing the collection of location data, contracts for third-party monitoring tools, training materials regarding monitoring social media, records reflecting the use of social media to interact with civilians, and records

regarding the use of social media to collect information about civilians other than in the context of a criminal investigation. *See id.* “Social media monitoring” describes the use of platforms like Facebook, Twitter, and Instagram to collect information about individuals, perform investigations, and gauge public sentiment. This can be accomplished through individual, direct use of social media platforms and their search functions, including through the use of undercover social media accounts. Third-party monitoring tools are also available to identify trends and people’s networks via keywords, geographic locations, and data analysis.

NYPD officers are encouraged, in formal policies, to access social media for investigative purposes, to view and collect publicly available information, at any time, without ever seeking any prior authorization. *See Lee Aff. Ex. 1*, at 1 (2022 NYPD Policy, *Use of Social Media Networks for Investigative Purposes*) (“No prior authorization is ever required for information contained on publicly available internet sources.”). This includes gaining “access [to] social network sites using an online alias.” *Id.* As the NYPD puts it, the “[d]ata contained within social network sites may assist law enforcement in gathering timely information in furtherance of crime prevention, preservation of public order, and the investigation of criminal activity, including suspected terrorist activity.” *Id.*

The NYPD also uses social media to gauge public sentiment and track members of the public exercising their First Amendment rights. For example, documents produced by the NYPD show the collection of social media posts by Black Lives Matter protesters, as well as other groups. *See, e.g., Lee Aff. Ex. 2* (NYPD_FOIL00000089-118). This monitoring and tracking includes documentation and analysis of the “ideological justifications” made for protests in public social media posts, suggesting a police focus not on potential criminal behavior but on the perceived politics, motivations, or beliefs of members of the public. *Lee Aff. Ex. 3*

(NYPD_FOIL000000119-120). There has been considerable public interest and reporting of the NYPD and other law enforcement uses of social media monitoring. *See, e.g.*, NYSCEF 3 (Brief on Petition) at 4-5.

B. The Brennan Center's Article 78 Petition

On November 20, 2023, the Brennan Center submitted an Article 78 Petition seeking judgment directing the NYPD to provide records responsive to its FOIL Request. NYSCEF 1. On January 31, 2024, the NYPD moved by notice of cross-motion to dismiss the Petition. NYSCEF 19. On June 6, 2024, this Court heard argument on the NYPD's motion to dismiss. Following the argument, the Court stayed the Petition while the NYPD and Brennan Center negotiated over a mutually agreeable scope of searches and production that the NYPD would undertake to satisfy its obligations under FOIL. NYSCEF 40, 43.

On September 17, 2024, the Parties submitted a Stipulation of Partial Settlement, whereby the NYPD agreed to commence rolling productions of documents from agreed upon custodians responsive to agreed upon search terms. NYSCEF 44. Under the Stipulation, the NYPD reserved the right to make redactions, including for "intra/inter agency communications, non-routine procedures and investigative techniques, unwarranted invasion of personal privacy, endangerment of life and safety, information that would reveal confidential sources, sealed criminal investigations, etc." *Id.* at 2. The Brennan Center reserved its rights "to contest, object or otherwise challenge any such redactions," *id.*, and "to seek relief regarding Respondent's performance of its agreements, including ... any redactions and/or exemptions claimed by Respondent," *id.* at 3, and did not stipulate to expand the categories of permissible redactions beyond those available at law. On September 19, 2024, the Court so-ordered the Parties' Stipulation of Partial Settlement. NYSCEF 45.

C. The NYPD's Production

On October 17, 2024, the NYPD made its first production of 85 documents under the Stipulation. Lee Aff. at ¶ 13. On November 27, 2024, the NYPD made its second production of 117 documents. *Id.* On January 13, 2025, the NYPD made its third production of 104 documents. *Id.* On February 26, 2025, the NYPD made its fourth production of 58 documents. *Id.* On April 10, 2025, the NYPD made its fifth production of 54 documents. *Id.* The documents produced by the NYPD included broad redactions not supported by FOIL's recognized statutory exemptions. *Id.* ¶ 14.

First, the NYPD has redacted documents to withhold otherwise responsive information on the basis that "if disclosed [it] would constitute an unwarranted invasion of personal privacy." Public Officers Law § 87(2)(b) (the "Privacy Exemption"). *See, e.g.*, Lee Aff. Ex. 2 (NYPD_FOIL00000089-118); Lee Aff. Ex. 3 (NYPD_FOIL000000119-120); Lee Aff. Ex. 4 (NYPD_FOIL00000474-475); Lee Aff. Ex. 5 (NYPD_FOIL000000609-629); Lee Aff. Ex. 6 (NYPD_FOIL000000659-666).

In one example, the NYPD produced a redacted memo that describes a *publicly accessible* Telegram page as potentially serving to "embolden and mobilize like-minded supporters or lone actors," referring to the page's content as "stylized propaganda" that could inspire lone actors. Additional context and other relevant details in the memo are also redacted, purportedly under the privacy exemption, making it impossible to evaluate the context surrounding the NYPD's reasoning for reviewing these kinds of social media posts. A screenshot of a portion of the first

page of the redacted memo appears below for reference. See Lee Aff. Ex. 4 (NYPD_FOIL00000474-475), excerpted below.

NEW YORK CITY POLICE DEPARTMENT





Publicly Accessible Telegram Page for (2)(b) Invasion Of Personal Privacy Pushes (2)(b) Invasion Of Personal Privacy

(2)(b) 2020
 (2)(e) Law Enforcement
 (2)(d) Trade Secrets or Substantial Commercial Injury

IAU assesses that an observed uptick in (2)(b) Invasion Of Personal Privacy posted on the (2)(b) Invasion Of (2)(b) publicly available Telegram page may serve to embolden and mobilize like-minded supporters or lone actors to (2)(b) Invasion Of Personal Privacy (2)(b) . In addition to stylized propaganda featuring calls for (2)(b) Invasion Of Personal Privacy (2)(b) (2)(b) Invasion Of Personal Privacy (2)(b) Invasion Of Personal Privacy (2)(b) . Due to the lack of access to the account's (2)(e) followers, information pertaining to the consumers of (2)(b) content remains an intelligence gap.

- Since being created in (2)(b) 2019, the (2)(b) Telegram page has shared (2)(b) Invasion Of (2)(b) Invasion Of Personal Privacy (2)(b) Invasion Of Personal Privacy The information posted includes three (2)(b) Invasion Of , an (2)(b) Invasion Of (2)(b) (2)(b) Invasion Of Personal Privacy and (2)(b) Invasion Of ; the (2)(b) (2)(b) Invasion Of and (2)(b) Invasion Of . Additionally, the account has targeted (2)(b) Invasion Of Personal Privacy (2)(b) (2)(b) Invasion Of , (2)(b) Invasion Of (2)(b) Invasion Of Personal Privacy shared on the (2)(b) page.

The NYPD also redacted documents that show it tracked individuals across social media based on their expression of “ideological justifications for looting,” during Black Lives Matter protests. See Lee Aff. Ex. 3 (NYPD_FOIL000000119). The NYPD also redacted information gathered using its “open source” vendors to protect a connection to an “extremist podcast host.” Lee Aff. Ex. 5 (NYPD_FOIL000000609), at -611, extracted below.

| | | |
|------------------------|--|---------------------|
| (2)(e) Law Enforcement | <ul style="list-style-type: none"> (2)(b) Invasion Of Personal Privacy (2)(b) [redacted] (2)(b) [redacted] online presence demonstrates support(2)(b) [redacted] (2)(b) [redacted] possesses first degree connectivity with (2)(b) [redacted] via Instagram (2)(b) Invasion Of Personal Privacy | Voyager Open Source |
|------------------------|--|---------------------|

The same document redacts the generic description of the subject matter being posted to Twitter, as an invasion of privacy. *See id.* at -610, extracted below.

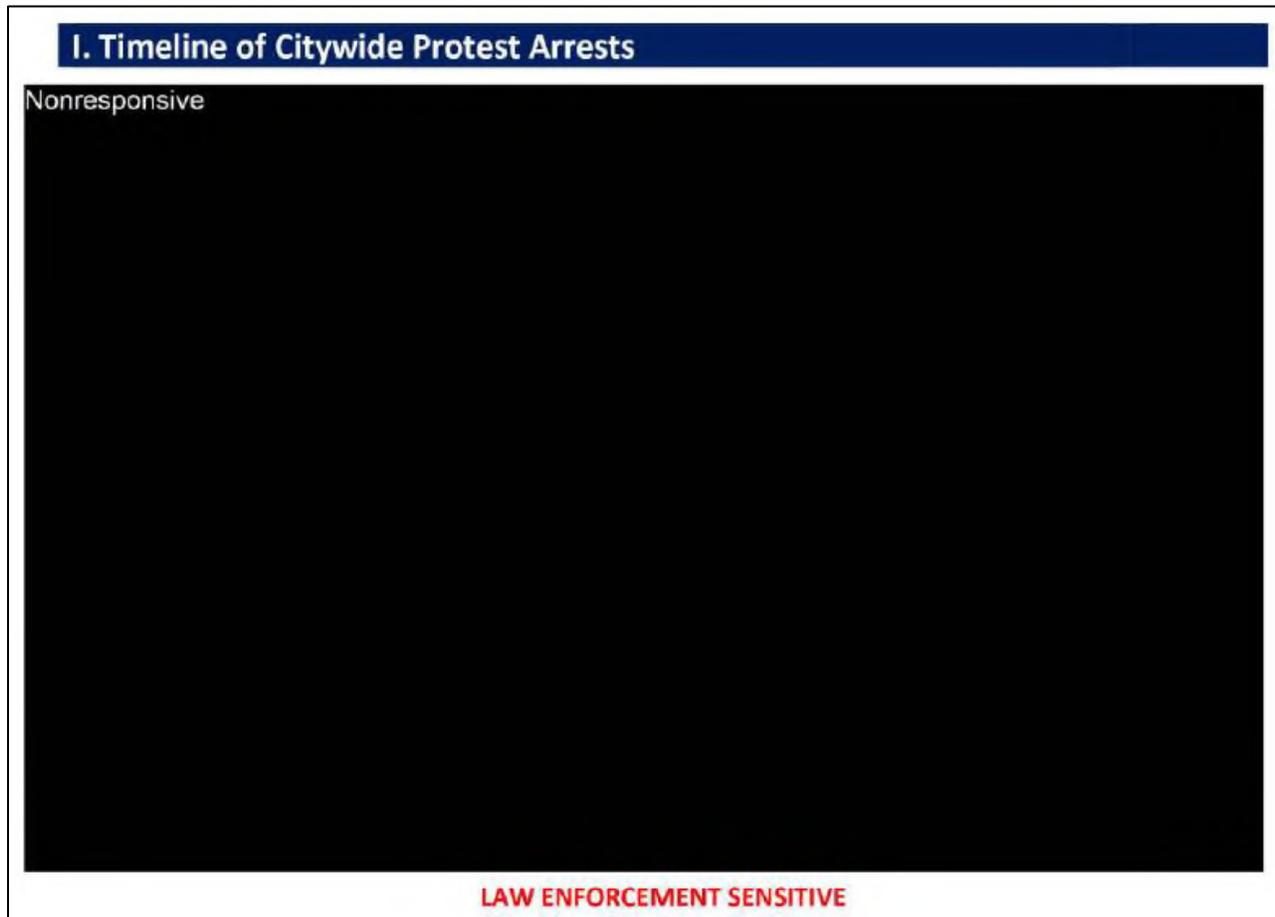
| ONLINE PRESENCE/VOYAGER | | | |
|-------------------------|--|--|--------------------------|
| PLATFORM | EMAIL/SITE LINK | NOTES | Source |
| Twitter | Handle: (2)(b) [redacted] Twitter ID: (2)(b) [redacted] www.twitter.com/(2)(b) [redacted] | Tweets are Largely Reposted News Articles Concerning (2)(b) Invasion Of [redacted] | Shadow Dragon Flashpoint |

The NYPD has even gone so far as to rely on the privacy exemption to redact public news articles that have appeared in its collection. *See, e.g.,* Lee Aff. Ex. 7 (NYPD_FOIL000001155) at -162-63).

Open Source:

[https://abc7ny.com/\(2\)\(b\) Invasion Of Personal Privacy](https://abc7ny.com/(2)(b) Invasion Of Personal Privacy)
 (2)(b) Invasion Of Personal Privacy
 [redacted]

Second, the NYPD has redacted documents to withhold parts of responsive documents that it asserts are “non-responsive.” *See, e.g.*, Lee Aff. Ex. 8 (NYPD_FOIL00000344) at -344, -349; Lee Aff. Ex. 9 (NYPD_FOIL00000080) at -087-088 (screenshot below showing the NYPD’s redaction of information related to citywide protests it surveilled through social media activity because it was purportedly “non-responsive” to any request).



The unredacted executive summary to that redacted timeline says it includes descriptions of the citywide protests “stemming from the controversial death on May 25, 2020, of George Floyd in Minneapolis Minnesota,” including “propaganda and targeted disinformation” released by malicious actors on social media, who “potentially creat[ed] fake social media accounts to malign select groups, incite clashes, and challenge law enforcement responses.” *Id.* In the same

document, the NYPD redacted as “non-responsive” part of a section titled “Notable Social Media Postings Encouraging Violence and Criminal Activity.” See *id.* at -087-088, extracted below.

IV. Notable Social Media Postings Encouraging Violence and Criminal Activity

Social Media Posting Observed by IB Field Operations Personnel

At approximately (2)(b) hrs, NYPD IB field operations personnel observed an Instagram post by account (2)(b) Invasion Of Personal Privacy (2)(b) Invasion Of Personal Privacy (2)(b) Invasion Of Personal Privacy (2)(b) Invasion Of Personal Privacy

The group also posted a potential protest location in the (2)(b) (2)(b) Invasion Of at an unknown time. (2)(b) Invasion Of is a (2)(b) based entity and activist group (2)(b) (2)(b) Invasion Of Personal Privacy (2)(e) Law Enforcement

(2)(b) Invasion Of Personal Privacy

LAW ENFORCEMENT SENSITIVE

Nonresponsive

In another example, the NYPD redacted as “non-responsive” comments in a bulletin of “observations and derogatory content” that its officers “observed on [a] Telegram group.” See Lee Aff. Ex. 8 (NYPD_FOIL00000344) at -344, -349 (extracted below).



LAW ENFORCEMENT SENSITIVE

**POLICE DEPARTMENT
THE CITY OF NEW YORK**



- On (2)(b) [redacted], 2020 (2)(e) [redacted] investigator (2)(f) Danger to [redacted] contacted (2)(b) Invasion Of [redacted] via the (2)(b) [redacted] email address (2)(b) Invasion [redacted] (2)(b) Invasion Of [redacted]) which was being promoted on the (2)(b) [redacted] telegram channel. Conversation is as follows:

(2)(f) Danger [redacted] (2)(b) Invasion Of Personal Privacy [redacted]
(2)(b) Invasion Of Personal Privacy [redacted]

(2)(b) Invasion Of Personal Privacy [redacted]

(2)(f) [redacted] (2)(b) Invasion Of Personal Privacy [redacted]
(2)(b) Invasion Of Personal Privacy [redacted]
- Nonresponsive [redacted]
- Throughout the month of (2)(e) [redacted] there were several memes shared on the (2)(b) [redacted] telegram channel (2)(b) Invasion Of Personal Privacy [redacted]
(2)(b) Invasion Of Personal Privacy [redacted]

The NYPD’s productions also include redactions under Public Officers Law § 87(2)(d) (trade secrets or substantial commercial injury), § 87(2)(e) (law enforcement purposes), and § 87(2)(f) (danger to life or safety). The Brennan Center presently does not seek to challenge those redactions.

ARGUMENT

The Court of Appeals has consistently held that FOIL “expresses this State’s strong commitment to open government and public accountability and imposes a broad standard of disclosure upon the State and its agencies.” *Capital Newspapers Div. of Hearst Corp. v. Burns*, 67 N.Y.2d 562, 565 (1986); *see also Gould v. N.Y. City Police Dep’t*, 653 N.Y.S.2d 54, 57 (1996) (“To promote open government and public accountability, the FOIL imposes a broad duty on government to make its records available to the public.”); *Farbman & Sons, Inc. v. N.Y. City Health & Hosps. Corp.*, 476 N.Y.S.2d 69, 70-71 (1984) (“FOIL implements the legislative declaration that ‘government is the public’s business’, and imposes a broad standard of open disclosure upon agencies of the government.”) (internal citation omitted). FOIL “proceeds under the premise that the public is vested with an inherent right to know and that official secrecy is anathematic to our form of government.” *Fink v. Lefkowitz*, 419 N.Y.S.2d 467, 470 (1979). Furthermore, in support of these principles, New York law makes clear that “[a]ll government records are thus presumptively open for public inspection and copying.” *Gould*, 653 N.Y.S.2d at 57. *See also N.Y. Civil Liberties Union v. N.Y. City Police Dep’t*, 2011 WL 675562, *11 (Sup. Ct. N.Y. Cnty. Feb. 14, 2011) (holding that police records are no exception by stating that “[a]ll government documents, including police records, are presumptively available for public inspection and copying”) (internal quotation marks omitted).

The Court, presuming that all records are open, “must construe the statutory exemptions narrowly,” *Matter of Berger v. New York City Dept. of Health & Mental Hygiene*, 137 A.D.3d 904, 906 (2d Dep’t 2016), *lv. denied* 27 N.Y.3d 910 (2016). The burden lies on the NYPD to show its redactions fit a stated statutory exception. Pub. Off. Law § 89(4)(b); *see also Matter of Berger*, 137 A.D.3d at 906 (“The agency is required to articulate a particularized and specific justification for

denying access. Conclusory assertions that certain records fall within a statutory exemption are not sufficient; evidentiary support is needed.”) (internal citations omitted).

Under these standards, the NYPD’s extensive redactions purportedly based on the privacy exemption and for so-called “non-responsiveness” are unsupported. In contrast to personally identifiable information like names and addresses—of which the Brennan Center does not seek to compel disclosure—the NYPD should not be permitted to rely on FOIL’s privacy exemption to redact in their entirety the social media posts the NYPD has aggregated, public news articles, or other information that provides important context for the NYPD’s use and tracking of social media. Nor should the NYPD be permitted to blanket its production with redactions based on the presumed non-responsiveness of the information.

I. THE NYPD MAY NOT WITHHOLD INFORMATION THAT WEIGHS IN FAVOR OF THE PUBLIC INTEREST.

The NYPD, in its investigative and intelligence work, collects social media posts made to the public by members of the public. In its production of documents responsive to the Brennan Center’s FOIL Request, the NYPD has redacted the substance of these public posts, along with other contextual information about the posts. The NYPD has done so claiming that the disclosure of such information would be an “unwarranted invasion of personal privacy” of the members of the public who made the statements on publicly available internet forums and social media sites. The public interest in disclosing the department’s social media monitoring tactics—including how and why it monitors activity protected by the First Amendment—far outweighs such privacy interests. Thus, the NYPD’s redactions pursuant to the privacy exemption are unsupported.

Ordinarily, when an agency invokes the privacy exemption, New York courts must carefully balance personal privacy interests against the public interest in disclosure of government records. *See Matter of New York Times Co. v. City of N.Y. Fire Dept.*, 4 N.Y.3d 477, 485

(2005); *Matter of Edwards v. New York State Police*, 44 A.D.3d 1216, 1216 (3d Dep't 2007).

Public Officers Law § 89(2)(b) gives a list of examples of circumstances that may constitute an “unwarranted invasion of personal privacy,” none of which describe anything like public statements made in public forums:

- i. disclosure of employment, medical or credit histories or personal references of applicants for employment;
- ii. disclosure of items involving the medical or personal records of a client or patient in a medical facility;
- iii. sale or release of lists of names and addresses if such lists would be used for solicitation or fund-raising purposes;
- iv. disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the agency requesting or maintaining it;
- v. disclosure of information of a personal nature reported in confidence to an agency and not relevant to the ordinary work of such agency;
- vi. information of a personal nature contained in a workers' compensation record, except as provided by section one hundred ten-a of the workers' compensation law;
- vii. disclosure of electronic contact information, such as an e-mail address or a social network username, that has been collected from a taxpayer under section one hundred four of the real property tax law; or
- viii. disclosure of law enforcement arrest or booking photographs of an individual, unless public release of such photographs will serve a specific law enforcement purpose and disclosure is not precluded by any state or federal laws.

Under § 89(2)(b), where, as here, the information requested by the Petitioner does not fall squarely within the enumerated categories of privacy, New York courts “must decide whether any invasion of privacy [] is ‘unwarranted’ by balancing the privacy interests at stake against the public interest in disclosure of the information.” *Matter of New York Times Co. v. City of N.Y. Fire Dept.*, 4 N.Y.3d at 485. Such a balancing exercise must be conducted here. And courts have traditionally held that where, as here, the public interest in disclosure of certain information far outweighs considerations regarding individual privacy concerns, the information is to be disclosed.

In fact, the standard employed by New York courts in conducting this balancing test is measured by whether disclosure would be offensive and/or objectionable to a reasonable person.

Dobranski v. Houper, 154 A.D.2d 736, 737-38 (3d Dep't 1989). Any reasonable person understands that public disclosure of information surrounding a municipal agency's policing of First Amendment activity is necessary to achieving the aims of FOIL law, particularly where all individual personally identifying information at stake would remain redacted.

Moreover, the FOIL privacy exemption that the NYPD relies on directs that "disclosure shall not be construed to constitute an unwarranted invasion of personal privacy" when, among other things, personally identifying details are deleted. Public Officers Law § 89(2)(c); *see Matter of New York Civ. Liberties Union v. New York City Police Dept.*, 32 N.Y.3d 556, 568-69 (2018); *Matter of Aron Law, PLLC v. New York City Fire Dept.*, 191 A.D.3d 664, 666 (2d Dep't 2021).

Here, the NYPD's blanket redactions to any substantive material that could plausibly aid the public interest while posing minimal individual privacy concerns are contrary to New York law on personal privacy redactions. New York courts recognize that "FOIL is to be liberally construed and its exemptions narrowly interpreted so that the public is granted *maximum* access to the records of government." *Matter of Buffalo News v. Buffalo Enter. Dev. Corp.*, 84 N.Y.2d 488, 492 (1994) (internal quotation marks and citations omitted) (emphasis added). For example, in *Newsday, LLC v. Nassau Cnty. Police Dep't*, 201 N.Y.S.3d 88 (2023), the court held that a county police department failed to demonstrate that the personal privacy exemption applied to material that the agency had redacted from otherwise responsive records. Specifically, the court stated that the police department's "conclusory assertions that the material [in question] fell within the [personal privacy] exemption were not supported by any facts and were insufficient to meet its burden of proving that the statutory exemption applied." *Id.* at 94. Thus, the court made clear, fuller access to the records in question took priority over any unsubstantiated concerns over

personal privacy implications. Here, the same priority to promote disclosure for the good of the public's interest should be upheld.

Moreover, the redactions obscure the context of the material the Brennan Center has sought, frustrating the purpose of the request. For example, the NYPD has redacted critical information regarding its monitoring of Telegram channels associated with Black Lives Matter protests, which appear to have been used to coordinate protest activities. The redactions make it impossible to understand the context, the material reviewed, or what police considered in the course of monitoring core First Amendment activity by citizens. *See Lee Aff. Ex. 2* (NYPD_FOIL00000089); *see also supra* Background Section C.

In the parties' meet and confers, the NYPD contended that wholesale redactions were absolutely necessary because, even if users' names were redacted, disclosing their public statements might reveal information that could be used to identify them. *See Lee Aff.* ¶ 14. Even if that were true, such privacy interests are far outweighed by the public interest in disclosing the department's social media monitoring tactics, including the First Amendment-protected activity it monitors, and how and why it monitors that activity.

II. THE NYPD MAY NOT WITHHOLD INFORMATION IN RESPONSIVE DOCUMENTS WITHOUT AN EXEMPTION

FOIL is clear: an agency must disclose *all* portions of relevant, requested records unless they fall under specific statutory exemptions. *Castorina v. De Blasio*, 55 N.Y.S.3d 599, 611 (Sup. Ct. Richmond Cnty. 2017) (“[W]hen only a portion of a document is properly exempt, the agency must produce a redacted version that discloses *all* the non-exempt information.” (emphasis added)); *Capital Newspapers*, 67 N.Y.2d at 566 (“FOIL provides that all records of a public agency are presumptively open to public inspection and copying unless otherwise *specifically* exempted.”) (emphasis added); *see also MacKenzie v. Seiden*, 106 A.D.3d 1140 (3d Dep’t 2013); *Westchester*

Rockland Newspapers, Inc. v. Kimball, 50 N.Y.2d 575 (1980); *Scott, Sardano & Pomeranz v. Records Access Officer of City of Syracuse*, 65 N.Y.2d 294 (1985).

Underscoring this rule is the requirement that, to claim an exemption, the agency faces a “significant burden to articulate a factual basis for the exemptions claimed.” *Loevy & Loevy v. New York City Police Dept.*, 957 N.Y.S.2d 628, 632 (Sup. Ct. N.Y. Cnty. Jan. 9, 2013) (“Failure to establish the factual existence of [a] claimed exemption ... renders [the] claim for exemption unavailing.”); *see also* Pub. Off. Law §§ 87(2); 89(4)(a); *Friedman v. Rice*, 30 N.Y.3d 461 (2017); *Brown v. DiFiore*, 139 A.D.3d 1048 (2d Dep’t 2016); *Prall v. New York City Dept. of Corrections*, 971 N.Y.S.2d 821 (Sup. Ct. Queens Cnty. May 23, 2013), *judgment aff’d*, 129 A.D.3d 734 (2d Dep’t 2015).

Here, the NYPD’s “non-responsive” redactions have no basis in FOIL. Nor has the NYPD claimed any other basis for denying access. As such, FOIL law compels disclosure, not concealment, of such information. *Data Tree, LLC v. Romaine*, 9 N.Y.3d 454, 462-63 (2007) (“In order to deny disclosure, the [agency] must show that the requested information ‘falls squarely within a FOIL exemption by articulating a particularized and specific justification for denying access.’” (quoting *Matter of Capital Newspapers Div. of Hearst Corp. v. Burns*, 67 N.Y.2d 562 (1986))); *see also New York C.L. Union v. New York City Police Dep’t*, 32 N.Y.3d 556, 568 (2018) (“Nothing in FOIL authorizes a petitioner—or a government agency—to exercise ‘absolute discretion’ to override these critical statutory protections” associated with the enumerated exemptions.).

III. IN THE ALTERNATIVE, THE COURT MAY CONDUCT IN CAMERA REVIEW OF THE DOCUMENTS

The Court should require the NYPD to reproduce its documents, removing impermissible redactions, because the NYPD’s justifications for those broad redactions are not grounded in law.

However, if the Court requires further evidence that the material is not exempt, the Brennan Center asks that the Court conduct—or appoint a referee to conduct—an *in camera* review of a sample of the Department’s recent productions for that purpose. Where a court is unable to determine “whether withheld materials fall within the scope of those asserted exemptions,” the court may take measures to hold the withholding party to the stringent standards associated with claiming such exemptions. *See Matter of Hearst Corp. v. New York State Police*, 132 A.D.3d 1128, 1130 (3d Dep’t 2015); *Matter of Xerox Corp. v. Town of Webster*, 65 N.Y.2d 131, 133 (1985) (holding that, although documents at issue may be exempt from disclosure as intra-agency materials, the record contained “only the barest description of them,” thereby requiring *in camera* review by the trial court); *Jacobson v. Ithaca City School Dist.*, 39 N.Y.S.3d 904, 911 (Sup. Ct. Tompkins Cnty. 2016) (ordering respondent, having redacted otherwise responsive records, to provide the court with copies of unredacted versions of such records).

[remainder of page intentionally left blank]

CONCLUSION

Because the NYPD has withheld information from the documents it has produced without a valid FOIL exemption, the Brennan Center asks that the Court direct the NYPD to reproduce the documents, or, in the alternative, conduct an *in camera* review of a sample of the records, and order any other relief the Court deems necessary and proper.

Dated: April 21, 2025
New York, New York

/s/ Rex Lee

Rex Lee
Rafe Andrews

**QUINN EMANUEL URQUHART
& SULLIVAN LLP**

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*Attorneys for Petitioner Brennan Center for
Justice at New York University School of Law*

CERTIFICATE OF COMPLIANCE

This memorandum complies with 22 NYCRR Section 202.8-b and was prepared using Times New Roman, 12-point font, and double line spacing. This memorandum contains 3,891 words (based on the Microsoft Word word-count function), excluding the parts of the memorandum exempted by 22 NYCRR Section 202.8-b.

Dated: April 21, 2025
New York, New York

/s/ Rex Lee

Rex Lee

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 41**

BRENNAN CENTER FOR JUSTICE AT
NEW YORK UNIVERSITY SCHOOL OF LAW,

Petitioner,

-against-

NEW YORK CITY POLICE DEPARTMENT,

Respondent,

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

Index No. 161369/2023

IAS Part 41

Hon. Nicholas W. Moyne,
J.S.C.

**AFFIRMATION OF REX LEE IN
SUPPORT OF PETITIONER’S MOTION TO COMPEL**

I, Rex Lee, an attorney admitted to practice law in the State of New York, affirm under penalty of perjury under CPLR § 2106 that the following is true and correct:

1. I am an attorney with the firm of Quinn Emanuel Urquhart & Sullivan LLP, counsel for Petitioner Brennan Center for Justice at New York University School of Law in the above-captioned action.

2. I respectfully submit this affirmation in support of Petitioner’s Motion to Compel Production.

3. Attached as **Exhibit 1** is a true and correct copy of the 2022 NYPD Policy, *Use of Social Media Networks for Investigative Purposes*.

4. Attached as **Exhibit 2** is a true and correct copy of a redacted collection of social media posts produced by Respondent in this action and bearing bates numbers NYPD_FOIL00000089-118.

5. Attached as **Exhibit 3** is a true and correct copy of a redacted document titled “ideological justifications for looting.pdf”, dated June 3, 2020, produced by Respondent in this action and bearing bates numbers NYPD_FOIL000000119-120.

6. Attached as **Exhibit 4** is a true and correct copy of a redacted New York City Police Department Telegram Page, produced by Respondent in this action and bearing bates numbers NYPD_FOIL000000474-475.

7. Attached as **Exhibit 5** is a true and correct copy of a redacted profile, produced by Respondent in this action and bearing bates numbers NYPD_FOIL000000609-629.

8. Attached as **Exhibit 6** is a true and correct copy of a redacted Police Department document, produced by Respondent in this action and bearing bates numbers NYPD_FOIL000000659-666.

9. Attached as **Exhibit 7** is a true and correct copy of a redacted Deputy Commissioner’s Briefing, including a public news article, produced by Respondent in this action and bearing bates numbers NYPD_FOIL0000001151-64.

10. Attached as **Exhibit 8** is a true and correct copy of a redacted Police Department document, produced by Respondent in this action and bearing bates numbers NYPD_FOIL000000344-356.

11. Attached as **Exhibit 9** is a true and correct copy of a redacted document titled “Situation Report: Intelligence and Operational Updates on Violence and Unrest in New York City”, dated June 4, 2024, produced by Respondent in this action and bearing bates numbers NYPD_FOIL000000080-88.

12. On September 17, 2024, the Parties in this case submitted a Stipulation of Partial Settlement, whereby the NYPD agreed to commence rolling productions of documents from agreed upon custodians responsive to agreed upon search terms. NYSCEF 44.

13. The NYPD has made several productions since. On October 17, 2024, the NYPD made its first production of 85 documents under the Stipulation. On November 27, 2024, the NYPD made its second production of 117 documents. On January 13, 2025, the NYPD made its third production of 104 documents. On February 26, 2025, the NYPD made its fourth production of 58 documents. And, on April 10, 2025, the NYPD made its fifth production of 54 documents.

14. In its productions, the NYPD redacted information, including entire social media posts the NYPD has collected, claiming that the information fell within FOIL’s privacy exemption. In the parties’ meet and confers, the Brennan Center proposed that the NYPD produce the content of the collected social media posts but redact the users’ personally-identifiable information. The NYPD declined, contending that, even if users’ names were redacted, disclosing their public statements might reveal information that could be used to identify the users.

I affirm this 21st day of April, 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: April 21, 2025
New York, New York

/s/ Rex Lee
Rex Lee

Quinn Emanuel Urquhart & Sullivan
295 Fifth Avenue
New York, NY 10017
rexlee@quinnemanuel.com
(212) 849-7000

*Attorneys for Petitioner Brennan Center for
Justice at New York University School of Law*

CERTIFICATE OF COMPLIANCE

This memorandum complies with 22 NYCRR Section 202.8-b and was prepared using Times New Roman, 12-point font, and double line spacing. This memorandum contains 604 words (based on the Microsoft Word word-count function), excluding the parts of the memorandum exempted by 22 NYCRR Section 202.8-b.

Dated: April 21, 2025
New York, New York

/s/ Rex Lee

Rex Lee

EXHIBIT 1



DETECTIVE GUIDE

Section: Investigations

Procedure No: 502-18

USE OF SOCIAL NETWORKS FOR INVESTIGATIVE PURPOSES - GENERAL PROCEDURE

DATE EFFECTIVE:

12-02-22

LAST REVISION:

I.O. 116

PAGE:

1 of 5

1. In order to address the specific requirements of the Detective Bureau, *Operations Order 34, series 2012, "Use of Social Networks for Investigative Purposes – General Procedure"*, has been slightly modified. The modified version of *Operations Order 34, series 2012*, is found below.

2. Data contained within social network sites may assist law enforcement in gathering timely information in furtherance of crime prevention, preservation of public order, and the investigation of criminal activity, including suspected terrorist activity. These guidelines are promulgated, in part, to instill the proper balance between the investigative potential of social network sites and privacy expectations.

3. Therefore, effective immediately, when a member of the service requires the use of social network websites to conduct investigations or research, the following procedure will be complied with:

PURPOSE To conduct social network-based investigations and research.

SCOPE Data contained on the Internet within social network sites may assist law enforcement in gathering timely information in furtherance of crime prevention, including the preservation of public order and the investigation of criminal activity, including suspected terrorist activity. To effectively fulfill these duties, it may be necessary for members of the service to access social network sites using an online alias. No prior authorization is ever required for information contained on publicly available internet sources.

DEFINITIONS

ONLINE ALIAS - An online identity encompassing identifiers, such as name and date of birth, differing from the user's actual name, date of birth, or other identifiers.

ONLINE ALIAS ACCESS - Internet-based searches involving the search and acquisition of information from sites that require an email address, password, or other identifiers for which an online alias is utilized.

PUBLIC DOMAIN DATA - Information accessible through the Internet for which no password, email address, or other identifier is necessary to acquire access to view or collect such information.

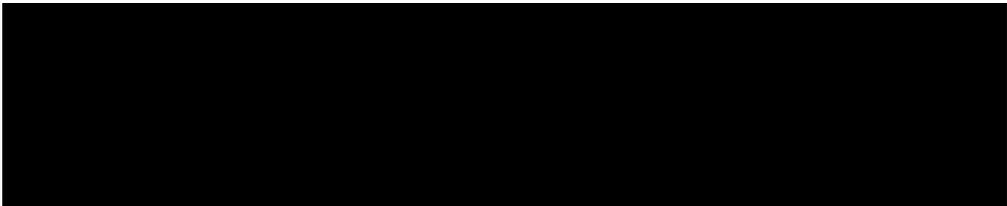
SOCIAL NETWORK SITE - Online platform where users can create profiles, share information, or socialize with others using a range of technologies.

DETECTIVE GUIDE

| | | | |
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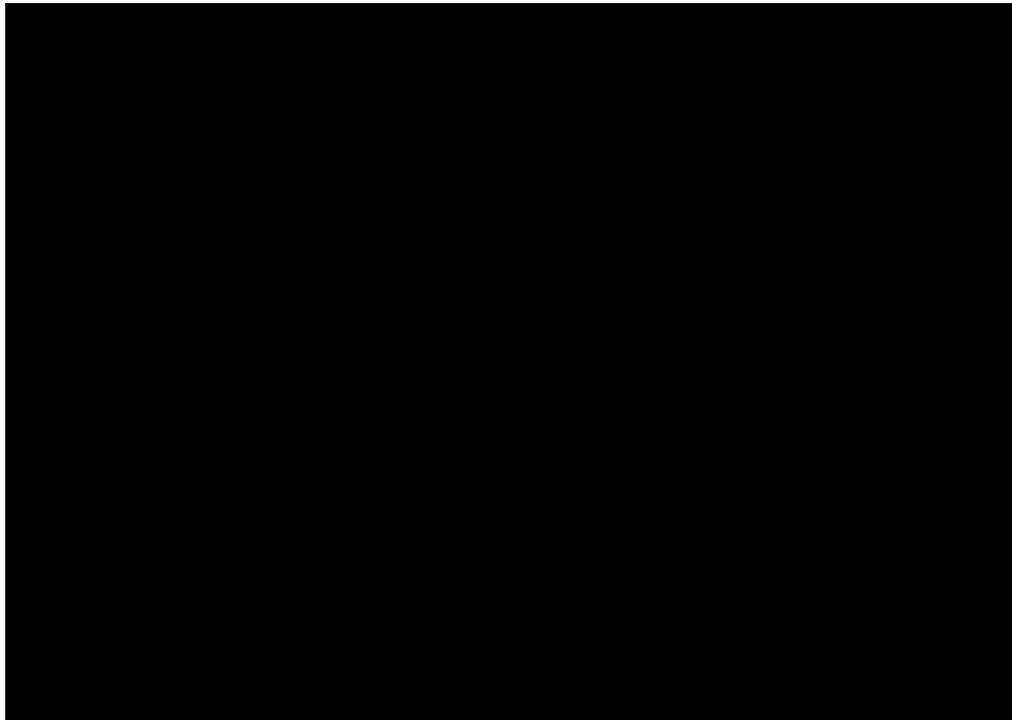
PROCEDURE When an investigator requires access to a social network website for investigative or research purposes:

INVESTIGATOR 1.



IF APPLICATION FOR ONLINE ALIAS DOES NOT INVOLVE SUSPECTED TERRORIST ACTIVITY:

DETECTIVE BUREAU SUPERVISOR 2.



3.

4.

5.

Captain for review.

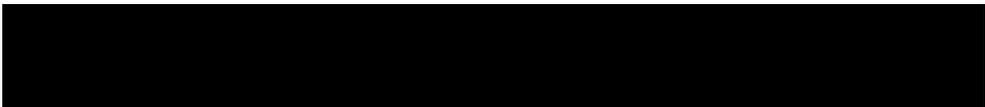
ZONE COMMANDING OFFICER / DETECTIVE BUREAU CAPTAIN 6.

Review request(s) and consider the purpose and whether granting approval would serve an investigative purpose.

7. Endorse request(s) indicating APPROVAL / DISAPPROVAL within one day of original request and if APPROVED, immediately forward approval to the Chief of Detectives, through channels, for informational purposes.

8. File copies of requests in command.

INVESTIGATOR 9.



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**CHIEF OF
DETECTIVES**

10.

IF APPLICATION FOR ONLINE ALIAS INVOLVES SUSPECTED
TERRORIST ACTIVITY:**DETECTIVE
BUREAU
SUPERVISOR**

11. Immediately contact Intelligence Division, Criminal Intelligence Section supervisor and provide details regarding proposed investigation.

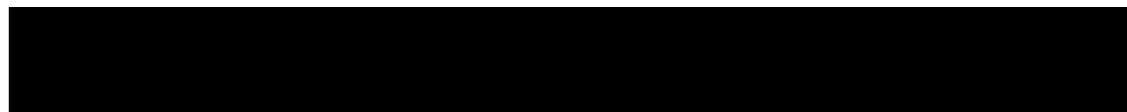
**INTELLIGENCE
DIVISION,
CRIMINAL
INTELLIGENCE
SECTION
SUPERVISOR**

12. Determine if investigation should be conducted by the Intelligence Division and proceed accordingly.

13. Notify requesting supervisor to proceed with investigation if it has been determined that the investigation will not be conducted by the Intelligence Division.

**DETECTIVE
BUREAU
SUPERVISOR /
EXECUTIVES**

14. Comply with steps "2" through "10," as appropriate, if investigation will not be conducted by the Intelligence Division.

**DETECTIVE
BUREAU
SUPERVISOR**15. Confer with Intelligence Division, Criminal Intelligence Section supervisor, if there is concern that the investigation may involve suspected terrorist activity.
a. Comply with instructions from Intelligence Division, Criminal Intelligence Section supervisor.

16. Confer with Zone Commanding Officer / Detective Bureau Captain, if investigation does not involve suspected terrorist activity.

17. Instruct member of the service to proceed with investigation upon receiving APPROVAL from Zone Commanding Officer / Detective Bureau Captain.

a.

**ADDITIONAL
DATA**LEGAL CONSIDERATIONS

During the course of an investigation, a member of service may need access to information regarding online accounts maintained by service providers. The federal Electronic Communications Privacy Act (ECPA) governs seizures of electronic evidence. Some information may be obtained with a subpoena; other information requires a special court order; and still other information requires a search warrant. Pertinent sections of the ECPA are as follows:

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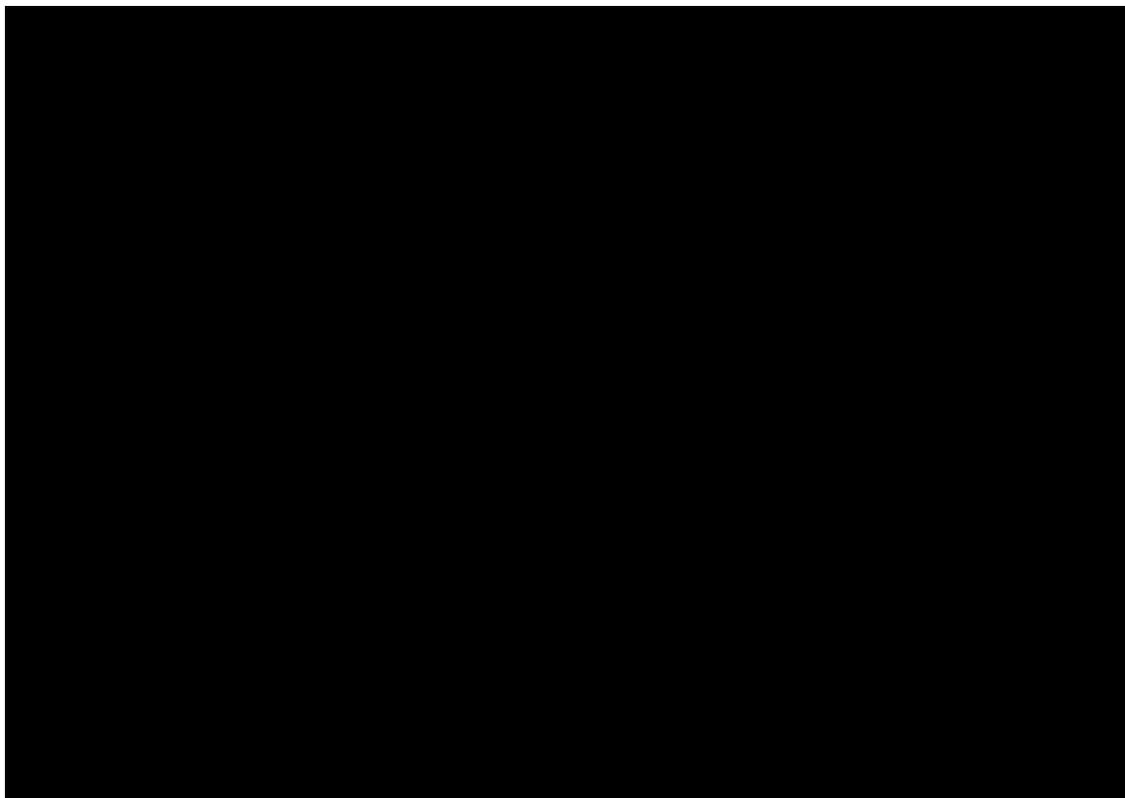
**ADDITIONAL
DATA
(continued)**

- a. *A subpoena is generally deemed sufficient to obtain information such as user information and payment records*
- b. *Electronic communications, such as email content, in electronic storage for 180 days or less may be obtained only after the issuance of a search warrant, and delayed notification to the subscriber or customer may be ordered if specifically requested in the search warrant application*
- c. *Electronic communications in electronic storage for more than 180 days may be obtained with a subpoena signed by a judge; however, notice must be provided to the subscriber or customer unless the electronic communications are obtained after the issuance of a search warrant allowing for delayed notification*
- d. *In anticipation of the issuance of a search warrant, a member of the service may send a request known as a "preservation letter" to an electronic service provider requesting the preservation of electronic records for 90 days, and extend the request for an additional 90 day period.*

Note that particular service providers are known to ignore non-disclosure orders (i.e., some service providers will disclose the existence of a search warrant or subpoenas to a subject subscriber or customer.) In general, members of the service should consult with the Legal Bureau before seeking electronic communication through a search warrant or otherwise.

Data obtained through a grand jury subpoena or court order cannot be shared with other law enforcement agencies unless otherwise authorized.

OPERATIONAL CONSIDERATIONS



DETECTIVE GUIDE

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**ADDITIONAL
DATA**
(continued)

DEPARTMENT POLICY

The “Handschu Consent Decree” and “Guidelines for Investigations Involving Political Activity” (see Appendix “A” and “B” of Patrol Guide 212-72, “Guidelines for Uniformed Members of the Service Conducting Investigations Involving Political Activities”) require that any investigation, including investigations on social networks, by the New York City Police Department involving political activity shall be initiated by and conducted only under the supervision of the Intelligence Division. Accordingly, members of the service shall not conduct investigations on social networks involving political activity without the express written approval of the Intelligence and Counterterrorism Bureau. Any member of the service who is uncertain whether a particular investigation constitutes an “investigation involving political activity” shall consult with the Legal Bureau.

Members of the service who have created and used online aliases prior to the promulgation of this procedure must submit a request to continue utilizing the alias in accordance with this procedure.

**RELATED
PROCEDURES**

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

**FORMS AND
REPORTS**

Typed Letterhead

EXHIBIT 2

(2)(b) Invasion Of Personal (t.me/s/(2)(b)) has an umbrella Telegram channel (2)(b) Invasion Of Personal. This umbrella channel has (2)(b) members. They offer the following channels for the BLM/ Floyd protests: Nationwide, Atlanta, NYC, Minneapolis, and LA. They use Telegram for: "(2)(b) Invasion Of Personal Privacy."

[Image 1]

The NYC channel is called (2)(b) Invasion Of Personal (t.me/s/(2)(b) Invasion) and has (2)(b) members and 6 photos as of Tues morning June 2. [Image 2]

- They have "(2)(b) Invasion Of Personal Privacy" [Image 3]

- (2)(b) Invasion Of Personal Privacy
-
-
-
-

- They have "(2)(b) Invasion Of Personal": [Image 4]

- (2)(b) Invasion Of Personal Privacy
-
-
-
-

Summary:

- Usernames/identities are not visible because it is a channel.

- (2)(b) Invasion Of Personal Privacy
-
-
-
-
-

- (2)(b) Invasion Of Personal Privacy
-

- (2)(f) Danger to Life Or Safety

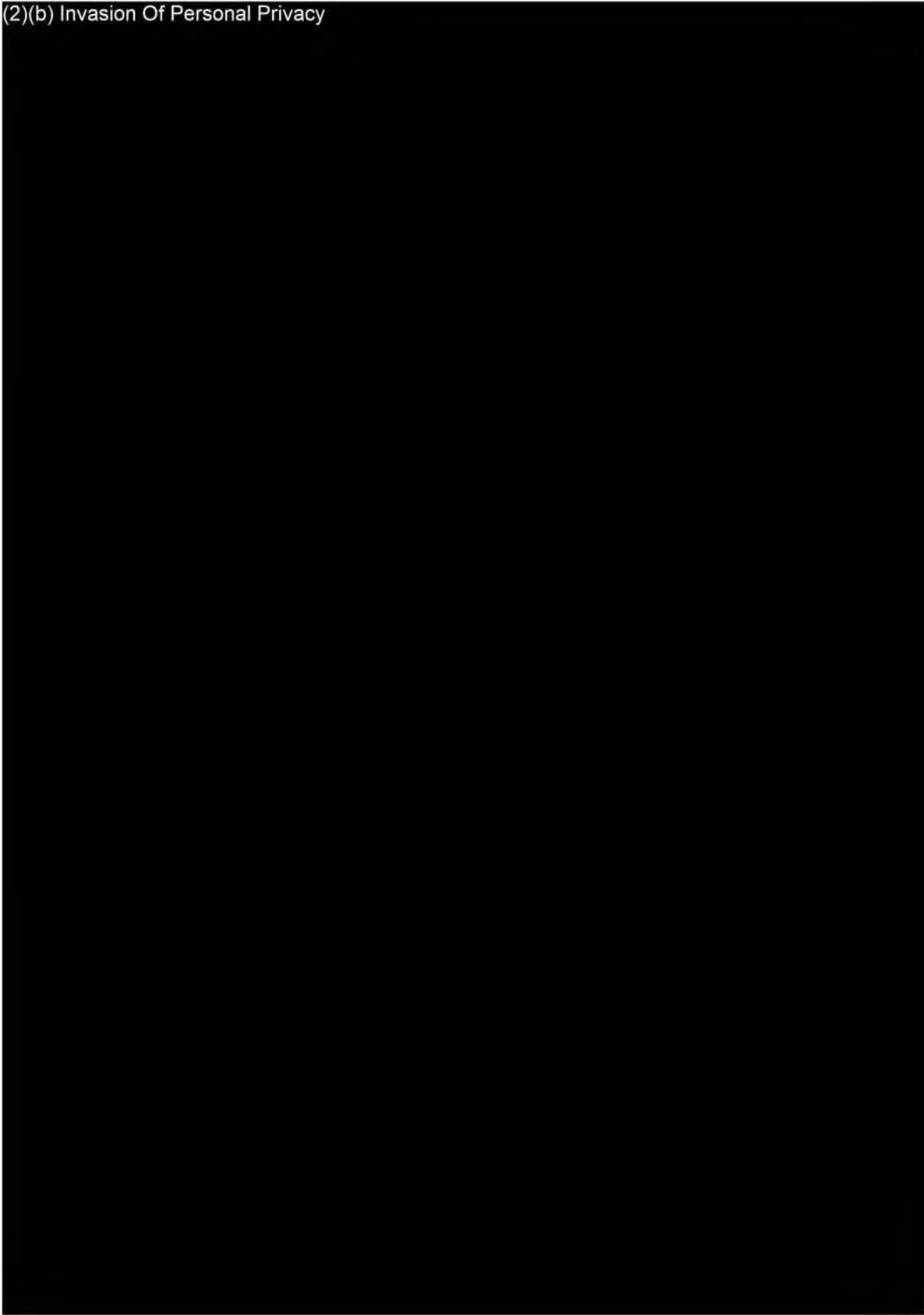
- They posted (2)(b) Invasion Of Personal Privacy
- (2)(b) Invasion Of Personal Privacy
- One of the posts tells chat members to stay safe and suggests tuning in to this broadcast: <https://www.broadcastify.com/> (2)(b) Invasion Of Personal Privacy

Selected samples below:

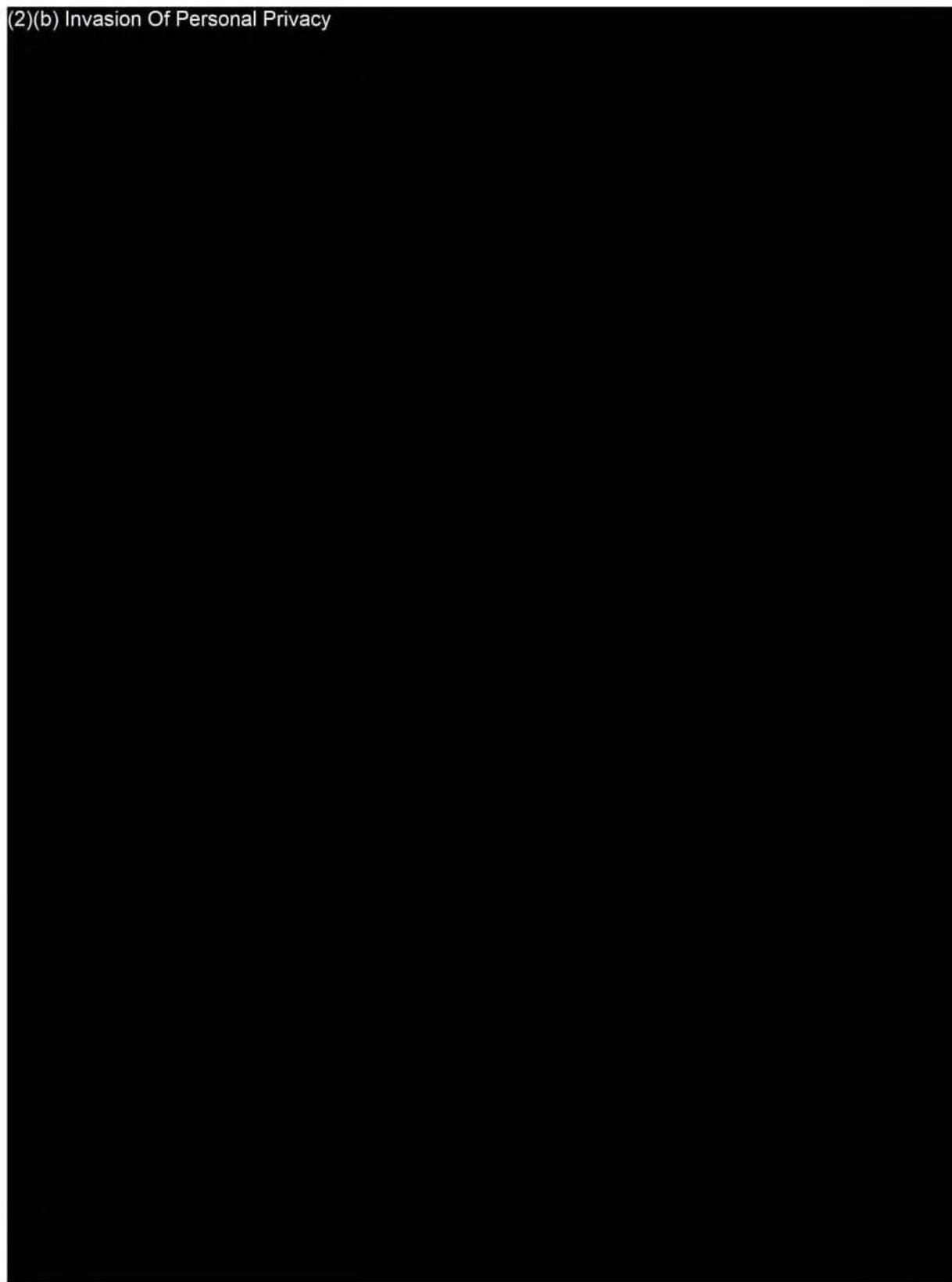
**this is a good representation of the whole chat (notable entries in bold):

(2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy



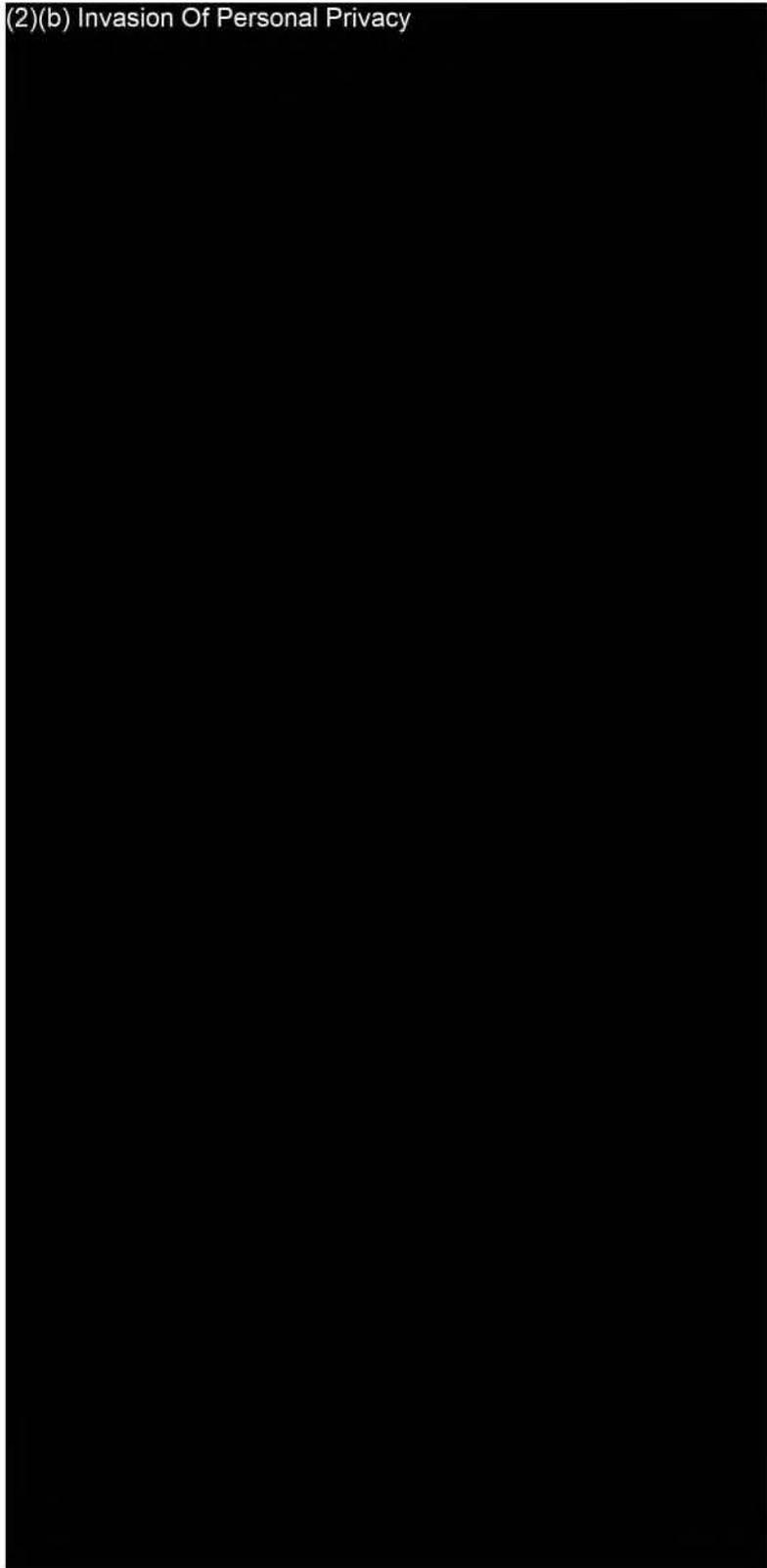
(2)(b) Invasion Of Personal Privacy



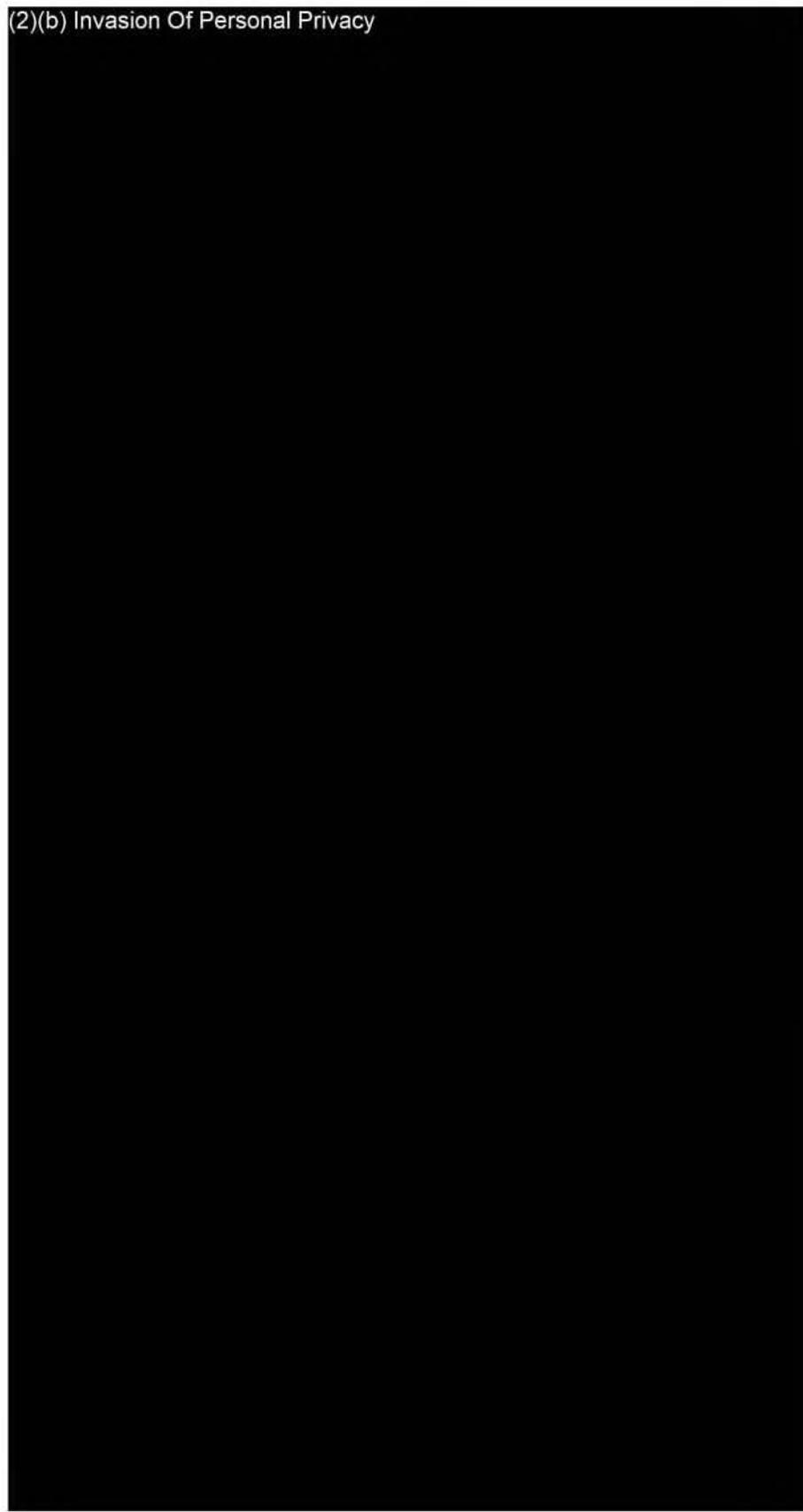
(2)(b) Invasion Of Personal Privacy



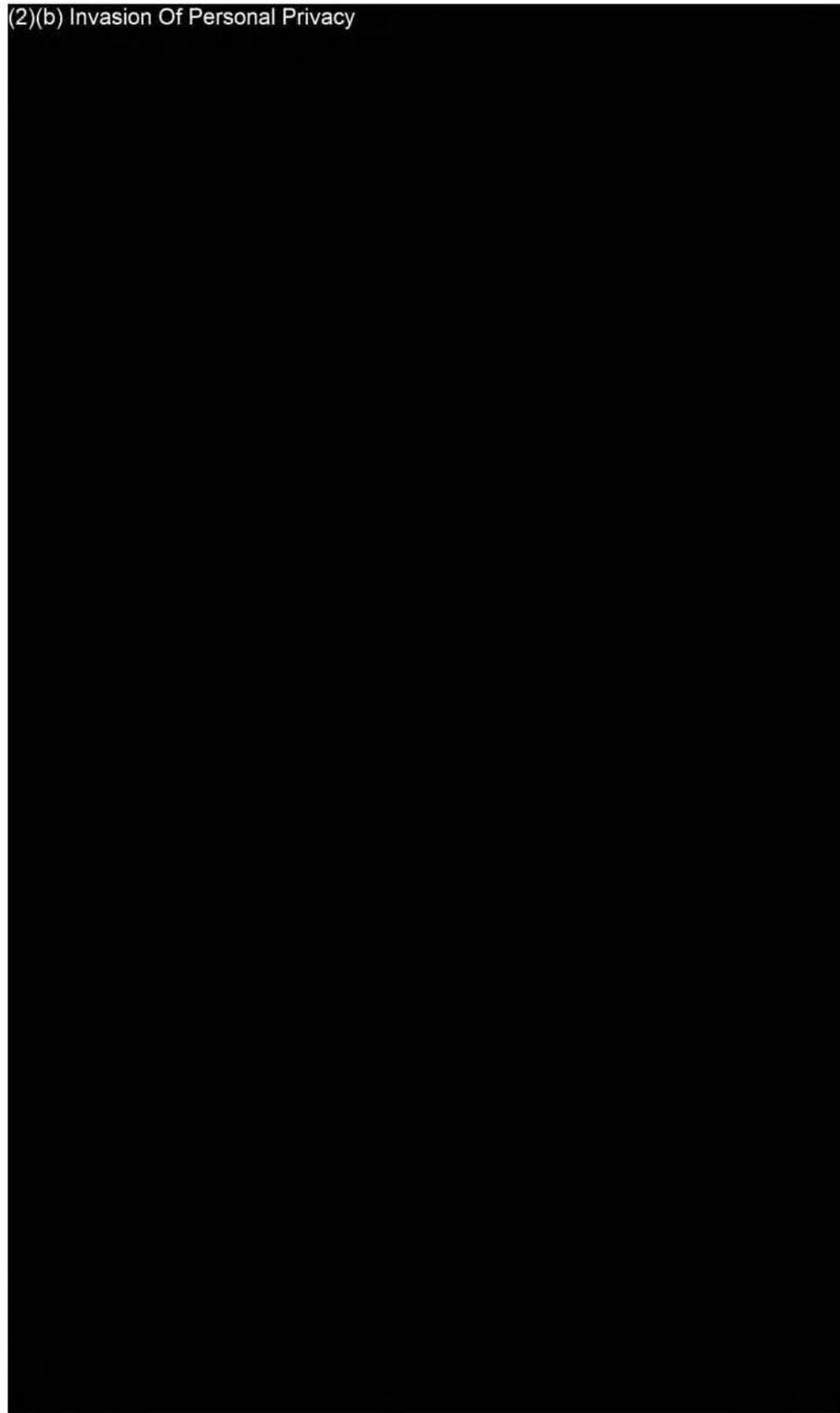
(2)(b) Invasion Of Personal Privacy



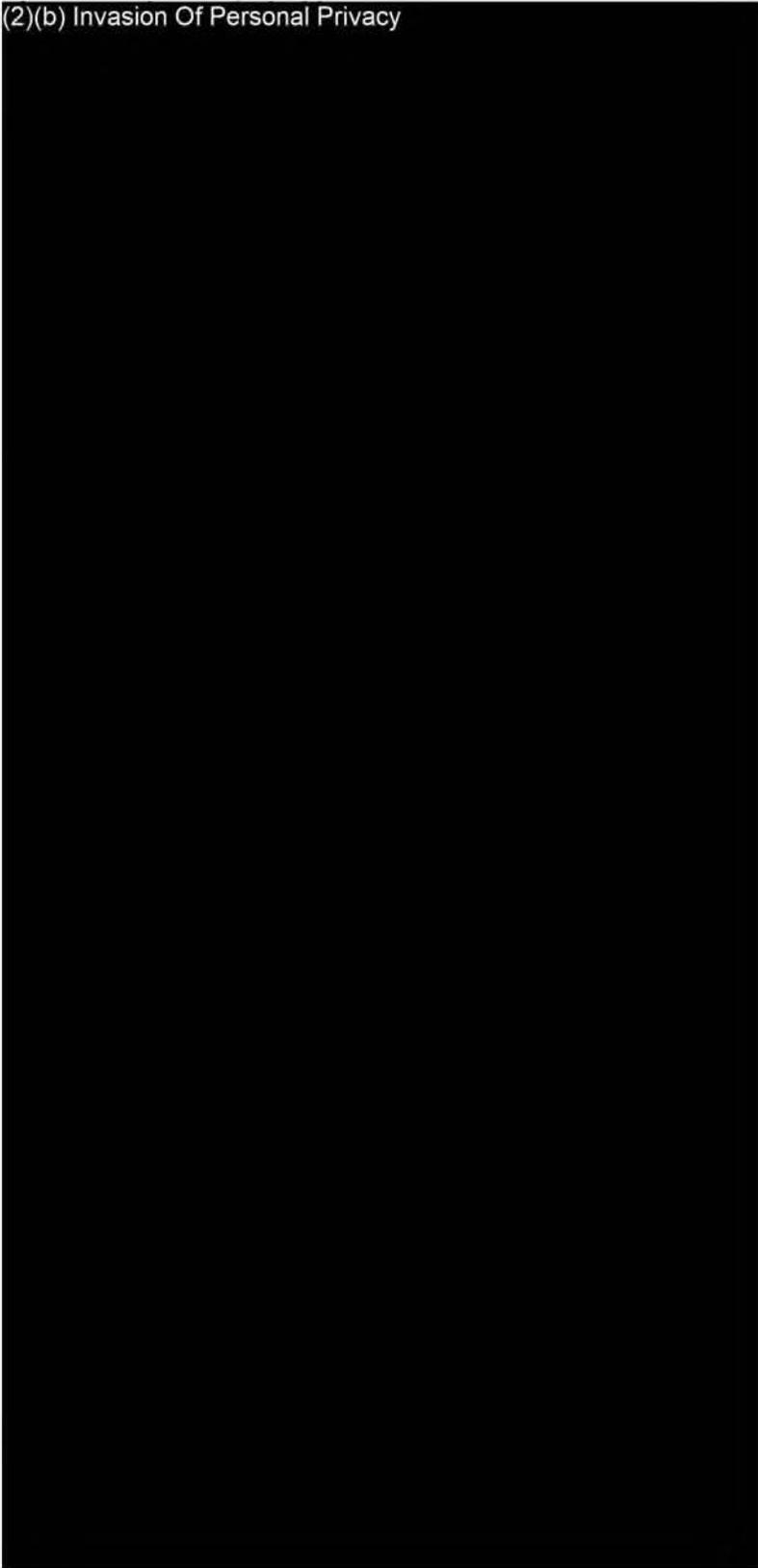
(2)(b) Invasion Of Personal Privacy



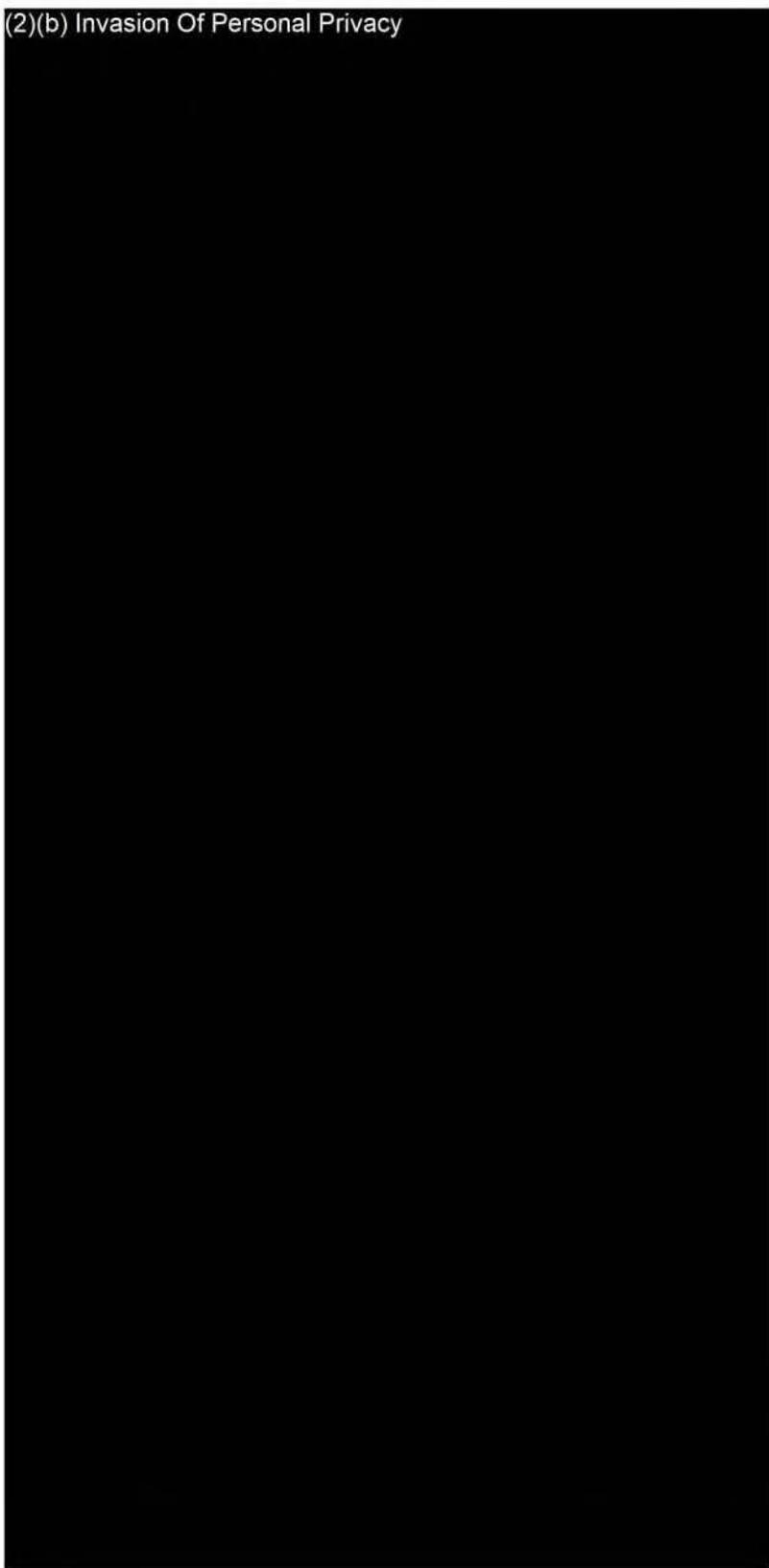
(2)(b) Invasion Of Personal Privacy



(2)(b) Invasion Of Personal Privacy



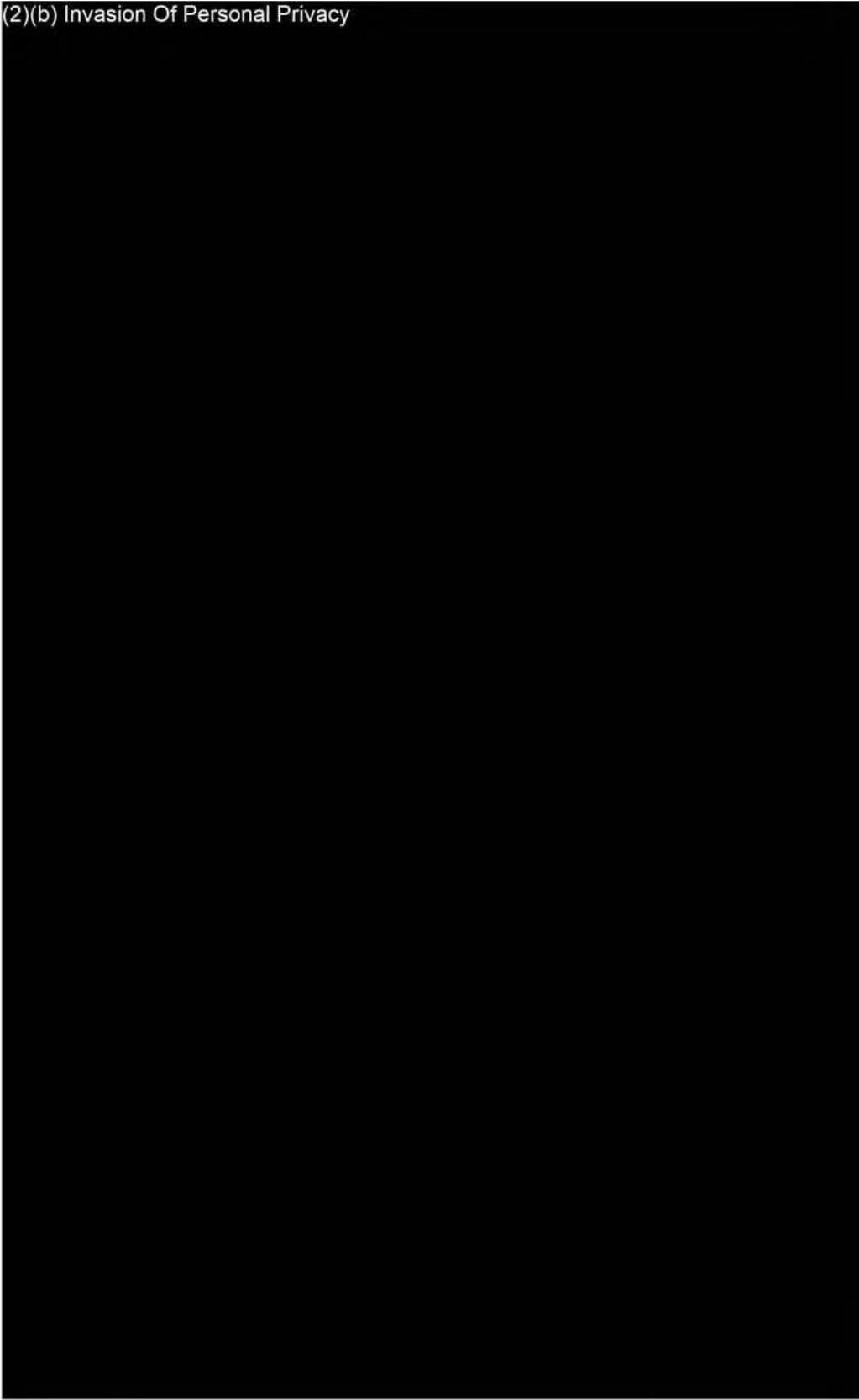
(2)(b) Invasion Of Personal Privacy



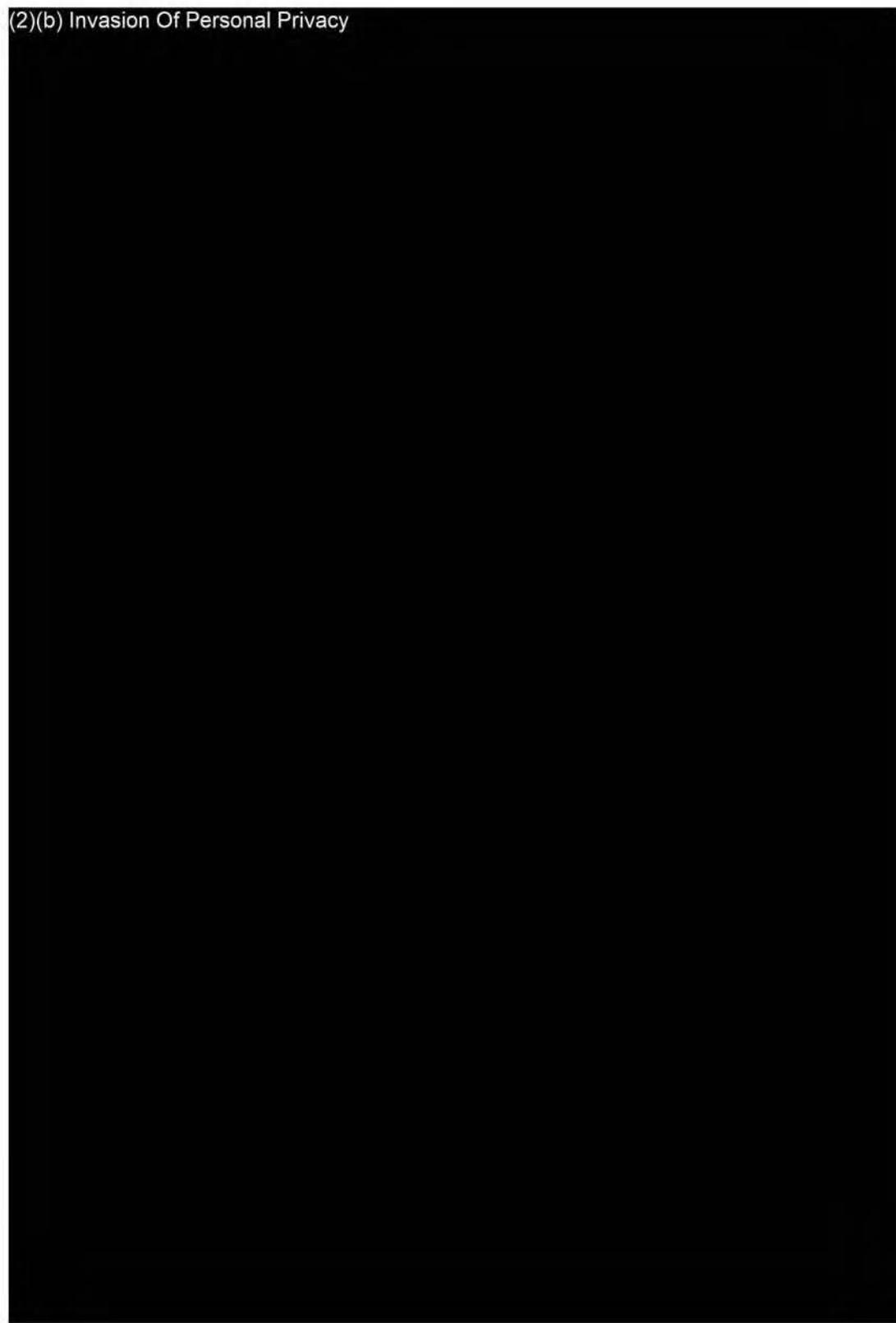
(2)(b) Invasion Of Personal Privacy



(2)(b) Invasion Of Personal Privacy



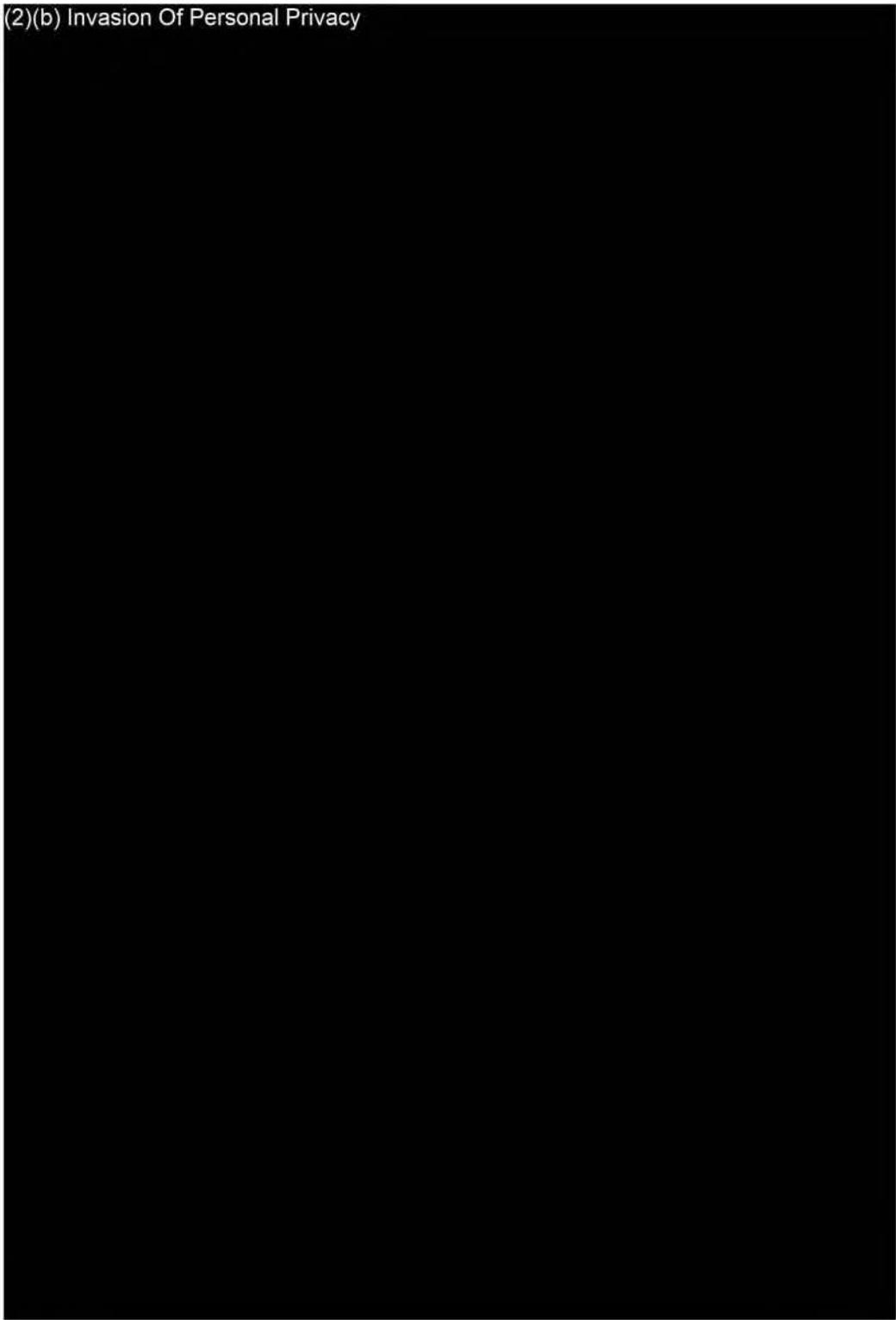
(2)(b) Invasion Of Personal Privacy



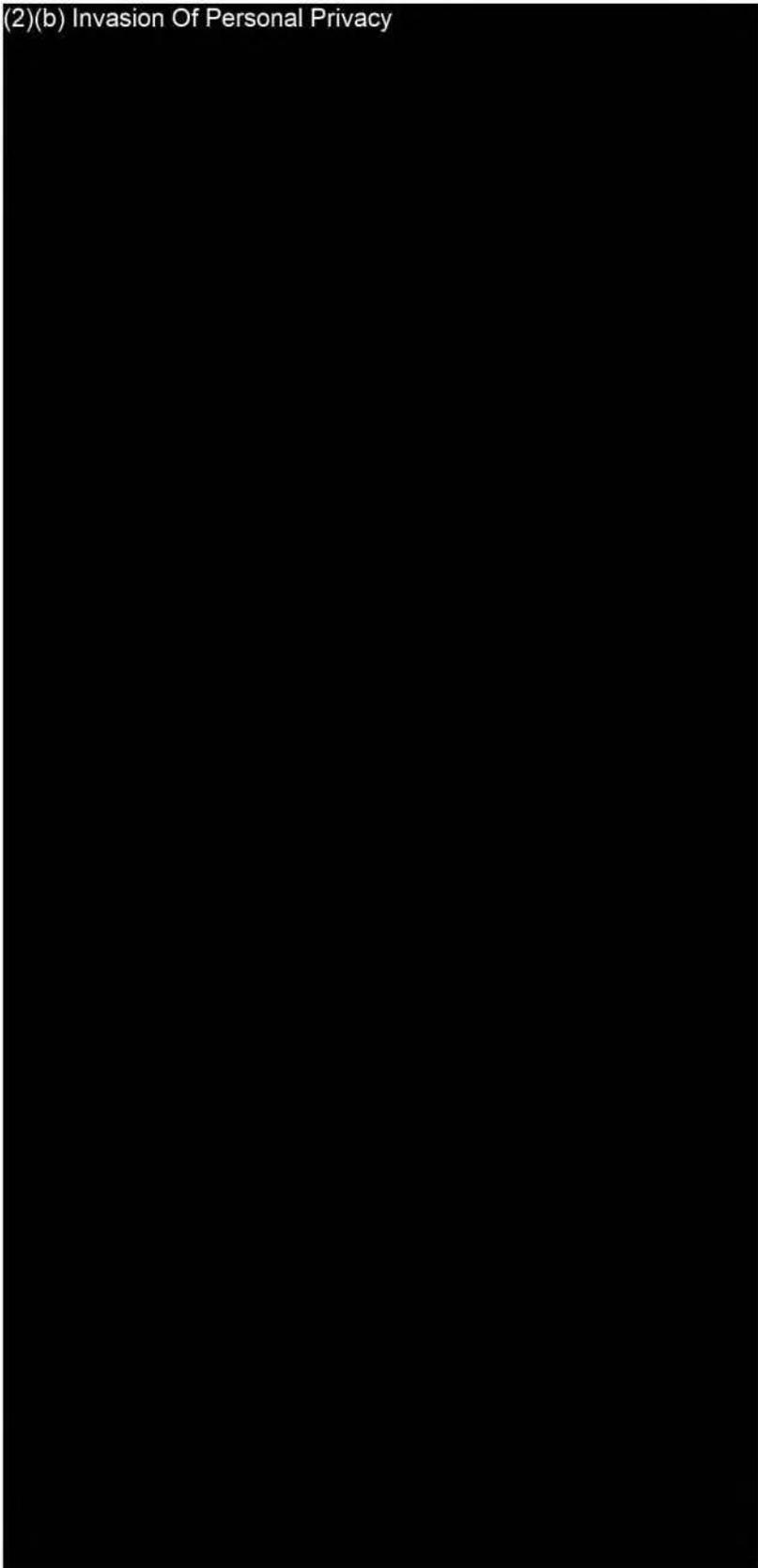
(2)(b) Invasion Of Personal Privacy



(2)(b) Invasion Of Personal Privacy



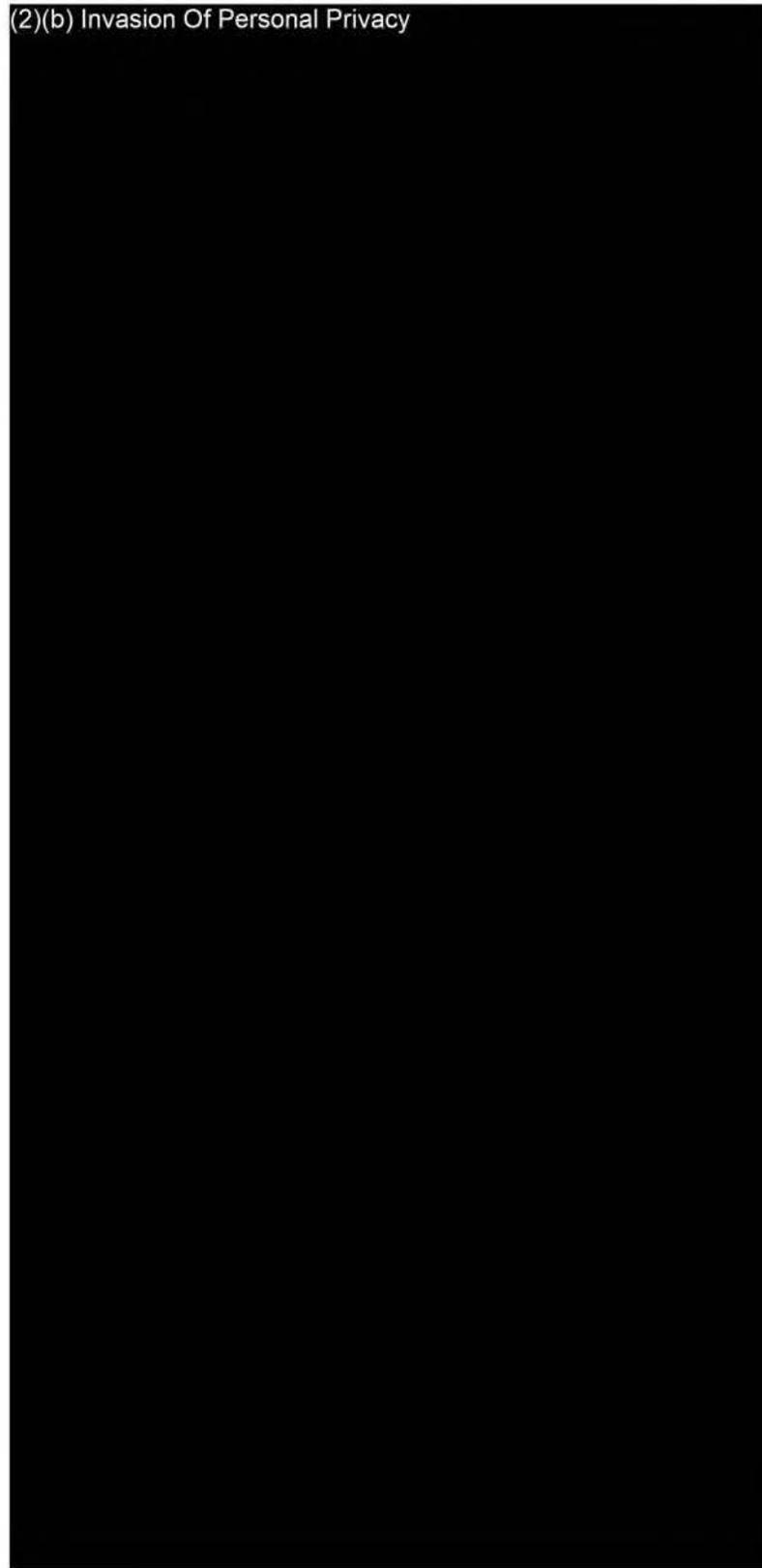
(2)(b) Invasion Of Personal Privacy



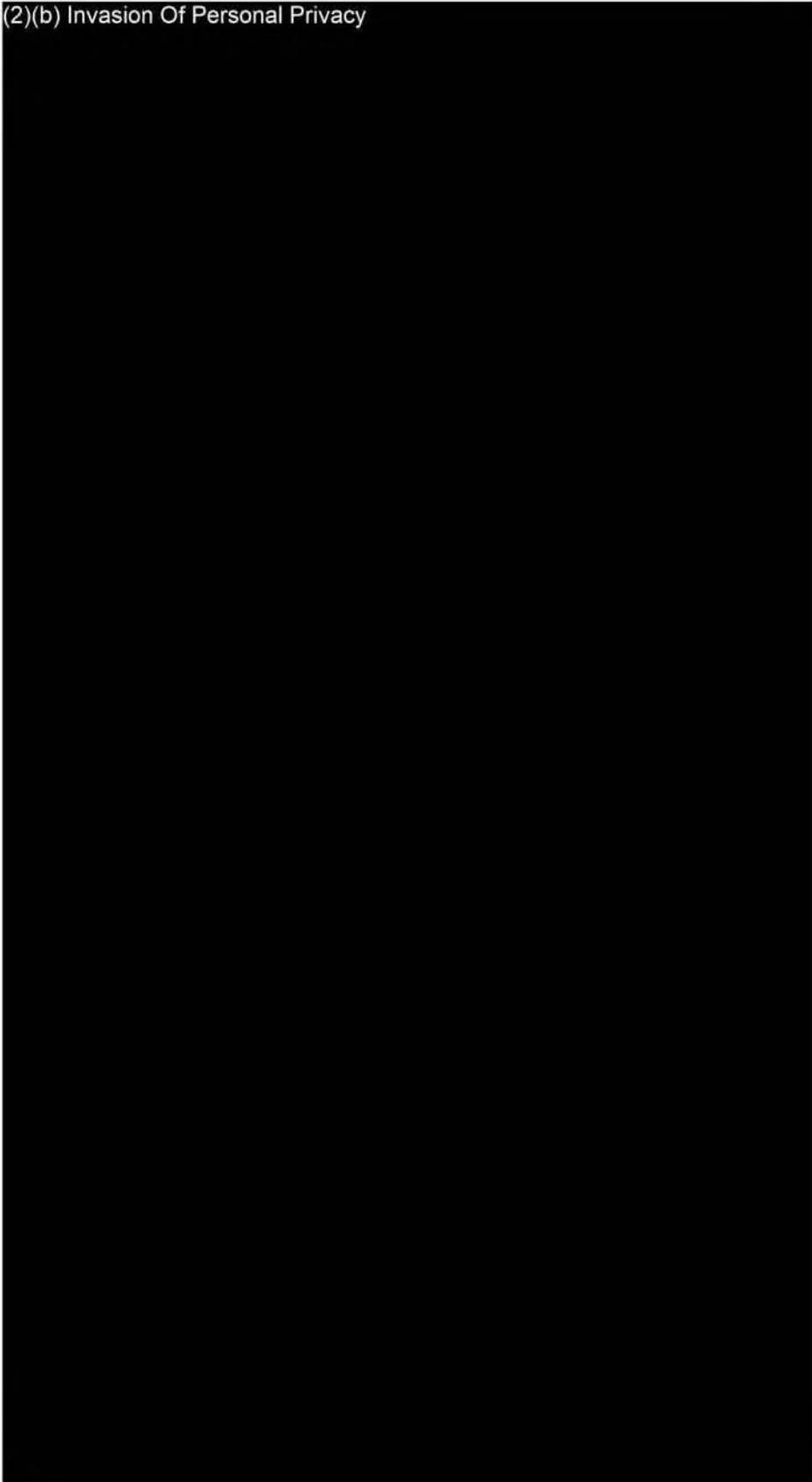
(2)(b) Invasion Of Personal Privacy



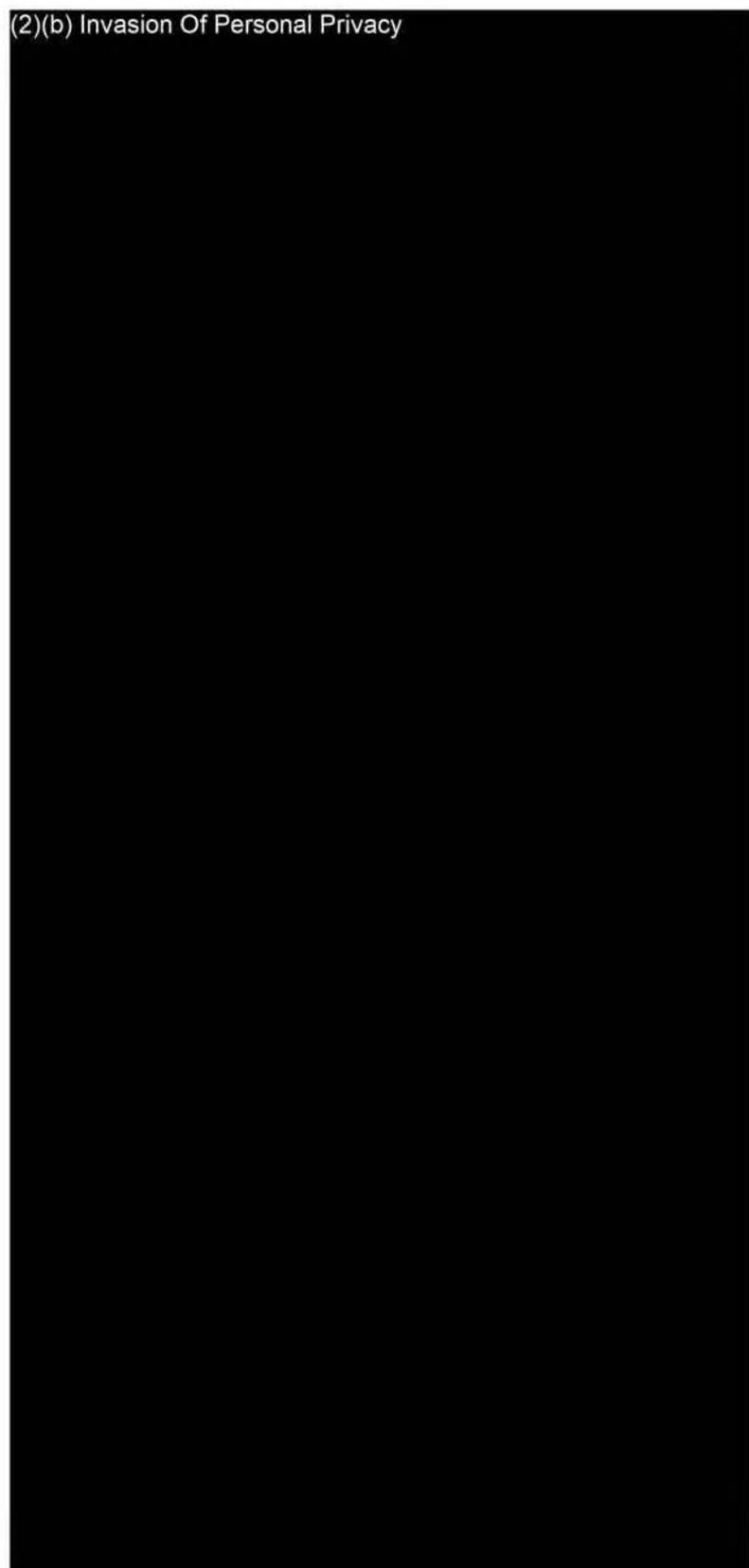
(2)(b) Invasion Of Personal Privacy



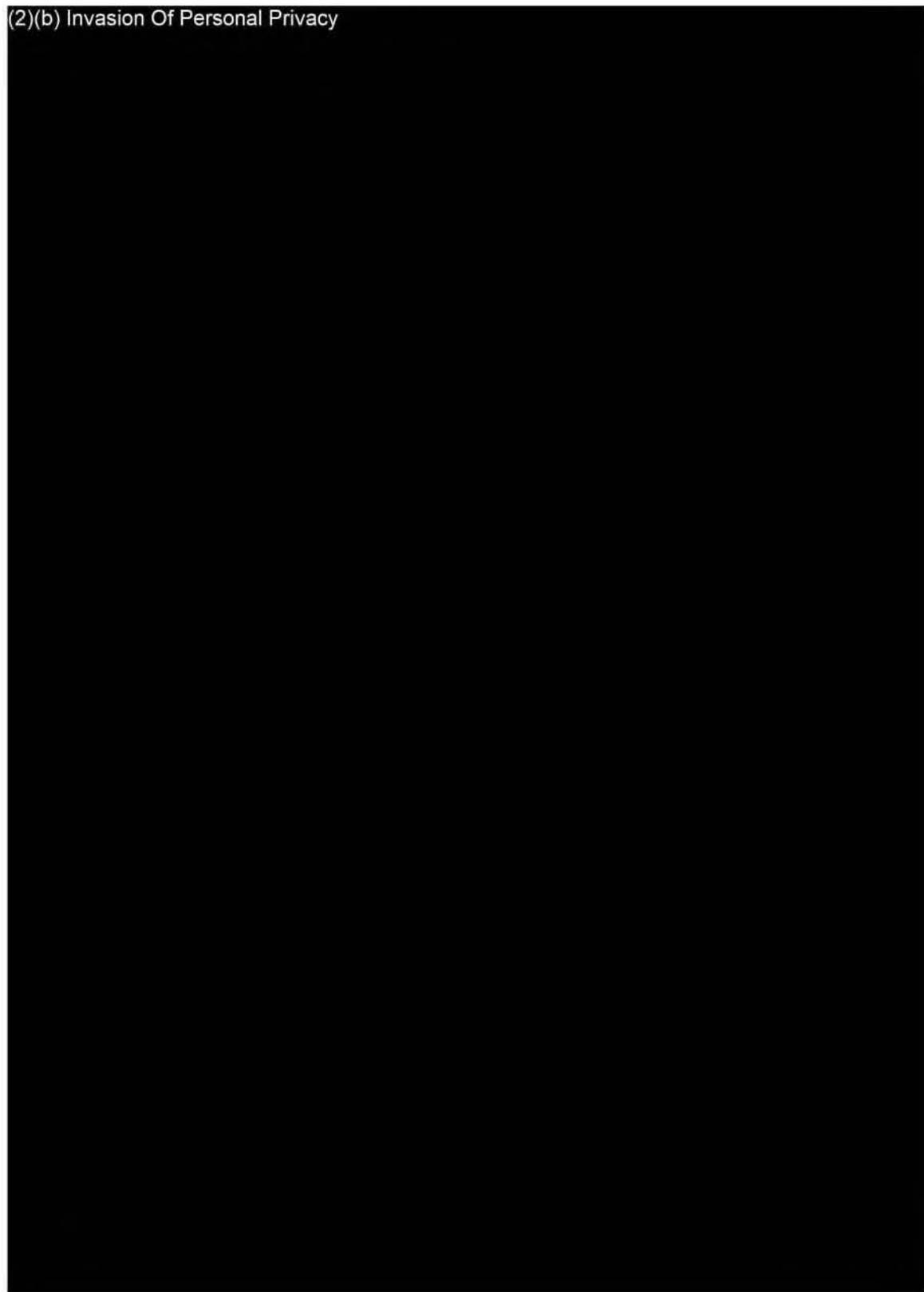
(2)(b) Invasion Of Personal Privacy



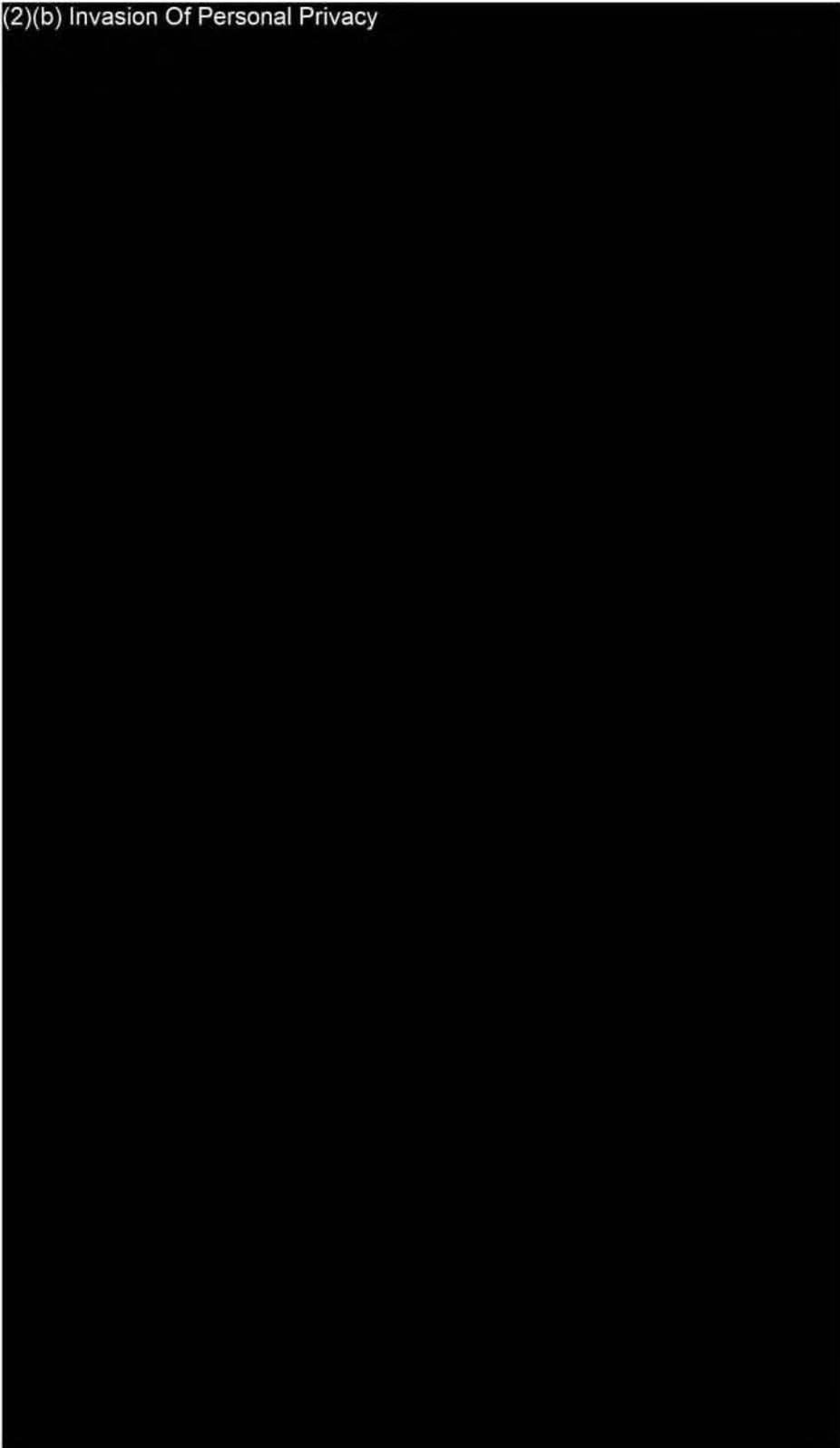
(2)(b) Invasion Of Personal Privacy



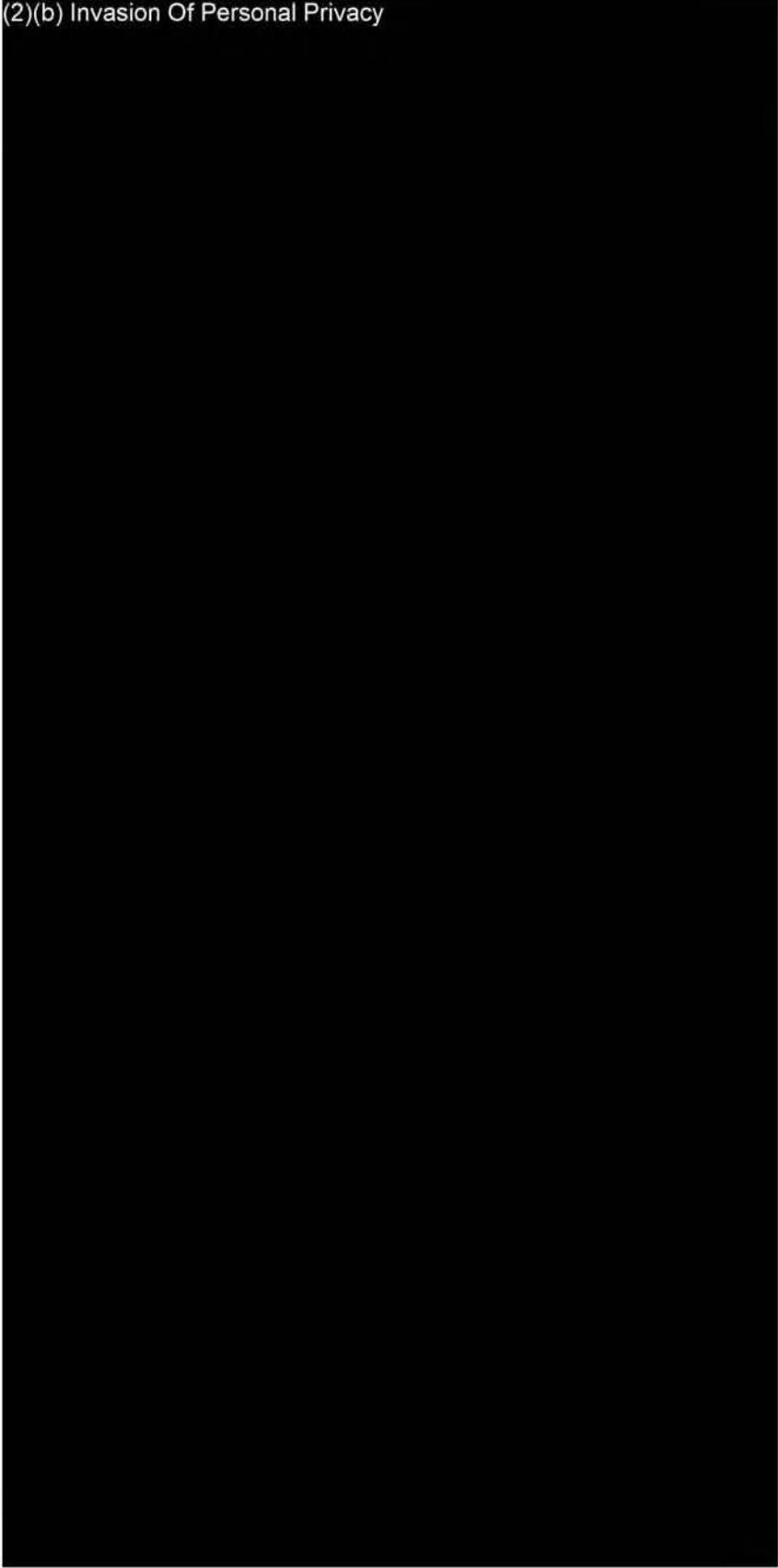
(2)(b) Invasion Of Personal Privacy



(2)(b) Invasion Of Personal Privacy



(2)(b) Invasion Of Personal Privacy





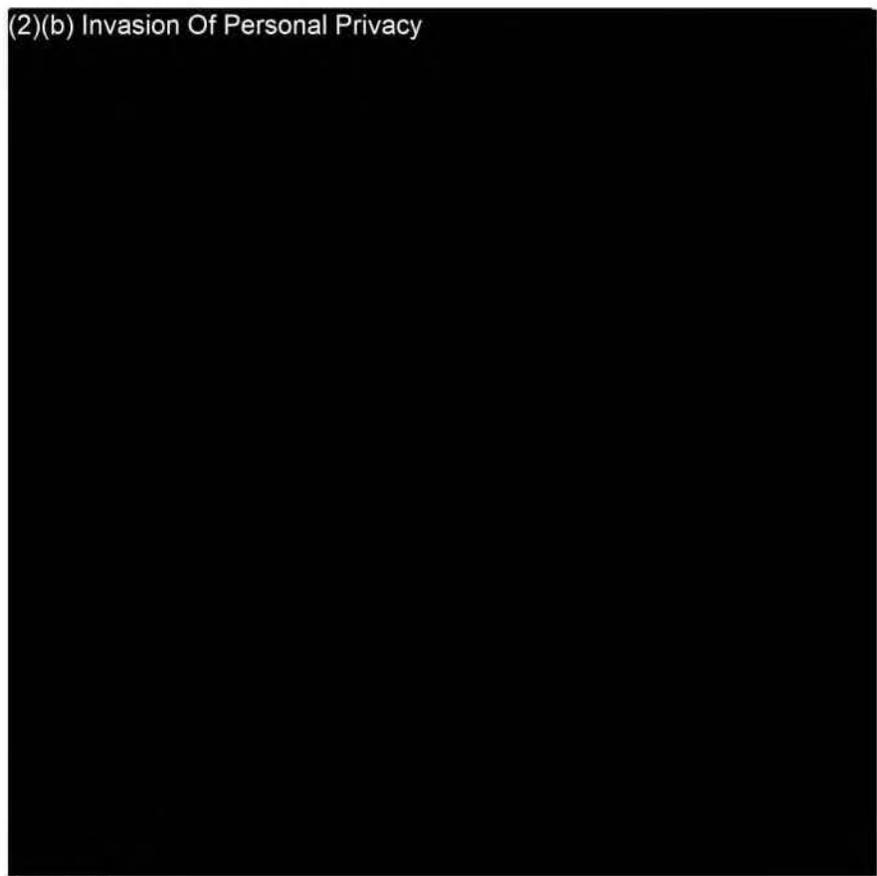
[Image 1]

(2)(b) Invasion Of Personal Privacy



[Image 2]

(2)(b) Invasion Of Personal Privacy



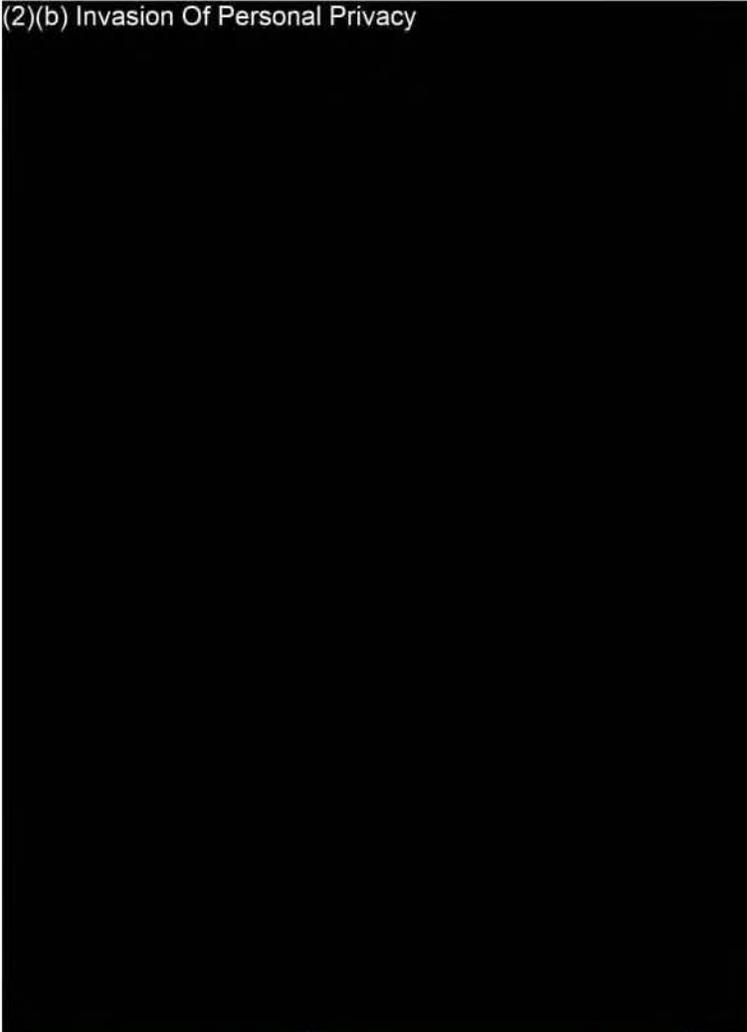
[Image 3]

(2)(b) Invasion Of Personal Privacy



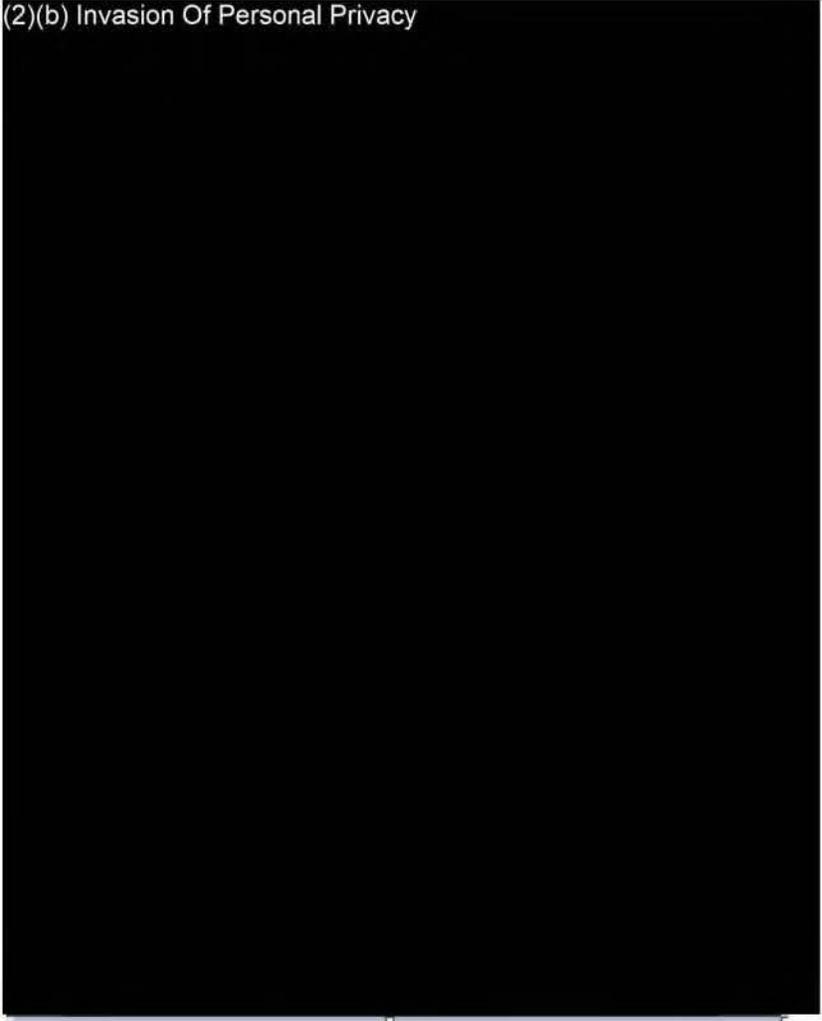
[Image 4]

(2)(b) Invasion Of Personal Privacy



[Image 5]

(2)(b) Invasion Of Personal Privacy



[Image 6]



[Image 7]

(2)(b) Invasion Of Personal Privacy



[Image 8]

EXHIBIT 3

ideological justifications for looting.pdf

From: (2)(b) Invasion Of (2)(b) (2)(b) (2)>
 To: Email Group (2)(b) (2)(b) (2)(b) (2)>
 Date: Wed, 03 Jun 2020 15:12:52 -0400
 Attachments: (2)(b) Invasion Of - Instagram - (2)(b) Invasion .png (132.71 kB); (2)(b) Invasion - Instagram - (2)(b) (2)(b) .png (464.12 kB); (2)(b) Invasion Of - Instagram - private pr.png (373.05 kB); (2)(b) Invasion Of - Instagram - private pr.png (373.28 kB); image001.png (132.71 kB); image002.png (464.12 kB); image003.png (373.28 kB); image004.png (373.05 kB)

From:
 To:
 (2)(b) Invasion Of
 Email Group (2)(b)
 Subject:
 Date:
 Attachments:
 ideological justifications for looting
 Wednesday, June 3, 2020 2:12:52 PM
 (2)(b) Invasion Of - Instagram - 06-03-2020 1354 hrs (2)(e).png
 Personal Privacy - Instagram - (2)(b) - 06-03-2020 1353 hrs (2)(l).png
 (2)(b) Invasion Of - Instagram (2)(b) Invasion - 6-3-2020 1344 hrs (2)(c).png
 Personal Privacy - Instagram Of Personal - 6-3-2020 1344 hrs (e).png
 image001.png
 image002.png
 image003.png
 image004.png

Hi all, wanted to flag a couple of Instagram accounts posting ideological justifications for looting. (2)(e)
 (2)(e) Law Enforcement

I don't know where (2)(b) Invasion Of is located. They have a second Instagram, (2)(b) Invasion Of, they appear to post everything in both locations. They also have a Twitter, twitter.com (2)(b) Invasion where they list (2)(b) Invasion Of Personal for their location, and a website (2)(b) Invasion Of where they mostly sell tshirts.

(2)(g) Inter-Agency Or Intra-Agency

(2)(b) Invasion Of also operates twitter.com (2)(b) Invasion and facebook.com (2)(b) Invasion and it appears they used to have a website (2)(b) Invasion Of which is not currently working (2)(b) Invasion Of Personal (2)(b) Invasion Of Personal

(2)(b) Invasion Of
 Intelligence Research Specialist
 NYPD Intelligence Bureau
 (2)(b) (2)(b) (2)
 Cell: 646-660-(2)(b)

CONFIDENTIALITY NOTICE: This email and any attachments may contain confidential and privileged information for the use of the designated recipient(s) named above. If you are not the intended recipient, you are hereby notified that you have received this communication in error and that any review, use or disclosure of it or its contents is prohibited and may violate laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of this communication.

Please treat this and all other communications from the New York City Police Department as LAW ENFORCEMENT SENSITIVE / FOR OFFICIAL USE ONLY.

EXHIBIT 4

LAW ENFORCEMENT SENSITIVE

IAU assesses that (2)(b) sharing of information (2)(b) Invasion Of Personal Privacy - (2)(b) Invasion Of Personal Privacy - may inspire potential lone offenders to take action. It also (2)(b) Invasion Of Personal Privacy (2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy

On (2)(b) (7, the (2)(b) account posted instructions for viewers regarding (2)(b) Invasion Of Personal Privacy alongside text that stated, "(2)(b) Invasion Of Personal Privacy" The (2)(b) Invasion Of Personal Privacy (2)(b) Invasion Of Personal Privacy (2)(b) The post appears to be a screenshot of an anonymous (2)(b) post to an unknown forum and, based on open source analysis, the (2)(b) Invasion Of was pulled from the (2)(b) Invasion Of (2)(b) Invasion Of Personal Privacy

- Beginning on (2)(b) 11, the (2)(b) account began (2)(b) Invasion Of Personal Privacy posting content pertaining to (2)(b) (2)(b) Invasion Of legislation that (2)(b) (2)(b) Invasion Of Personal Privacy

The (2)(b) page has since reposted (2)(b) (2)(b) Invasion Of urging followers to refrain from posting images of (2)(b) Invasion Of Personal (2)(b) Invasion Of Personal On (2)(b) 23, amid a (2)(b) Invasion Of Personal Privacy (2)(b) Invasion Of Personal Privacy the (2)(b) account issued a call to action for its readers to (2)(b) Invasion Of referring to (2)(b) Invasion Of The account posted (2)(b) (2)(b) Invasion Of Personal Privacy alongside text reading "(2)(b) Invasion Of Personal (2)(b) Invasion Of Personal Privacy

- 1 (2)(b) Invasion Of Personal
- 2 (2)(b) Invasion Of Personal Privacy
- 3 (2)(b) Invasion Of Personal Privacy

The information contained in this document is preliminary and subject to revision. It does not contain the entire body of information available on the topics presented.

LAW ENFORCEMENT SENSITIVE

EXHIBIT 5

LAW ENFORCEMENT SENSITIVE

Created: (2)(b)/2020

(2)(b) Invasion Of Personal
a.k.a. (2)(b) Invasion
(2)(b) Invasion Of Personal
Privacy

Source: DMV

Associated Case: (2)(e) Law

Summary: (2)(b) Invasion Of Personal Privacy
(2)(b) Invasion Of Personal Privacy His Instagram profile suggests (2)(b)
(2)(b) Invasion Of Personal Privacy

- In (2)(b) 2020, the Intelligence Bureau discovered a user employing the alias (2)(b) on Telegram when an IB subject known to the department, (2)(b) Invasion Of invited an NYPD source and (2)(b) to participate in a newly created group (2)(b) Subsequent social media checks have revealed that the user employing the handle (2)(b) Invasion Of Personal Privacy
- (2)(b) possesses social media connectivity to several IB subjects (2)(b) Invasion Of Personal (2)(b) Invasion Of Personal Privacy (2)(e) Law (2)(b) (2)(b) Invasion Of Personal
- (2)(b) Invasion Of Personal Privacy
- (2)(b) Invasion Of Personal Privacy An (2)(b) 2019 Instagram post shows (2)(b) (2)(b) Invasion Of Personal Privacy
- (2)(b) Invasion Of Personal Privacy (2) Instagram posts frequently feature images (2)(b) Invasion Of Personal Privacy (2)(b) however, (2) did post one image (2)(b) Invasion Of Personal Privacy
- (2)(b) Invasion Of Personal Privacy According to the (2)(b) Instagram profile, (2)(b) (2)(b) Invasion Of Personal Privacy
- According to (2)(b) Instagram profile, (2)(b) Invasion Of Personal Privacy
- According to a (2)(b) 2020 post to (2)(b) Instagram profile, (2)(b) Invasion Of Personal Privacy (2)(b) Invasion (2) posted a conversation with an unknown person (2)(b) Invasion Of on Instagram.

| PEDIGREE INFORMATION | | Source |
|----------------------|-------------------------------------|---------|
| Sex | (2)(b) Invasion Of Personal Privacy | CLEAR |
| DOB | | CLEAR |
| POB | | TECS |
| Height/Weight | | zFINEST |
| Race/Ethnicity | | zFINEST |
| Eyes/Hair Color | | zFINEST |
| SSN | | CLEAR |

LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

Created: (2)(b) /2020

| | | |
|-------------------------------|-------------------------------------|--------------------------|
| Driver's License | (2)(b) Invasion Of Personal Privacy | zFINEST |
| PP Number | | TECS |
| Nationality | | TECS |
| NYSID | | (2)(e) |
| (2)(e) Law Enforcement | | (2)(e) Law |
| Pistol License | (2)(b) Invasion Of Personal Privacy | Enforceme |
| Aliases | | NYPD Source / Flashpoint |

| HOME ADDRESS | | |
|-------------------------------------|---------|----------------|
| TIMEFRAME | ADDRESS | Source |
| (2)(b) Invasion Of Personal Privacy | | CLEAR / (2)(e) |
| | | CLEAR |
| | | CLEAR |
| | | CLEAR |

| PHONE NUMBERS | | | | | | |
|-------------------------------------|--------|----------|------------|------------|--------|--------|
| TIMEFRAME | NUMBER | Subpoena | (2)(e) Law | OpenSource | (2)(e) | Source |
| (2)(b) Invasion Of Personal Privacy | | | | | | CLEAR |
| | | | | | | CLEAR |
| | | | | | | CLEAR |
| | | | | | | CLEAR |
| | | | | | | CLEAR |

| EMAIL ADDRESSES | | | | | | |
|------------------------|-------------------|----------|-------------|-----|------------|--|
| TIMEFRAME | ADDRESS | Subpoena | Open Source | IDS | Source | |
| (2)(b) Invasion Of | (2)(b) @gmail.com | N/A | Positive | | Flashpoint | |

| ONLINE PRESENCE/VOYAGER | | | |
|--------------------------------|--|---|----------------------------------|
| PLATFORM | EMAIL/SITE LINK | NOTES | Source |
| Twitter | Handle: (2)(b) Twitter ID: (2)(b) (2)(b) | Tweets are Largely Reposted News Articles Concerning (2)(b) Invasion Of | Shadow Dragon Flashpoint |
| Instagram | Handle: (2)(b) Instagram ID: (2)(b) (2)(b) | First Degree Connectivity to (2)(e) subject (2)(b) and Follows the (2)(b) Account | Shadow Dragon Flashpoint Voyager |

LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

Created: (2)(b) 2020

| | | | |
|-----------------|--|---|--------------------------|
| YouTube | www.youtube.com/channel/UC... (2)(b) Invasion Of | One Playlist Created for (2)(b) (2)(b) Invasion as of (2)(b) 2020 | Shadow Dragon Flashpoint |
| Science Mission | http://sciencemission.com/site/... (2)(b) Invasion Of Personal Privacy | No Posts; In-Active for 90 days as of (2)(b) 2020 | Shadow Dragon Flashpoint |
| Storenvy | Handle: (2)(b) www.storenvy.com/... (2)(b) | Purchased (2)(b) as of (2)(b) 2020 | Shadow Dragon Flashpoint |

| FINANCIALS/CTR/SARS | | | | |
|------------------------|--------|--------------|------------|----------------|
| Trans Date | Filing | Subject Name | Cash Value | Notes (Include |
| (2)(e) Law Enforcement | | | | |

| EMPLOYMENT | | | |
|-------------------------------------|----------|----------|--------|
| TIMEFRAME | POSITION | LOCATION | Source |
| (2)(b) Invasion Of Personal Privacy | | | CLEAR |

| TRAVEL HISTORY |
|------------------------|
| (2)(e) Law Enforcement |

| ASSOCIATED INDIVIDUALS | | |
|-------------------------------------|---|---------------------|
| NAME | ASSOCIATION & NOTES | Source |
| (2)(b) Invasion Of Personal Privacy | Intelligence Bureau Subject of (2)(e) Law & (2)(e) <ul style="list-style-type: none"> (2)(b) Invasion Of Personal Privacy | NYPD Source |
| (2)(b) Invasion Of Personal Privacy | Intelligence Bureau Subject of (2)(e) Law <ul style="list-style-type: none"> (2)(b) Invasion Of Personal Privacy | NYPD Source Voyager |

LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

Created: (2)(b) /2020

| | | |
|-------------------------------|---|--------------------------------|
| <p>(2)(e) Law Enforcement</p> | <p>(2)(b) Invasion Of [REDACTED] Group Founded by Subjects of (2)(e) Law & (2)(e) Law</p> <ul style="list-style-type: none"> (2)(b) Invasion Of Personal Privacy [REDACTED] (2)(b) [REDACTED] possesses first degree connectivity to the (2)(b) [REDACTED] Instagram page | <p>Voyager</p> |
| <p>(2)(e) Law Enforcement</p> | <p>(2)(b) Invasion Of [REDACTED] Extremist Podcast Host</p> <ul style="list-style-type: none"> (2)(b) Invasion Of Personal Privacy [REDACTED] (2)(b) [REDACTED] online presence demonstrates support (2)(b) [REDACTED] Invasion Of Personal Privacy (2)(b) [REDACTED] possesses first degree connectivity with (2)(b) [REDACTED] via Instagram (2)(b) Invasion Of Personal Privacy [REDACTED] | <p>Voyager Open Source</p> |

(2)(e) Law Enforcement [REDACTED]

| CRIMINAL HISTORY | | | | |
|-------------------------------------|------------------------|-------------------------------------|-------|------------------------|
| ARREST DATE | ARREST # | CHARGE | NOTES | Source |
| (2)(b) Invasion Of Personal Privacy | (2)(e) Law Enforcement | (2)(b) Invasion Of Personal Privacy | | (2)(e) Law Enforcement |

| SITREPS | | | |
|---------|--------|-------------|---------------|
| DATE | NUMBER | INFORMATION | AGENCY PASSED |
| N/A | | | |

| DATABASE CHECK | | | |
|------------------------|--------|-------------------------------------|-------------------------------------|
| DATABASE | RESULT | | DATE OF CHECK |
| (2)(e) Law Enforcement | | (2)(b) Invasion Of Personal Privacy | (2)(b) Invasion Of Personal Privacy |
| PIMS | | | |
| WISE/DAS | | | |
| zFINEST | | | |
| (2)(e) [REDACTED] | | | |
| CLEAR/TLO | | | |
| ISO Claim | | | |
| (2)(e) [REDACTED] | | | |
| (2)(e) [REDACTED] | | | |
| Voyager | | | |
| Open Source | | | |

SURVEILLANCE COVERAGE

LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

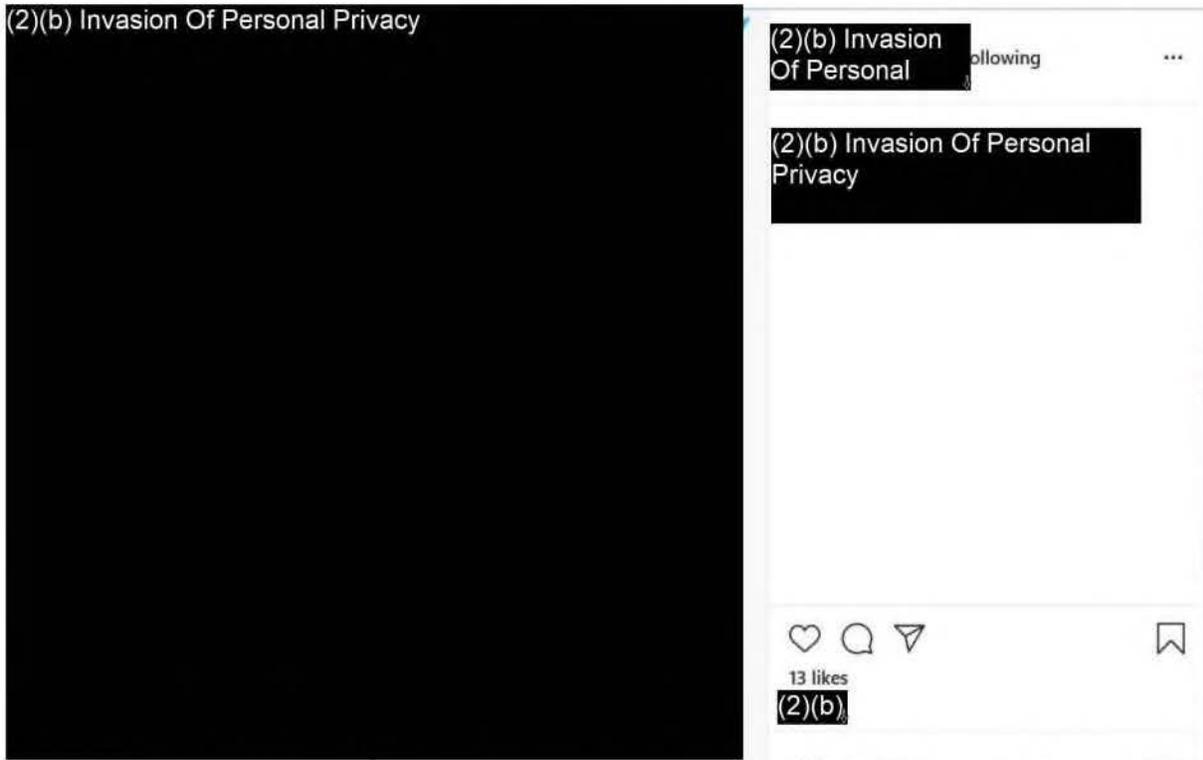
Created: (2)(b) /2020

| DATE | RESULT |
|--------|------------------------------|
| (2)(b) | Invasion Of Personal Privacy |

NOTES



Screenshot of (2)(b) Private Instagram Account (Retrieved (2)(b) 2020)



(2)(b) 2020 post to (2)(b) Instagram account suggests (2)(b) Invasion Of Personal (2)(b) Invasion Of Personal

LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

Created: (2)(b) /2020

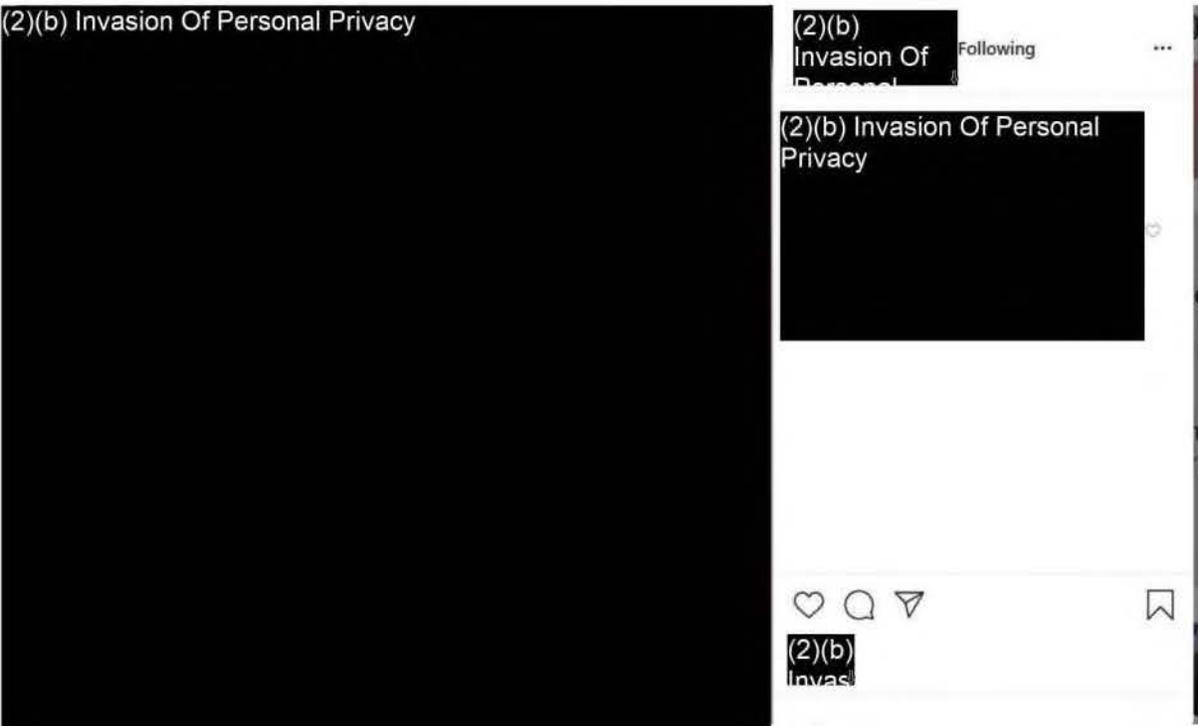


(2)(b) 2020 posts to (2)(b) Instagram of (2)(b) Invasion Of Personal Privacy
(2)(b) Invasion Of Personal Privacy

LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

Created: (2)(b) /2020

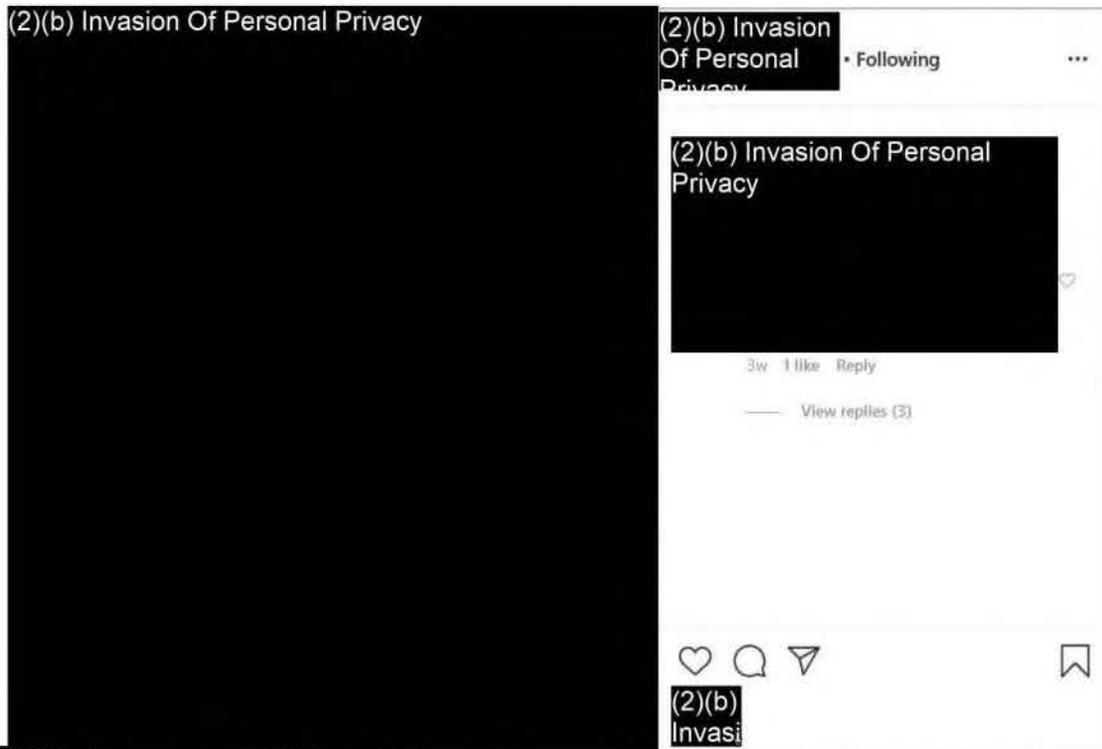


LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

Created: (2)(b) /2020

(2)(b) 2020 post to (2)(b) Instagram profile featuring (2)(b) Invasion Of Personal Privacy
(2)(b) Invasion Of Personal Privacy

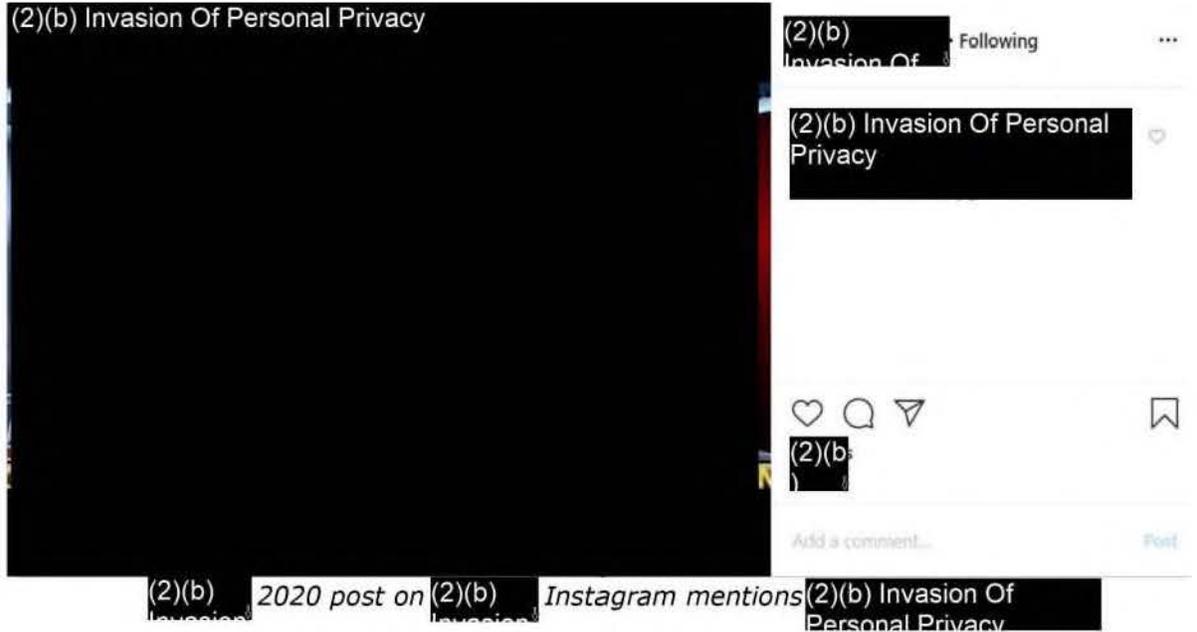


(2)(b) 2020 post to (2)(b) Instagram features (2)(b) Invasion Of Personal Privacy
(2)(b) Invasion Of

LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

Created: (2)(b) 2020



LAW ENFORCEMENT SENSITIVE

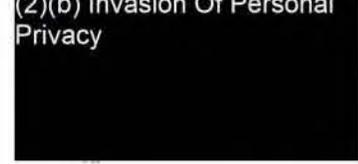
LAW ENFORCEMENT SENSITIVE

Created: (2)(b) 2020

(2)(b) Invasion Of Personal Privacy



(2)(b) Invasion Of Personal Privacy



(2)(b) Invasio

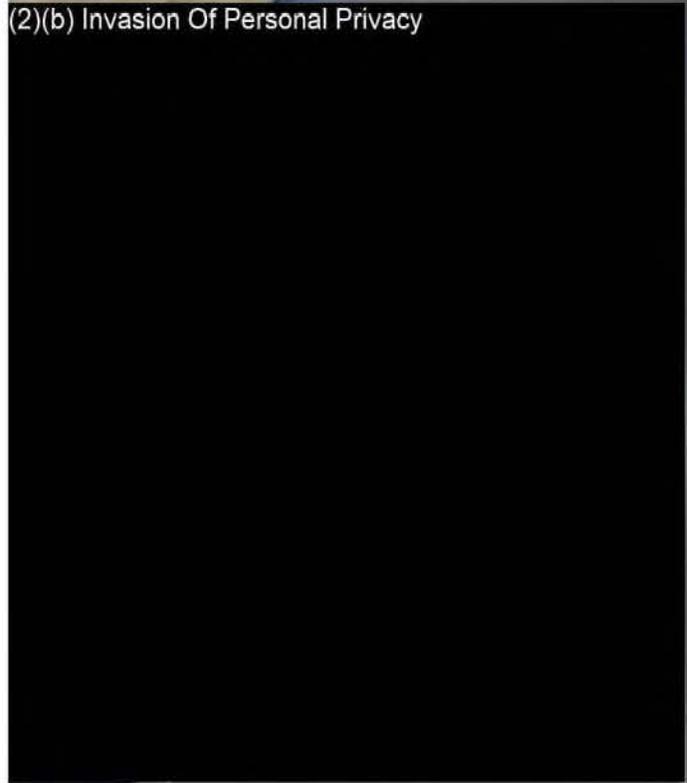
Add a comment...



Post

(2)(b) 2020 post on (2)(b) Instagram account features (2)(b) Invasion Of Personal Privacy (2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy



(2)(b) Invasion Of Personal

Following

(2)(b) Invasion Of Personal Privacy



(2)(b) Invasio

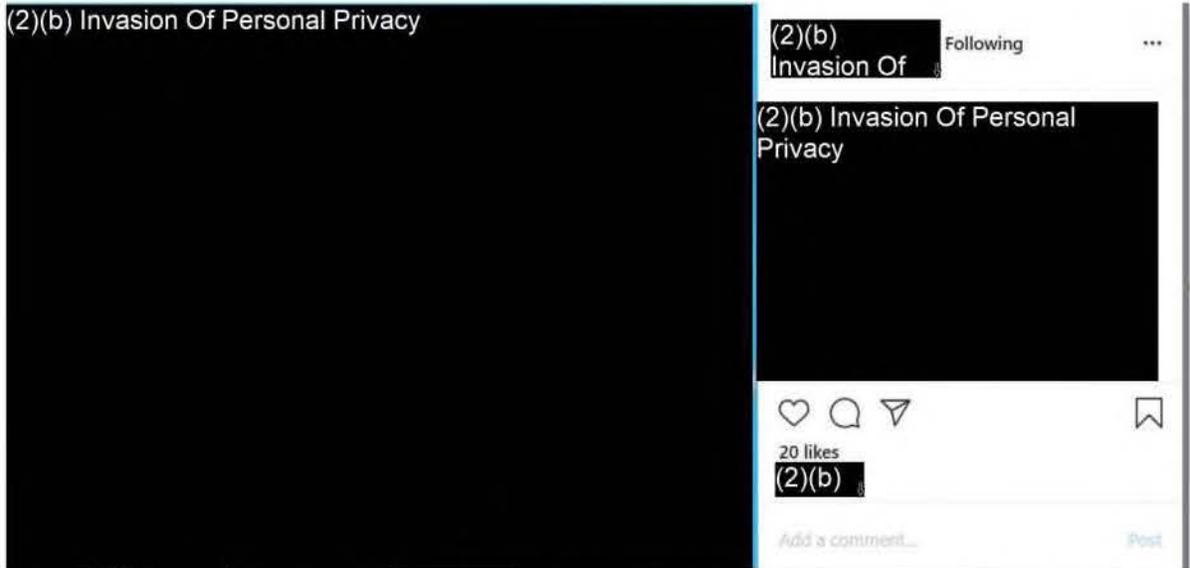


LAW ENFORCEMENT SENSITIVE

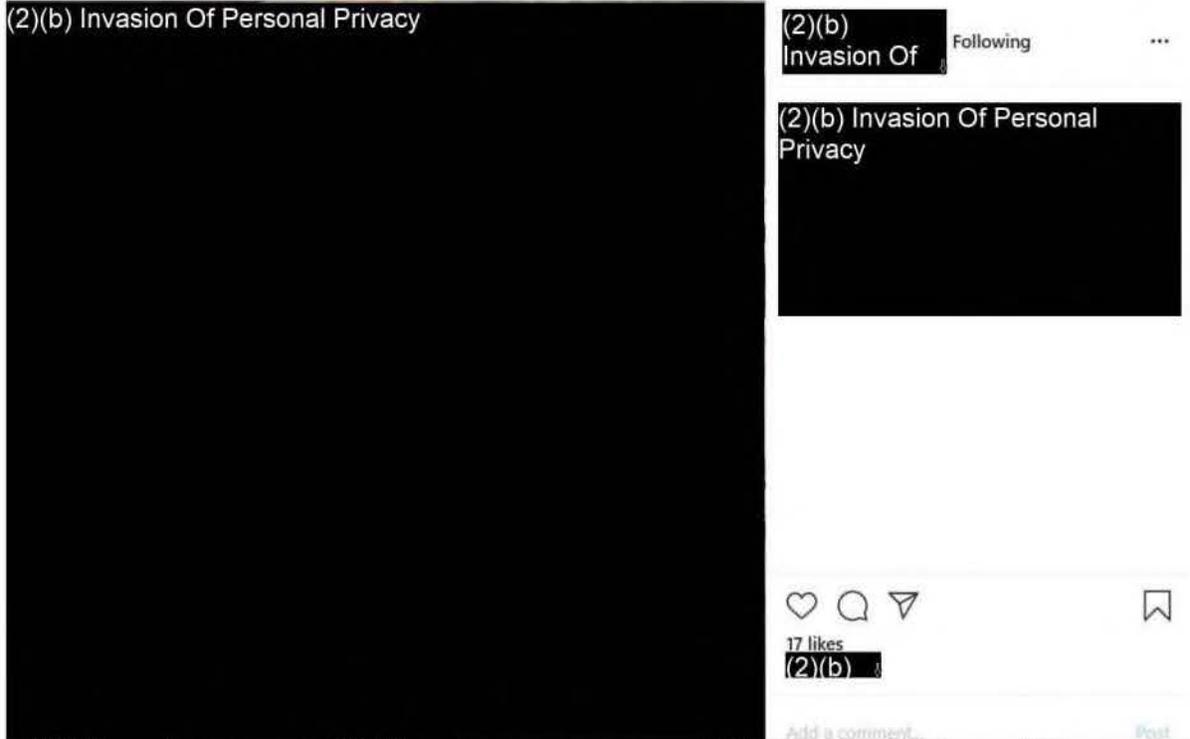
LAW ENFORCEMENT SENSITIVE

Created: (2)(b) 2020

(2)(b) 2020 post to (2)(b) Instagram account featuring (2)(b) Invasion Of Personal
(2)(b) Invasion Of Personal Privacy (2)(b) Invasion Of



(2)(b) 2020 post to (2)(b) account references (2)(b) Invasion Of Personal

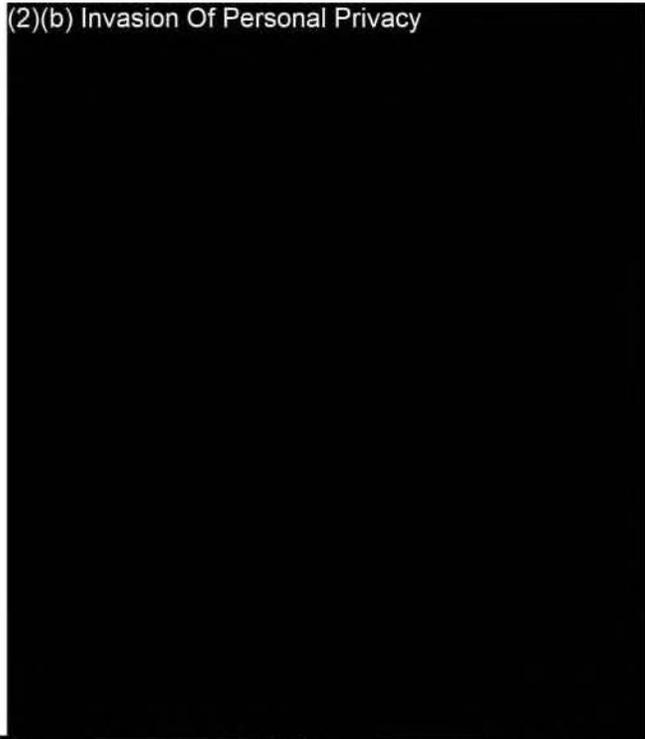


(2)(b) 2020 post to (2)(b) Instagram account (2)(b) Invasion Of Personal Privacy

LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

Created: (2)(b) 2020



(2)(b) Invasion Of Personal [redacted] Following ...

(2)(b) Invasion Of Personal Privacy [redacted]



23 likes

(2)(b)

(2)(b) 2020 post to (2)(b) account (2)(b) Invasion Of Personal Privacy
(2)(b) Invasion Of Personal Privacy



(2)(b) Invasion Of [redacted] Following ...

(2)(b) Invasion Of Personal Privacy [redacted]



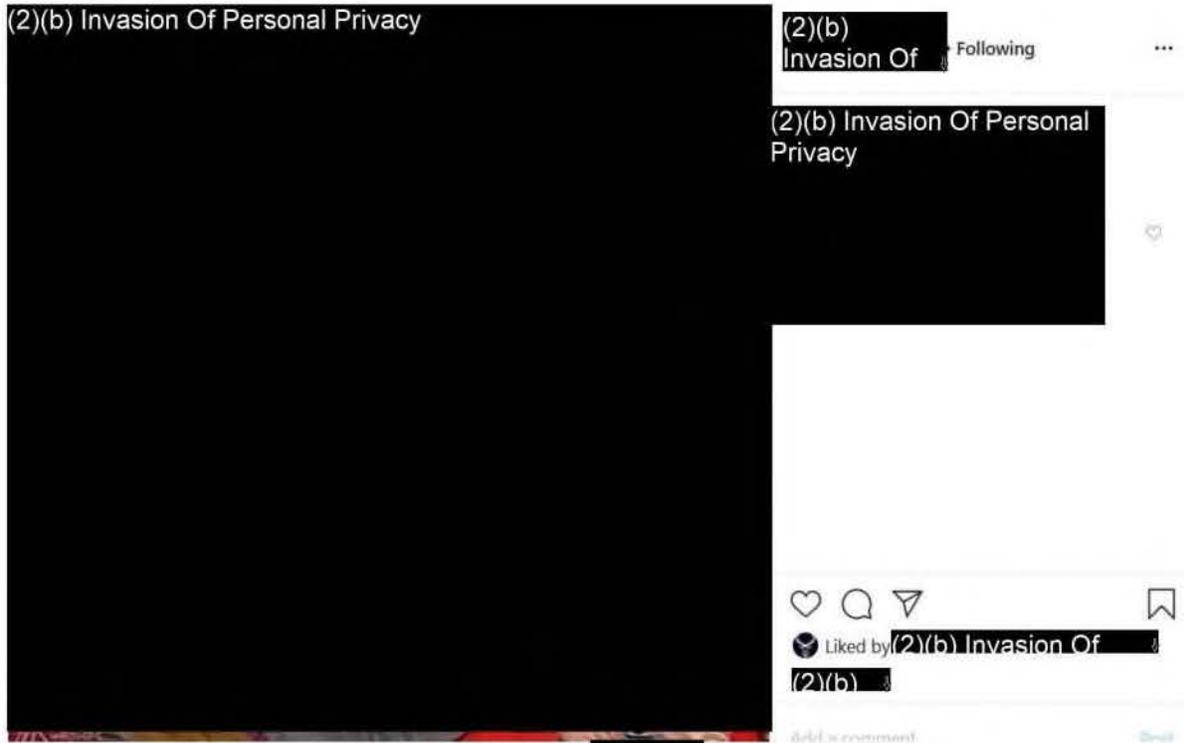
(2)(b) Invasion Of Personal [redacted]
(2)(b)

(2)(b) Invasion 2020 post to (2)(b) Instagram account features (2)(b) Invasion Of Personal
(2)(b) Invasion Of Personal Privacy

LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

Created: (2)(b) /2020



(2)(b) 2020 post to (2)(b) Instagram account

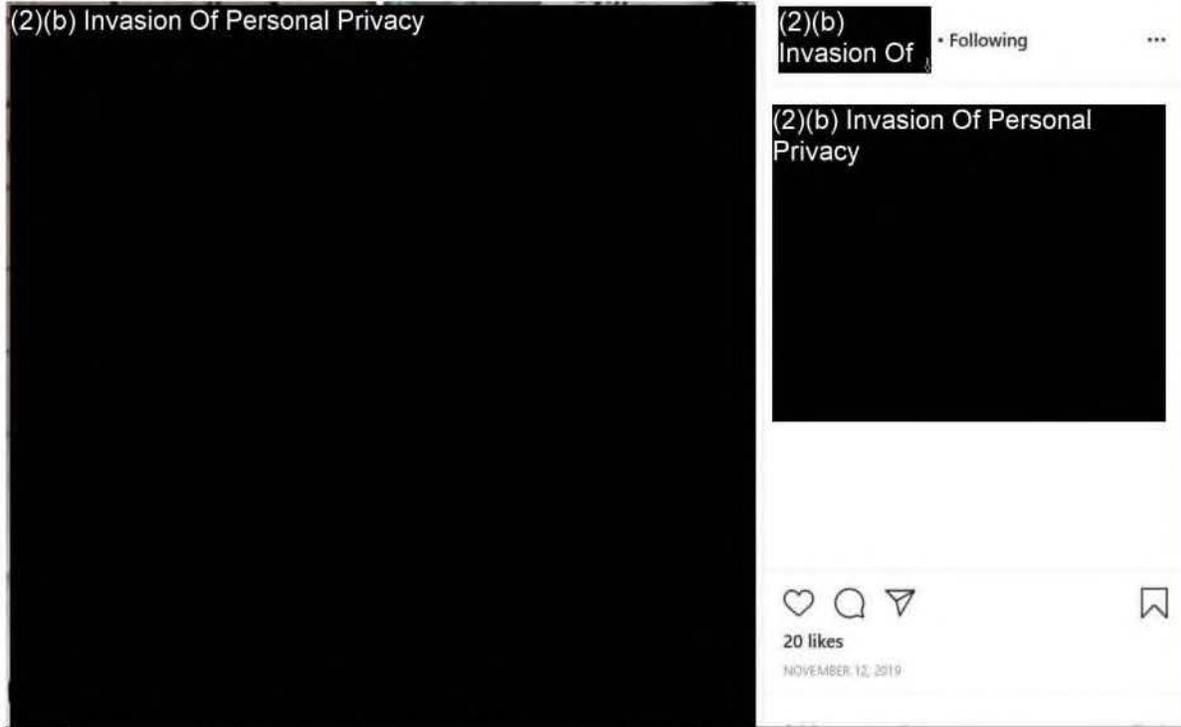


(2)(b) Invasion 2020 post to (2)(b) Instagram (2)(b) Invasion Of Personal Privacy

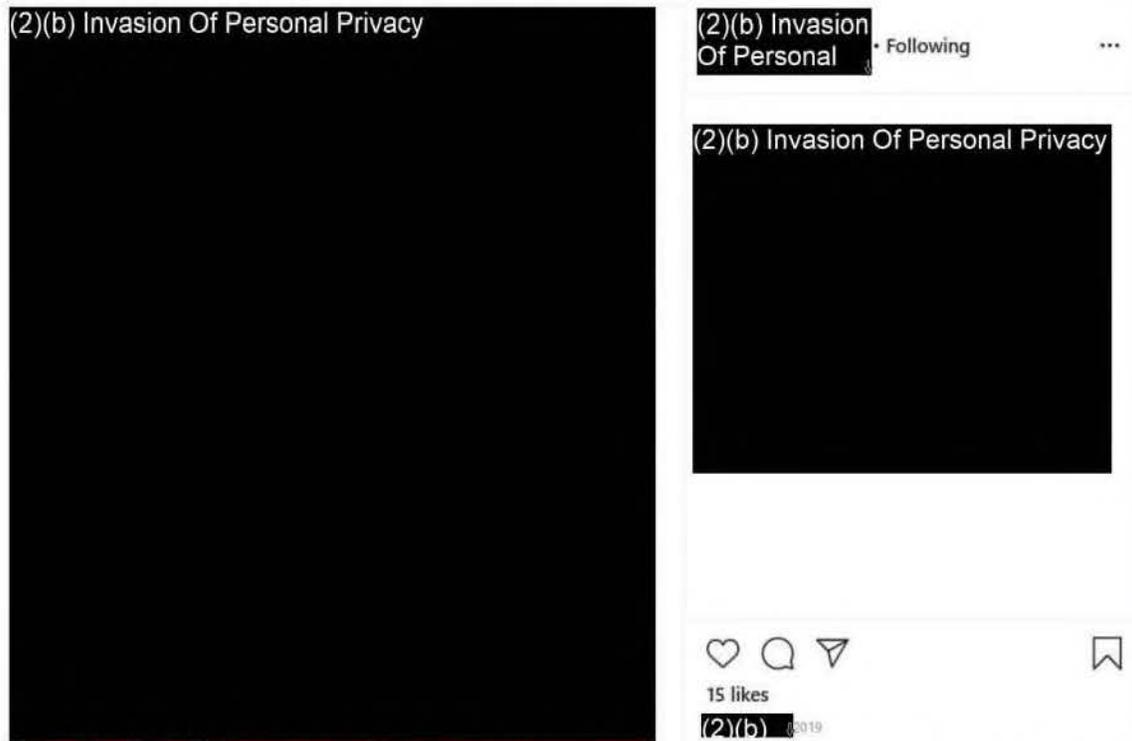
LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

Created: (2)(b) 2020



(2)(b) Invasion 2019 Instagram post featuring (2)(b) Invasion Of Personal Privacy (2)(b)

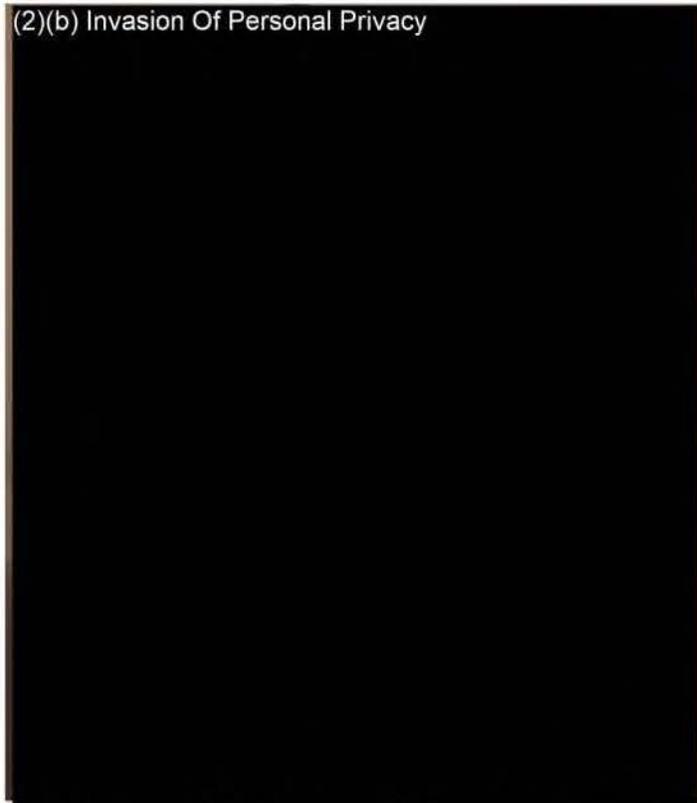


(2)(b) 2019 post to (2)(b) Instagram profile indicates (2)(b) Invasion Of Personal Privacy

LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

Created: (2)(b) /2020



(2)(b) Invasion Of Personal

Following

...

(2)(b) Invasion Of Personal Privacy



17 likes

(2)(b) 2019

(2)(b) Invasion Of

2019 post on

(2)(b)

Instagram account suggests

(2)(b) Invasion Of

(2)(b) Invasion Of Personal Privacy



(2)(b) Invasion Of Personal

Following

...



24 likes

(2)(b)

Add a comment...

Post

Image posted to

(2)(b)

Instagram account on

(2)(b)

2019 indicating that

(2)(b)

(2)(b) Invasion Of Personal Privacy

LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

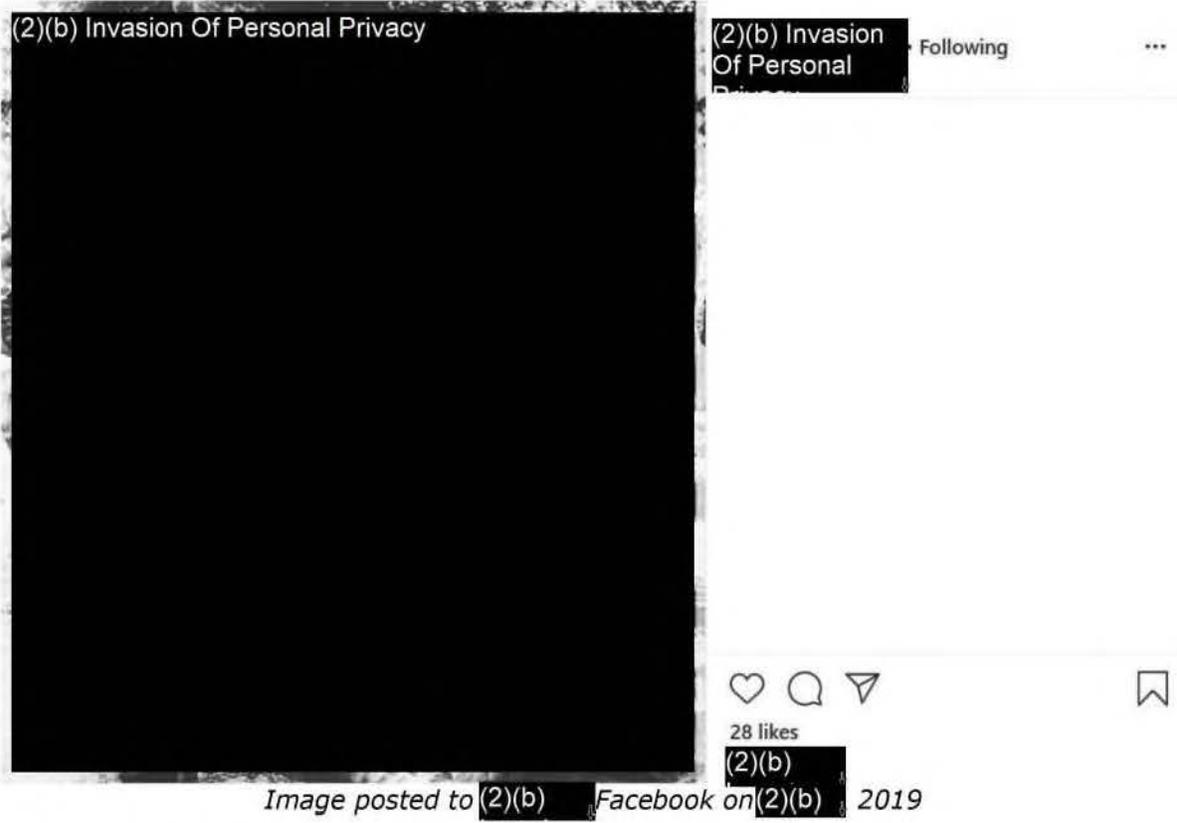
Created: (2)(b) Invasio/2020



LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

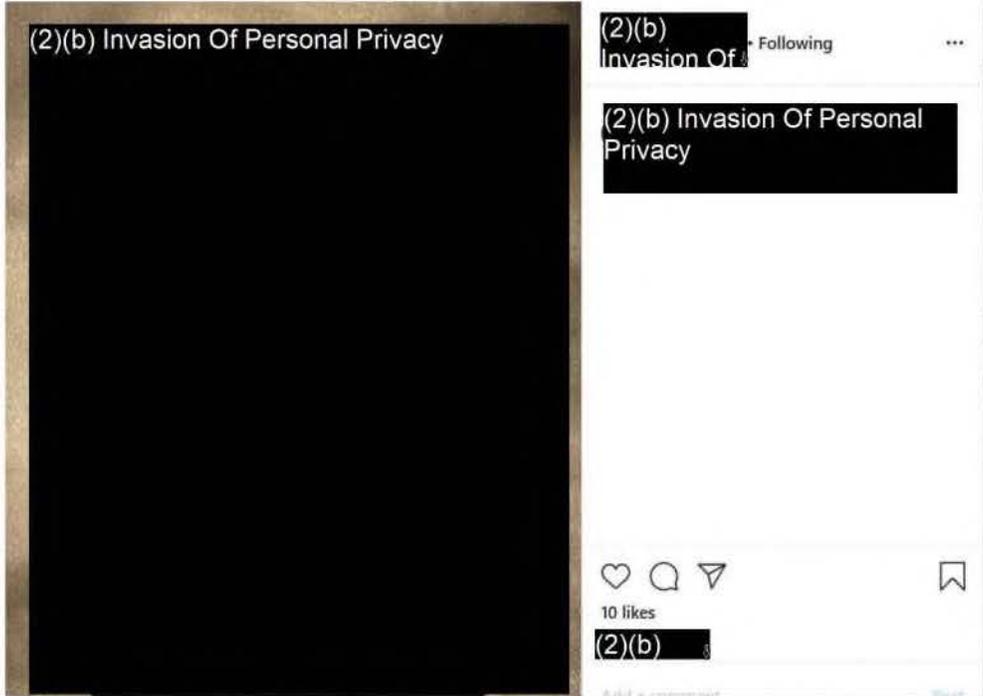
Created: (2)(b) /2020



LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

Created: (2)(b) 2020



(2)(b) 2019 post to (2)(b) Instagram account of (2)(b) Invasion Of Personal Privacy (2)(b)

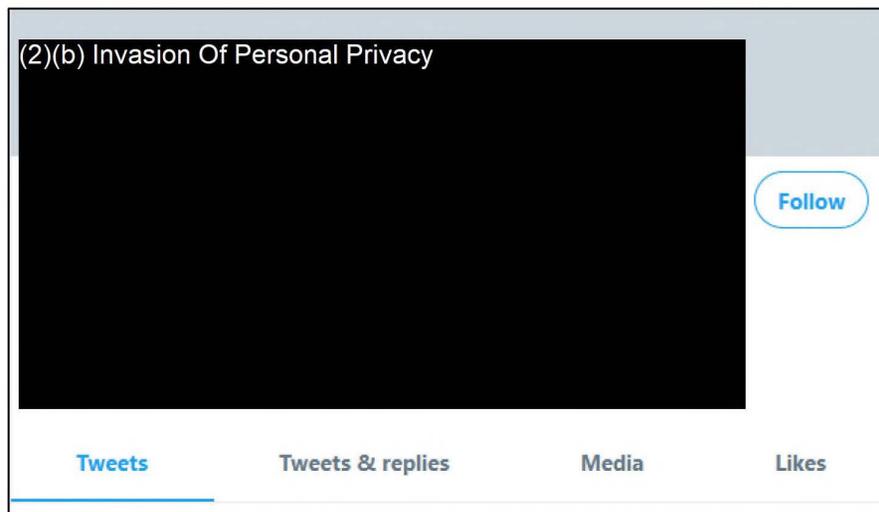


Multiple posts on (2)(b) Instagram profile suggest (2)(b) Invasion Of Personal (2)(b) Invasion Of Personal

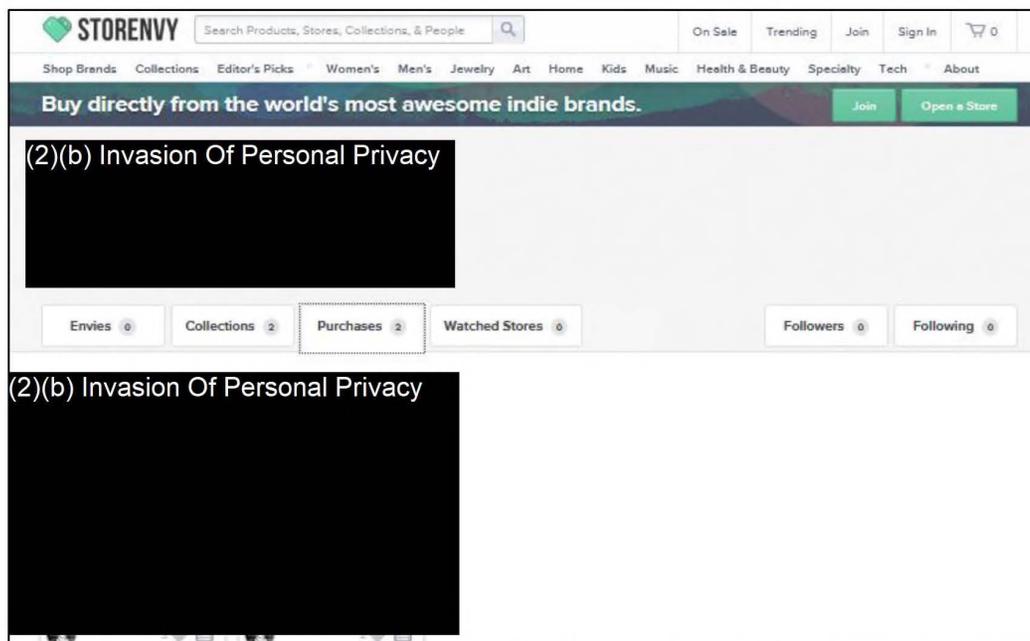
LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

Created: (2)(b) 2020



Screenshot of (2)(b) Invasion, Twitter Account (Retrieved (2)(b) 2020)



Screenshot of (2)(b) Account with (2)(b) Invasion Of on (2)(b)

LAW ENFORCEMENT SENSITIVE

EXHIBIT 6



LAW ENFORCEMENT SENSITIVE
POLICE DEPARTMENT
THE CITY OF NEW YORK



(2)(e) Law Enforcement [REDACTED] EXTREMISM UNIT (2)(e) Law

Date: (2)(b) 2020

Case: (2)(e) Law Enforcement [REDACTED]

Assigned: (2)(f) Danger to Life Or Safety [REDACTED]

Supervisor: (2)(f) Danger to Life Or Safety [REDACTED]

Subject: Identification of Additional Subjects of Concern Associated with (2)(b) Invasion and (2)(b) Invasion Of [REDACTED]

(2)(b) Invasion Of Personal Privacy [REDACTED]

(2)(b) Invasion Of Personal Privacy [REDACTED]

(2)(b) Invasion Of Personal Privacy [REDACTED]

- (2)(b) Invasion Of Personal Privacy [REDACTED]

- (2)(b) Invasion Of Personal Privacy [REDACTED]

LAW ENFORCEMENT SENSITIVE



LAW ENFORCEMENT SENSITIVE
POLICE DEPARTMENT
THE CITY OF NEW YORK



- Travel: (2)(b) Invasion Of Personal Privacy
Criminal History (2)(b) Invasion Of Personal Privacy
(2)(e) Activities: Attended (2)(b) Invasion in (2)(b) 2017. (2)(b) Invasion Of Personal
(2)(b) Invasion Of Personal Privacy in a 2017 interview on YouTube
(2)(b) admits to going).
(2)(b) was also part of a 2 hour interview on YouTube calls (2)(b) Invasion Of
(2)(b) Ties to the (2)(b). In 2017, (2) commented on at least two of (2)(b)
Facebook posts, including one mentioning (2)(b) Invasion Of Personal Privacy
(2)(b) also has a Minds account that is connected to at least
four accounts assessed to be affiliated with the (2)(b)

(2)(b) Invasion Of is a (2)(b) Invasion Of resident of (2)(b) Invasion
suspected of participating in (2)(b) Invasion in (2)(b) Invasion with the
(2)(b) and (2)(b) (2)(b) Invasion Of Personal Privacy
(2)(b) Invasion Of Personal Privacy

- (2)(b) Invasion Of Personal Privacy
(2)(b) Invasion Of Personal Privacy

LAW ENFORCEMENT SENSITIVE



LAW ENFORCEMENT SENSITIVE
POLICE DEPARTMENT
THE CITY OF NEW YORK



(2)(b) Invasion Of Personal Privacy

- Association with (2)(b) Invasion Of Personal Privacy
(2)(b) Invasion Of Personal Privacy

- Connectivity to (2)(b) Invasion Of (2)(b) Invasion Facebook account has 1st degree connectivity with two of (2)(b) Invasion Facebook accounts. (2)(b) is (2)(b) subject of (2)(e) Law (2)(b) Invasion Of Personal Privacy
(2)(b) Invasion Of Personal Privacy

- Vehicle Activity: (2)(b) Invasion Of Personal Privacy
(2)(b) Invasion Of Personal Privacy

- Social Media: Content posted to (2)(b) Facebook and Steam accounts indicate (2)(b) may associate with (2)(b) Invasion Of Personal Privacy On (2)(b) 2019, (2)(b) posted an image to (2)(b) Facebook (2)(b) Invasion Of Personal Privacy
(2)(b) Invasion Of Personal Privacy
(2)(b) Invasion Of Personal Privacy
(2)(b) Invasion Of Personal Privacy (2)(b) Steam user
image features (2)(b) Invasion Of Personal Privacy
(2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy

- (2)(b) Invasion Of Personal Privacy

Source: (2)(e)

- (2)(b) Invasion Of Personal Privacy

LAW ENFORCEMENT SENSITIVE



LAW ENFORCEMENT SENSITIVE



POLICE DEPARTMENT THE CITY OF NEW YORK

(2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy

- (2)(b) Invasion Of Personal Privacy

Source: Open Source

- Connection (2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy

- (2)(b) Invasion Incidents: (2)(b) Invasion Of Personal Privacy (2)(b) Invasion Of Personal Privacy (2)(e)

- (2)(b) Invasion Of Personal Privacy

- Travel: (2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy

- Social Media: (2)(b) was identified as the user (2)(b) Invasion Of Personal Privacy in the (2)(b) Invasion amp in (2)(b) 2019. (2)(b) currently operates the Telegram handle

LAW ENFORCEMENT SENSITIVE



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POLICE DEPARTMENT THE CITY OF NEW YORK

(2)(b) Invasion, as well as the Twitter account (2)(b) Invasion Of is. The Telegram handle was ran through Flashpoint, and the Twitter account was uploaded to Voyager.

(2)(b) Invasion Of is a (2)(b) year-old resident of (2)(b) Invasion Of assessed (2)(b) Invasion Of Personal Privacy to be a (2)(b) Invasion Of and is an associate of (2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of (2)(b) Invasion Of Personal Privacy (2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy No criminal history or accounts on mainstream social media were found.

- (2)(b) Invasion Of Personal Privacy (2)(b) Invasion Of Personal Privacy

- (2)(b) Invasion Of Personal Privacy

- On (2)(b) /2019, the (2)(b) Invasion Of Twitter account posted an image (2)(b) (2)(b) Invasion Of Personal Privacy
- On (2)(b) 2019, the (2)(b) Invasion Of Twitter account posted an image (2)(b) (2)(b) Invasion Of Personal Privacy (2)(b) Invasion Of
- On (2)(b) /2019, the (2)(b) Invasion Of Twitter account posted an image (2)(b) (2)(b) Invasion Of Personal Privacy

- (2)(b) Invasion Of Personal Privacy
- On (2)(b) /2019, the (2)(b) Invasion Of Twitter account posted an image (2)(b) (2)(b) Invasion Of Personal Privacy
- On (2)(b) 2019, the (2)(b) Invasion Of Twitter account posted an image (2)(b) Invasion Of Personal Privacy
- On (2)(b) 2019, the (2)(b) Invasion Of Twitter account posted an image (2)(b) (2)(b) Invasion Of Personal Privacy
- (2)(b) Invasion Of Personal Privacy

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(2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy is a (2)-year-old (2)(b) resident of (2)(b) (2) has exchanged calls and texts with (2)(b) Invasion Of and (2) social media indicates that (2) may be affiliated with (2)(b) Invasion Of (2)(b) Invasion Of (2)(b) (2)(b) sent (2)(b) (2) text on (2)(b), 2019, the date of (2)(b) Invasion Of Personal activity in NYC. (2)(b) only known criminal history is (2)(b) Invasion Of Personal

(2)(b) Invasion Of Personal Privacy

- Connection to (2)(b) Invasion Of (2)(b) exchanged (2)(b) calls and texts with (2)(b) between (2)(b) 2019 and (2)(b) (2) 2019. (2)(b) Invasion Of Personal Privacy (2)(b) Invasion Of Personal Privacy

Source: DMV

- Online Activity: (2)(b) is assessed to own a VK account that has expressed (2)(b) Invasion Of Personal Privacy and has 1st degree connectivity to (2)(b) (2)(b) Invasion Of Personal Privacy that frequently posts (2)(b) Invasion videos/content on websites such as YouTube, Twitter, and Bitchute.

The information Being Transmitted is Preliminary and Is Subject to Change as Additional Facts Are Discovered During the On-Going Investigation.

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EXHIBIT 7



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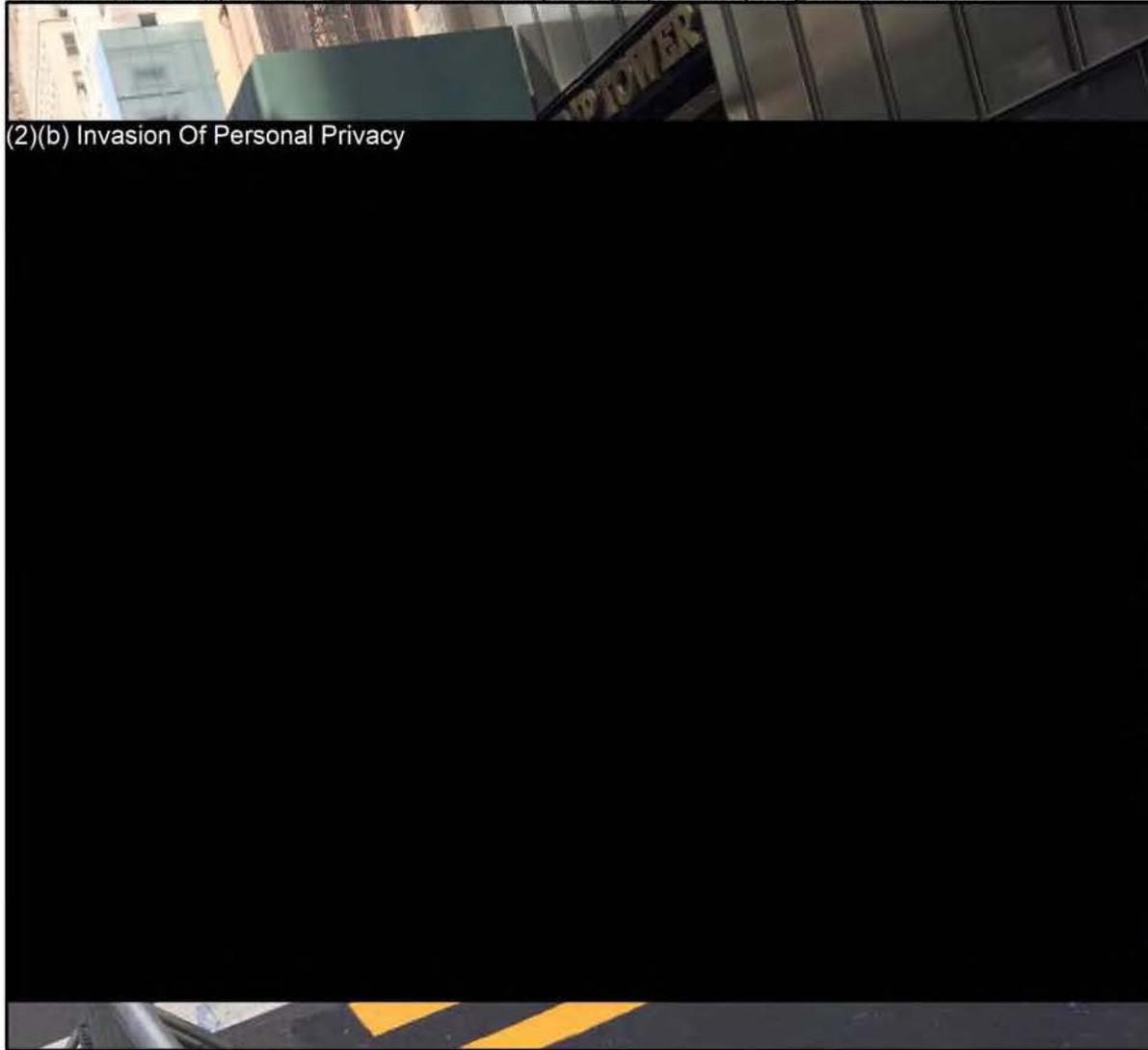
(2)(b) 2020

Subject: (2)(b) Invasion Of Personal Privacy Part 1 Arrests

Executive Summary:

On Friday, (2)(b) 2020, at (2)(b) hours, The (2)(e) Law Unit received a social media profile request from the Operations Unit regarding the arrest of (2)(b) perpetrators responsible for (2)(b) Invasion Of Personal Privacy located at (2)(b) (2)(b) Invasion Of Personal confines of (2)(b).

On Friday, (2)(b) 2020, at approximately (2)(b) hours (2)(b) Invasion Of and one (2)(b) Invasion person (2)(b) Invasion Of Personal Privacy on (2)(b) Sgt. John Reinbold, TAPU, provided (2)(e) with related photographs and pedigree information:



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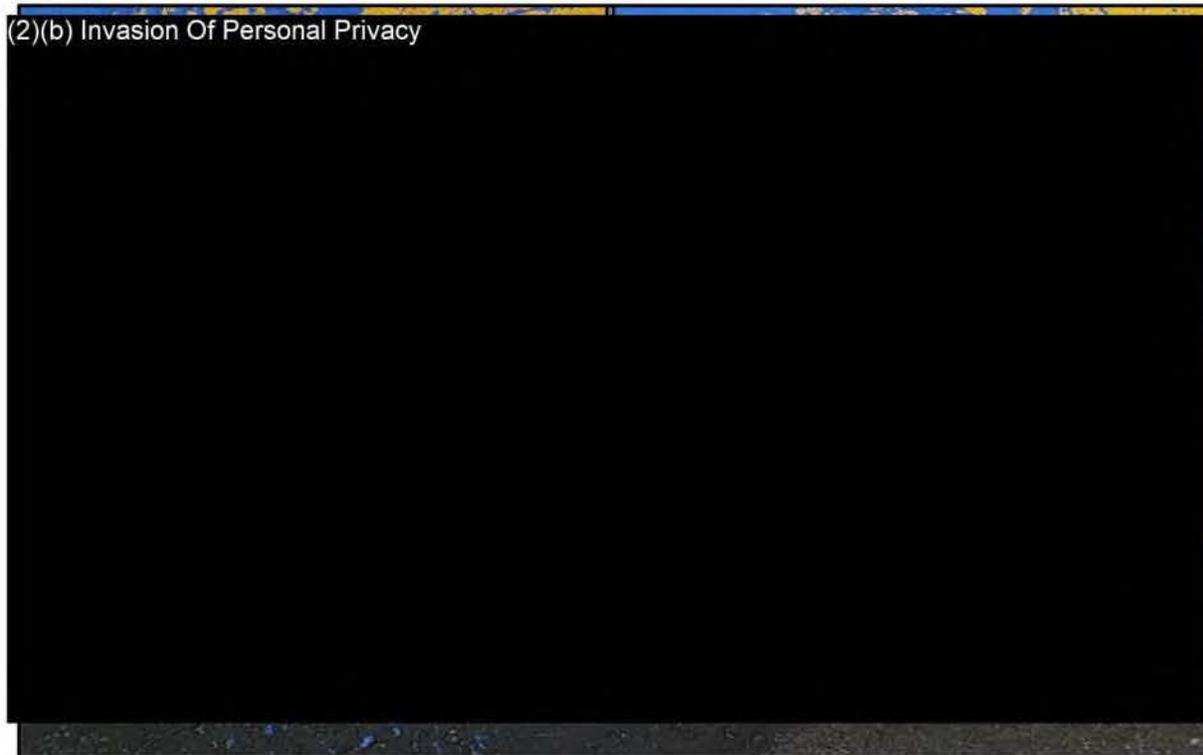


(2)(b) Invasion Of Personal Privacy



- The subjects were immediately arrested by a (2)(b) detail posted in front of (2)(b) (2)(b) (2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy



- (2)(b) FIS, Sgt. Mark Amundson, provided (2)(e) with additional video screenshots and social media related to the (2)(b) perpetrators.

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Subject # 1

(2)(b) Invasion Of

(2)(b)

(2)(b) Invasion Of

NYSID #:

(2)(e) Law

LKA: (2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of
Personal Privacy

NYS DMV

Criminal History: (2)(b)

Criminal Court Summons:

(2)(b) Invasion Of Personal Privacy

Social Media:

Facebook: <https://www.facebook.com/> (2)(b) Invasion Of

- ✓ Last post on (2)(b) 2020
- ✓ No derogatory information found

Instagram: <https://www.instagram.com/> (2)(b) Invasion

- ✓ Last post on (2)(b) 2020
- ✓ No derogatory information found

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Subject # 2

(2)(b) Invasion Of Personal Privacy

(2)(b)

DOB: (2)(b) Invasion

NYSID #: (2)(b)

(2)(e) Law

LKA: (2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy

PIMS

Criminal History (2)(b)

(2)(b) Invasion Of Personal Privacy

Arrests on file in (2)(b)

(2)(b) Invasion Of Personal Privacy

Arrests on file in (2)(b)

(2)(b) Invasion Of Personal Privacy

Social Media:

Facebook: <https://www.facebook.com/> (2)(b) Invasion Of

(2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy

Add Friend

Timeline About Friends Photos More ▾

- ✓ (2)(b) Invasion Of posts
- ✓ Thursday, (2)(b) 2020, post promoting (2)(b) Invasion Of or (2)(b) Invasion
- ✓ Preservation Request # (2)(b)

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Instagram: [https://www.instagram.com/\(2\)\(b\) Invasion Of](https://www.instagram.com/(2)(b) Invasion Of)

- ✓ Last post on (2)(b) 2020
- ✓ Tuesday, (2)(b) 2020, post related to (2)(b) Invasion Of
- ✓ Instagram Preservation # (2)(b)

[https://www.instagram.com/\(2\)\(b\) Invasion Of](https://www.instagram.com/(2)(b) Invasion Of)

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Subject # 3

(2)(b) Invasion Of
AKA: (2)(b)
(2)(b)
DOB: (2)(b)
NYSID #: (2)(b)
(2)(e) Law Enforcement
(2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of
Personal Privacy

PIMS

Criminal History:

(2)(b) Invasion Of Personal Privacy

Social Media:

Instagram: [https://www.instagram.com/\(2\)\(b\)](https://www.instagram.com/(2)(b))



- ✓ Last post on (2)(b) 2020
- ✓ No derogatory information found

Facebook: [https://www.facebook.com/\(2\)\(b\) Invasion Of](https://www.facebook.com/(2)(b) Invasion Of)



- ✓ Last post on (2)(b) 2020
- ✓ (2)(b) Invasion Of Personal
- ✓ No derogatory information found

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Subject # 4

(2)(b) Invasion Of

(2)(b)

DOB: (2)(b)

NYSID #: (2)(b)

(2)(e) Law Enforcement

LKA: (2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of
Personal Privacy

PIMS

Criminal History:

(2)(b) Invasion Of Personal Privacy

Social Media:

Facebook: <https://www.facebook.com/> (2)(b) Invasion Of

(2)(b) Invasion Of Personal Privacy



- ✓ Last post on (2)(b) 2019
- ✓ No derogatory information found

- *Existence of additional social media accounts cannot be ruled out as the subjects may be using other nicknames, aliases or photos.*

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Open Source:

<https://abc7ny.com/>(2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy



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Daily Mail:

<https://www.dailymail.co.uk/news> (2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of

(2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy

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- On Friday, (2)(b) 2020, at (2)(b) hours, (2)(b) FIS, Sgt. Mark Amundson, contacted (2)(e) and provided the following information related to a second (2)(b) Invasion Of scheduled for Saturday, (2)(b) 2020:

(2)(b) Invasion Of Personal Privacy

- A review of (2)(b) Invasion Of on Instagram (<https://www.instagram.com/> (2)(b) Invasion Of provided the following post related to the (2)(b) Invasion Of scheduled for Saturday, (2)(b) (2) 2020:

<https://www.instagram.com/> (2)(b) Invasion Of

(2)(b) Invasion Of Personal Privacy

75 views
8 HOURS AGO

Prepared By: (2)(f) Danger to Life Or
Reviewed By: (2)(f) Danger to Life Or Safety

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EXHIBIT 8



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(2)(e) Law Enforcement [REDACTED] EXTREMISM UNIT (2)(e) Law [REDACTED]

(2)(e) [REDACTED], 2020

Case: (2)(e) Law Enforcement [REDACTED]
Assigned: (2)(f) Danger to Life Or Safety [REDACTED]
Supervisor: (2)(f) Danger to Life Or Safety [REDACTED]
Subject: (2)(e) Law (2)(b) [REDACTED]

Intelligence:

- Observations and derogatory content was observed on Telegram Group, “(2)(b) Invasion Of (2)(b) [REDACTED]”
- Pursuant to those observations (2)(b) [REDACTED] was approved for addition to (2)(e) Law [REDACTED]
- An emergency disclosure was sent to Gab regarding (2)(b) Invasion Of Personal IP address information was received.
- Additional postings were observed within Telegram: (2)(b) Invasion Of Personal (2)(b) Invasion Of Personal Privacy [REDACTED]
- [REDACTED]

Executive Summary:

- On (2)(e) Law [REDACTED] 2020, while monitoring Telegram group (2)(b) Invasion Of [REDACTED] which is incorporated into (2)(e) Law [REDACTED] (2)(f) Danger [REDACTED] observed a conversation initiated by username (2)(b) [REDACTED] where (2)(b) [REDACTED] promotes the telegram channel (2)(b) Invasion Of Personal (2)(b) Invasion Of Personal Privacy [REDACTED]
- On (2)(e) Law [REDACTED] 2020, (2)(f) [REDACTED] observed a post forwarded from (2)(b) Invasion Of (2)(b) Invasion Of Personal Privacy [REDACTED] (2)(b) Invasion Of Personal Privacy [REDACTED]
- (2)(e) [REDACTED] investigators began an open source search for the username (2)(b) [REDACTED] on other platforms. Search yielded positive results for Gab.com and speaker.com

¹ Telegram Group (2)(b) Invasion Of Personal [REDACTED] was added to (2)(e) [REDACTED] on (2)(e) Law [REDACTED] 2020

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An emergency disclosure was submitted for the gab profile "Gab.com/(2)(b) Invasion Of [redacted]"

- On (2)(e) Law Enforcement [redacted] 2020, the undersigned received the results of the emergency disclosure from Gab for the account of (2)(b) [redacted]. The following is a list of IP addresses associated with the account. (2)(b) IP addresses belong to (2)(b) [redacted] services. Using open source research, the IP addresses are located in (2)(b) Invasion Of Personal Privacy (2)(b) Invasion Of [redacted]
 - (2)(b) Invasion Of [redacted]
 - Personal Privacy [redacted]
 - [redacted]



- On Wednesday, (2)(e) Law [redacted] 2020, Telegram Channel (2)(b) Invasion Of Personal Privacy was approved and added to (2)(e) Law [redacted]
- On (2)(e) Law [redacted] 2020 (2)(e) [redacted] investigator discovered numerous photos of (2)(b) Invasion (2)(b) Invasion Of Personal Privacy (2)(b) Invasion Of Personal Privacy [redacted]

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(2)(b) Invasion Of Personal Privacy

(2)(e) Law Enforcement

(2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy

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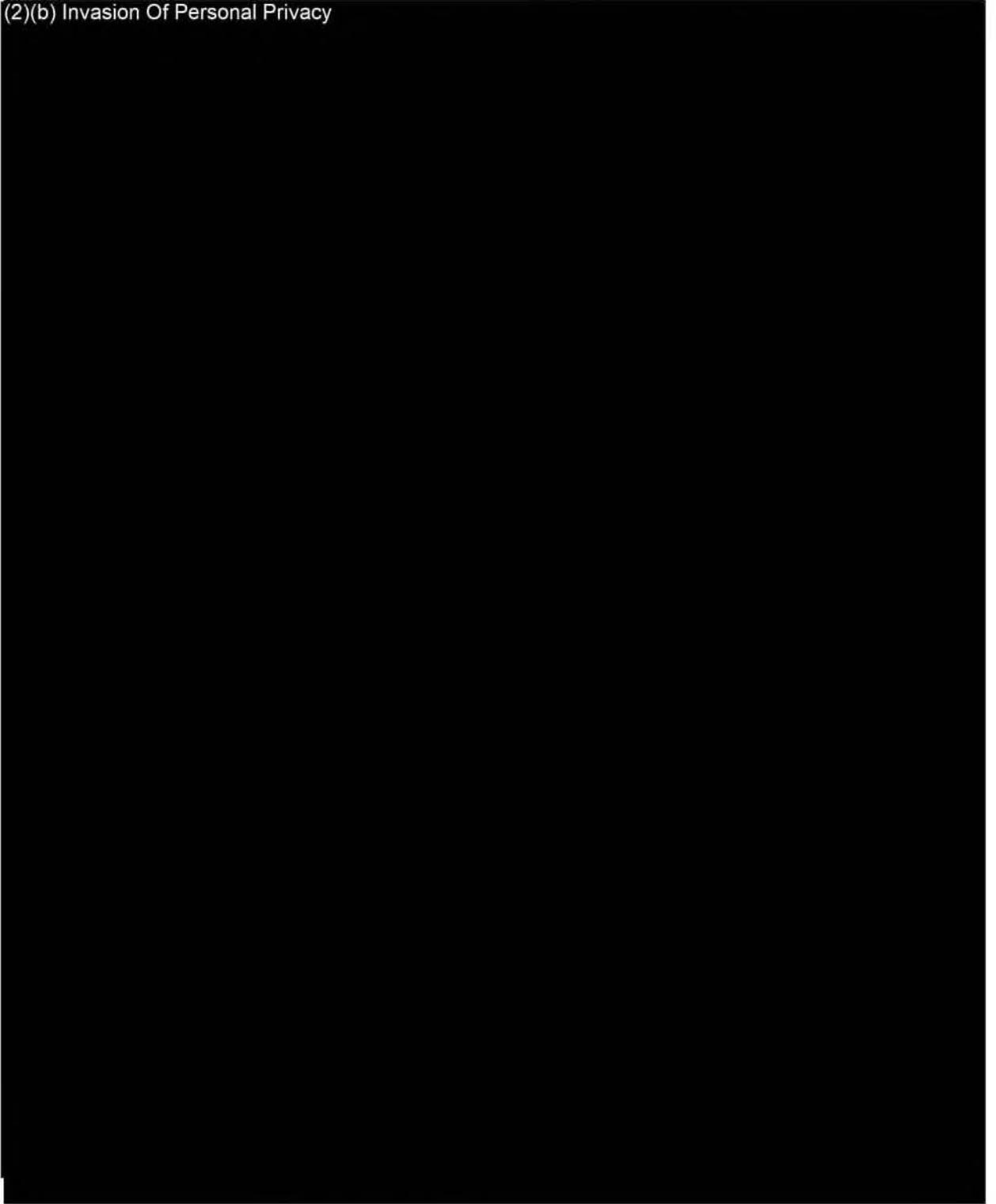


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(2)(b) Invasion Of Personal Privacy



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(2)(b) Invasion Of Personal Privacy

[Redacted content]

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- On (2)(b) 2020 (2)(e) investigator (2)(f) Danger to contacted (2)(b) Invasion Of Personal Privacy via the (2)(b) email address (2)(b) Invasion (2)(b) Invasion Of Personal Privacy) which was being promoted on the (2)(b) telegram channel. Conversation is as follows:

(2)(f) Danger (2)(b) Invasion Of Personal Privacy
 (2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy

(2)(f) (2)(b) Invasion Of Personal Privacy
 (2)(b) Invasion Of Personal Privacy

- Nonresponsive

- Throughout the month of (2)(e) there were several memes shared on the (2)(b) Invasion Of telegram channel (2)(b) Invasion Of Personal Privacy (2)(b) Invasion Of Personal Privacy

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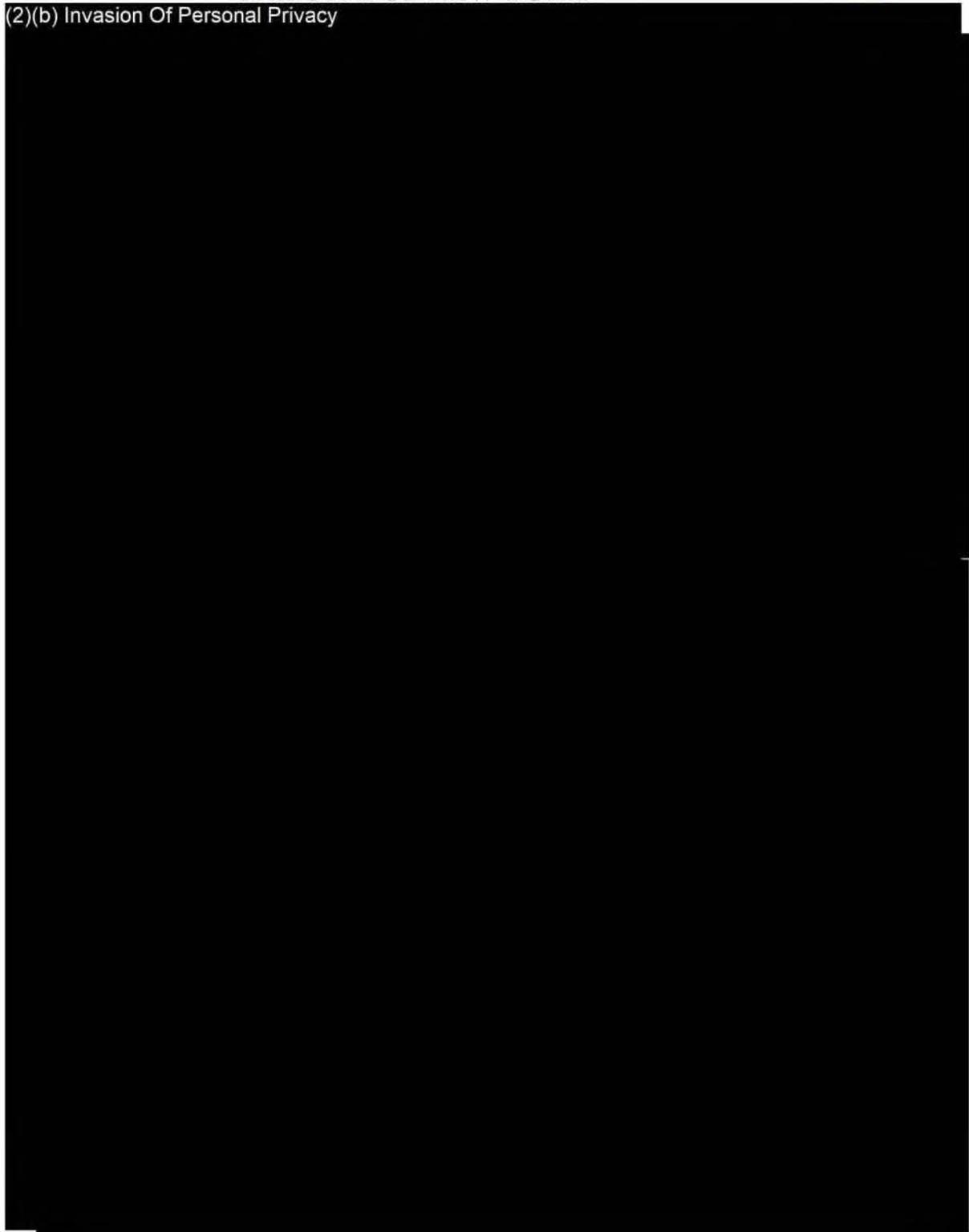


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(2)(b) Invasion Of Personal Privacy



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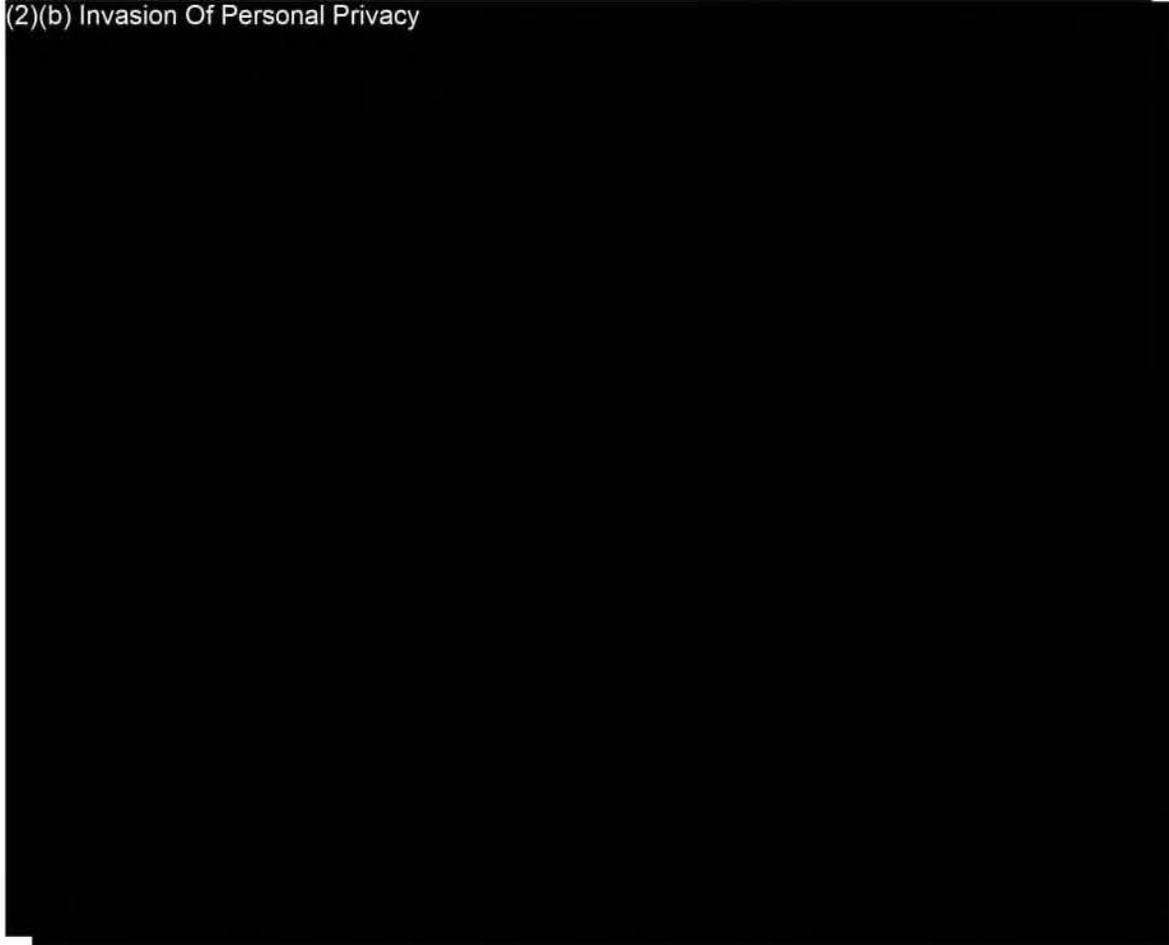


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(2)(b) Invasion Of Personal Privacy



- On (2)(b) Invasion Of Personal Privacy 2020 a manifesto for the (2)(b) Invasion Of Personal Privacy was posted. The manifesto was successfully downloaded by members of (2)(e) (2)(b) Invasion Of Personal Privacy (2)(b) Invasion Of Personal Privacy



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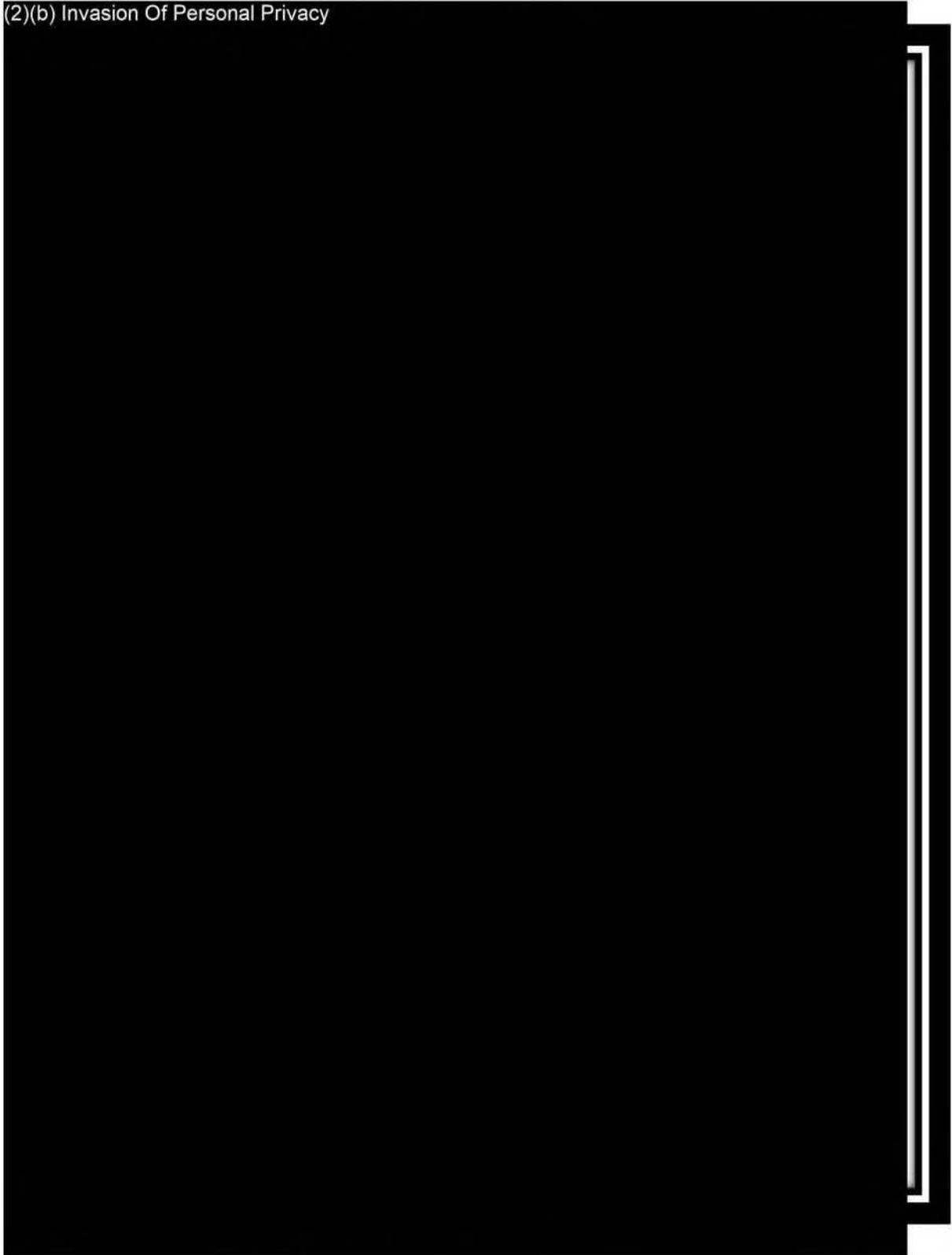


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(2)(b) Invasion Of Personal Privacy



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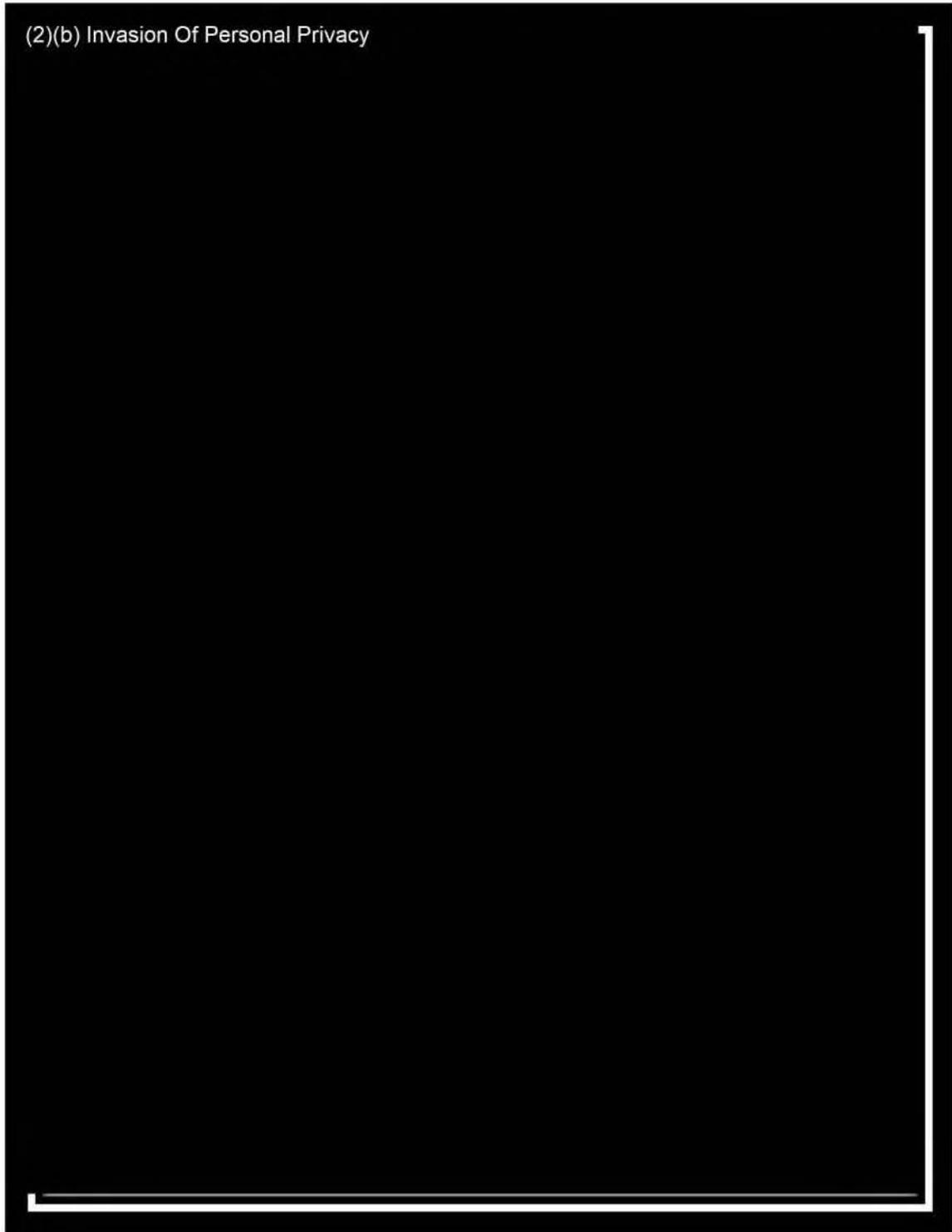


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(2)(b) Invasion Of Personal Privacy



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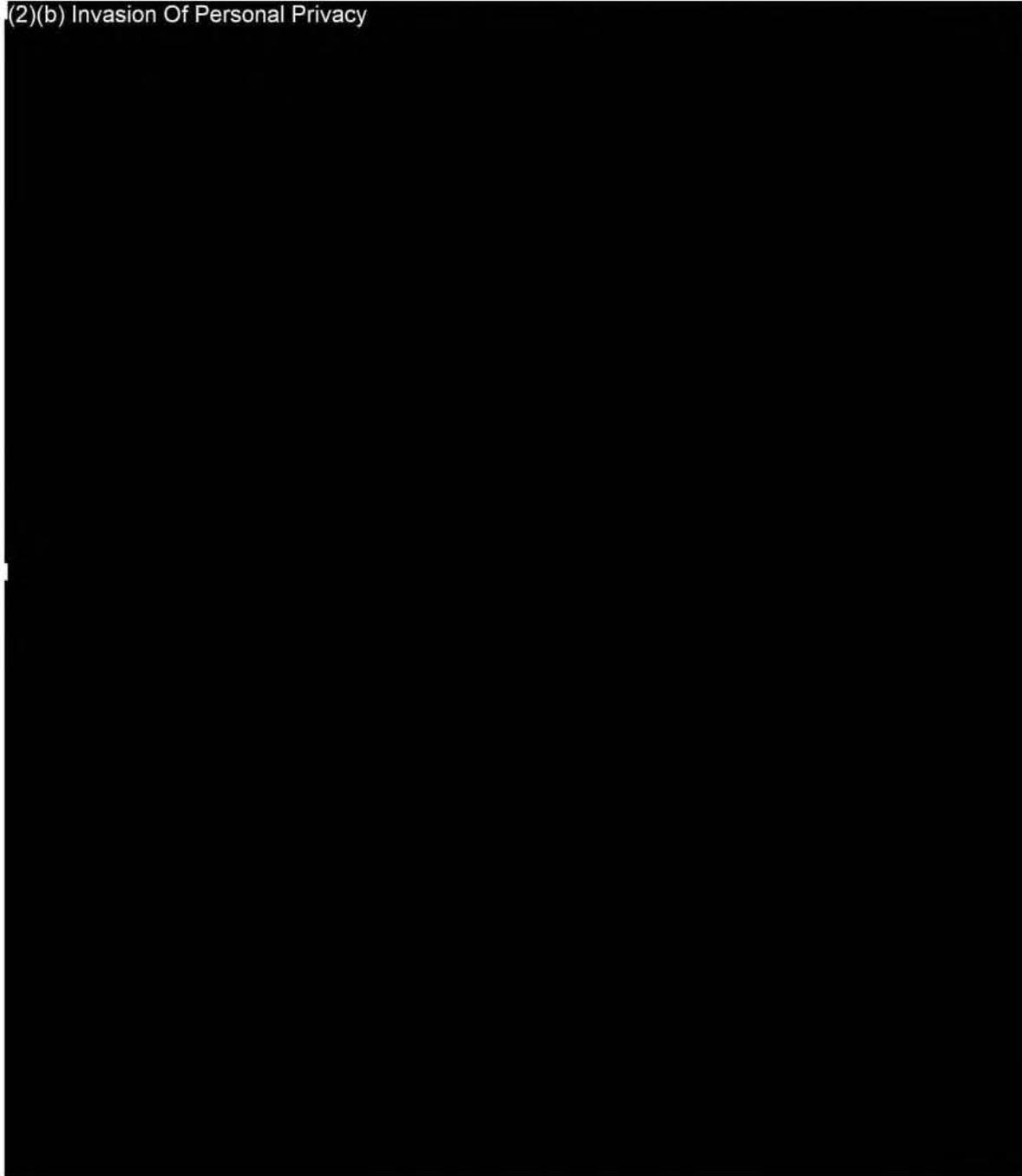
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- On (2)(e), 2020, the following meme stating (2)(b) Invasion Of Personal Privacy (2)(b) Invasion Of Personal Privacy as well as another meme (2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy



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- On (2)(e) 2020 photos (2)(b) Invasion Of Personal Privacy were posted on the telegram channel. (2)(b) Invasion Of Personal Privacy (2)(b) Invasion Of Personal Privacy

- On (2)(e) 2020 a meme was shared on the telegram channel (2)(b) Invasion Of (2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy

[Large redacted block]

- Nonresponsive

- Nonresponsive
- Nonresponsive The above information, however was obtained from direct NYPD (2)(e) (2)(e) Law reporting.

Operational Next Steps:

- (2)(e) (2)(f) Danger to will continue monitoring and will seek to continue direct encrypted communication with the administrators of the channel.

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- (2)(e) (2)(f) Danger to (2)(b) Invasion Of Personal Safety will develop the "student/teacher" relationship with (2)(b)
- (2)(e) (2)(f) Danger will continue to develop additional intelligence (2)(b) Invasion Of Personal
- Nonresponsive

The case remains active.

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EXHIBIT 9

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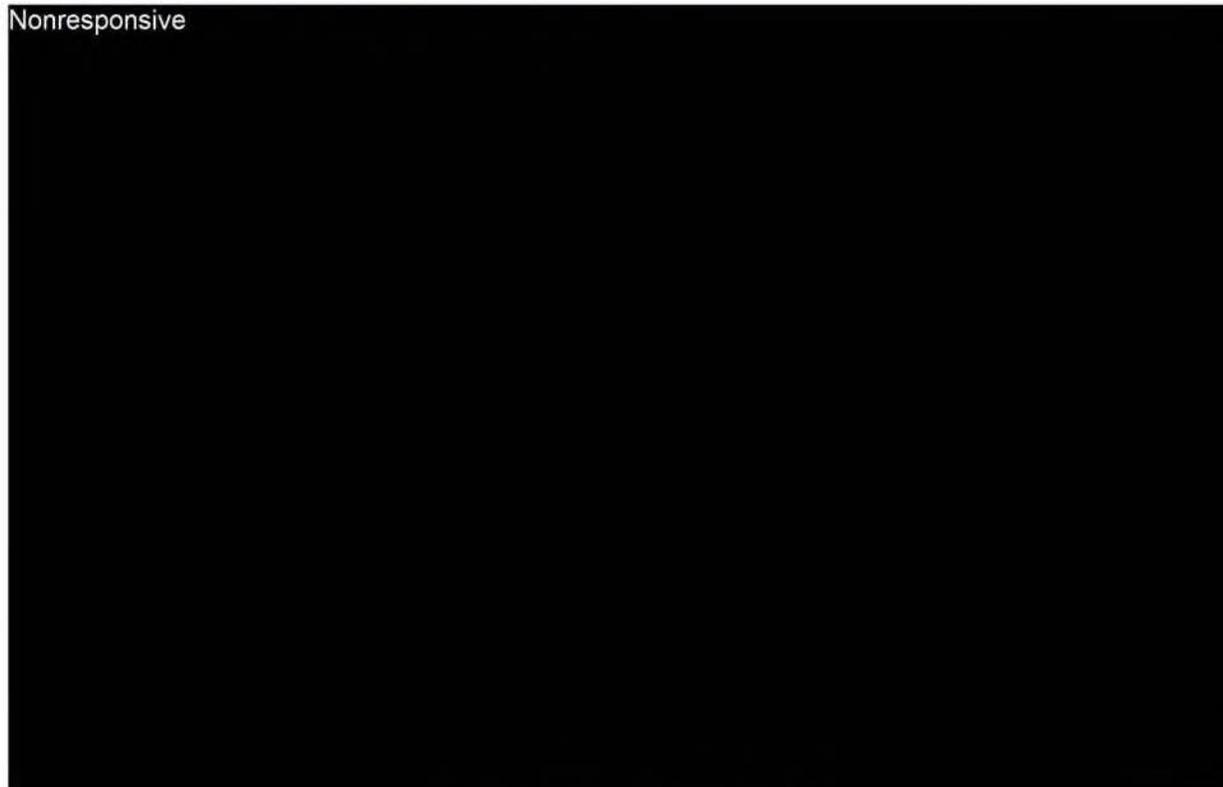
Situation Report: Intelligence and Operational Updates on Violence and Unrest in New York City

June 4, 2020 | 0900 hours

Starting May 28, 2020, violent protest activity has taken place daily across New York City, stemming from the controversial death on May 25, 2020, of George Floyd in Minneapolis, Minnesota. The activity in New York City has included arson, looting, and rioting, and NYPD personnel have been attacked with bricks, trash cans, and other projectiles, as well as homemade incendiary devices like Molotov cocktails. Compounding the ongoing threat of violence, ideologically-motivated violent extremists and opportunistic actors—while not necessarily aligned in their views with the protestors—may aim to take advantage of the unrest with the goal of promoting violence and exacerbating divisive tensions using social media and propaganda to further their own, unrelated agendas. In addition to the threat of immediate physical violence, NYPD officers involved in the protest activity have been doxed, and their personal identifying information has been circulated on social media, resulting in numerous personal threats directed against the officers. As the situation develops and tensions escalate, (2)(e) Law Enforcement and other malicious actors will likely also continue to exploit the ongoing unrest by opportunistically releasing propaganda and targeted disinformation on protesters involved in the demonstrations and potentially create fake social media accounts to malign select groups, incite clashes, and challenge law enforcement responses.

I. Timeline of Citywide Protest Arrests

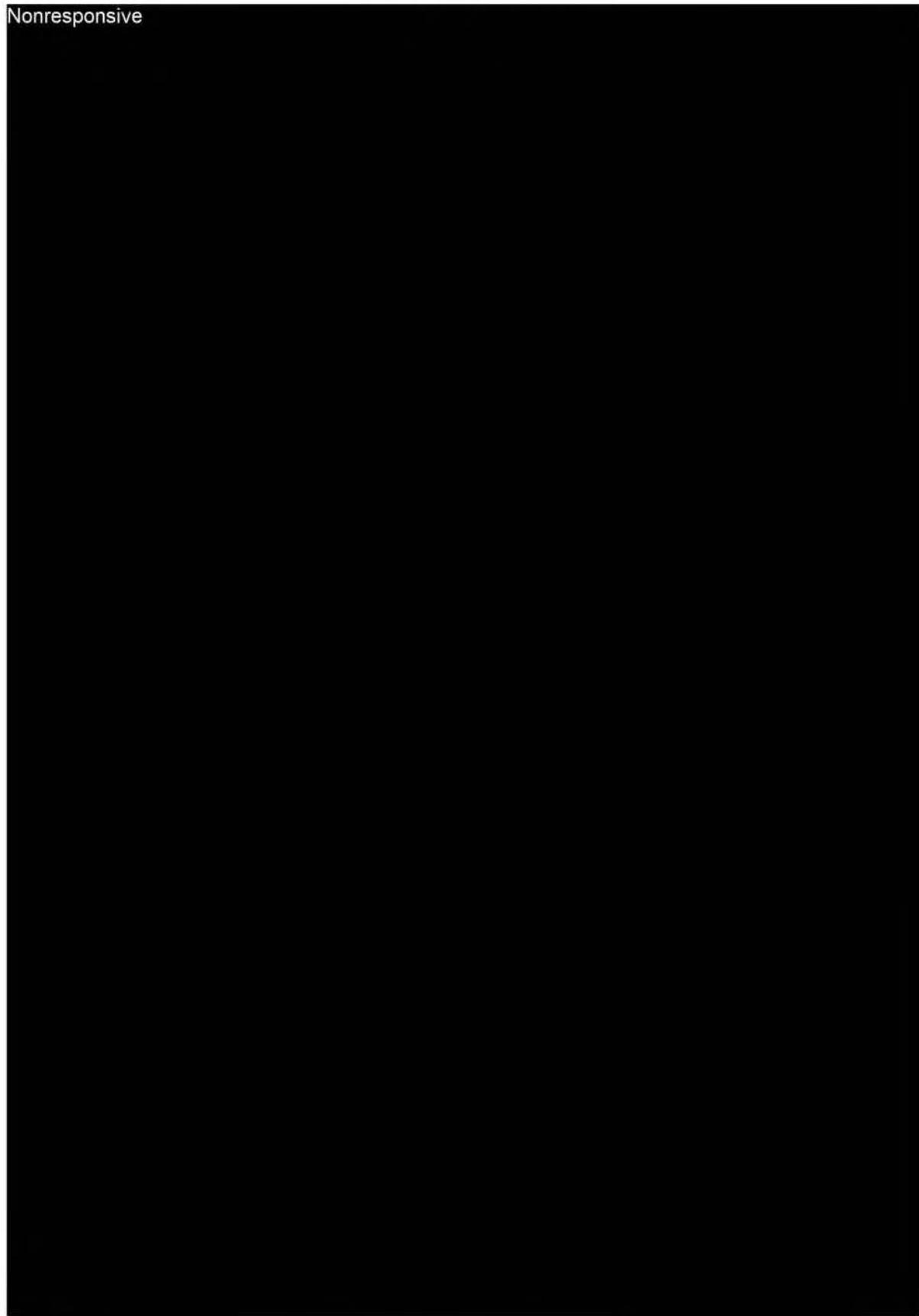
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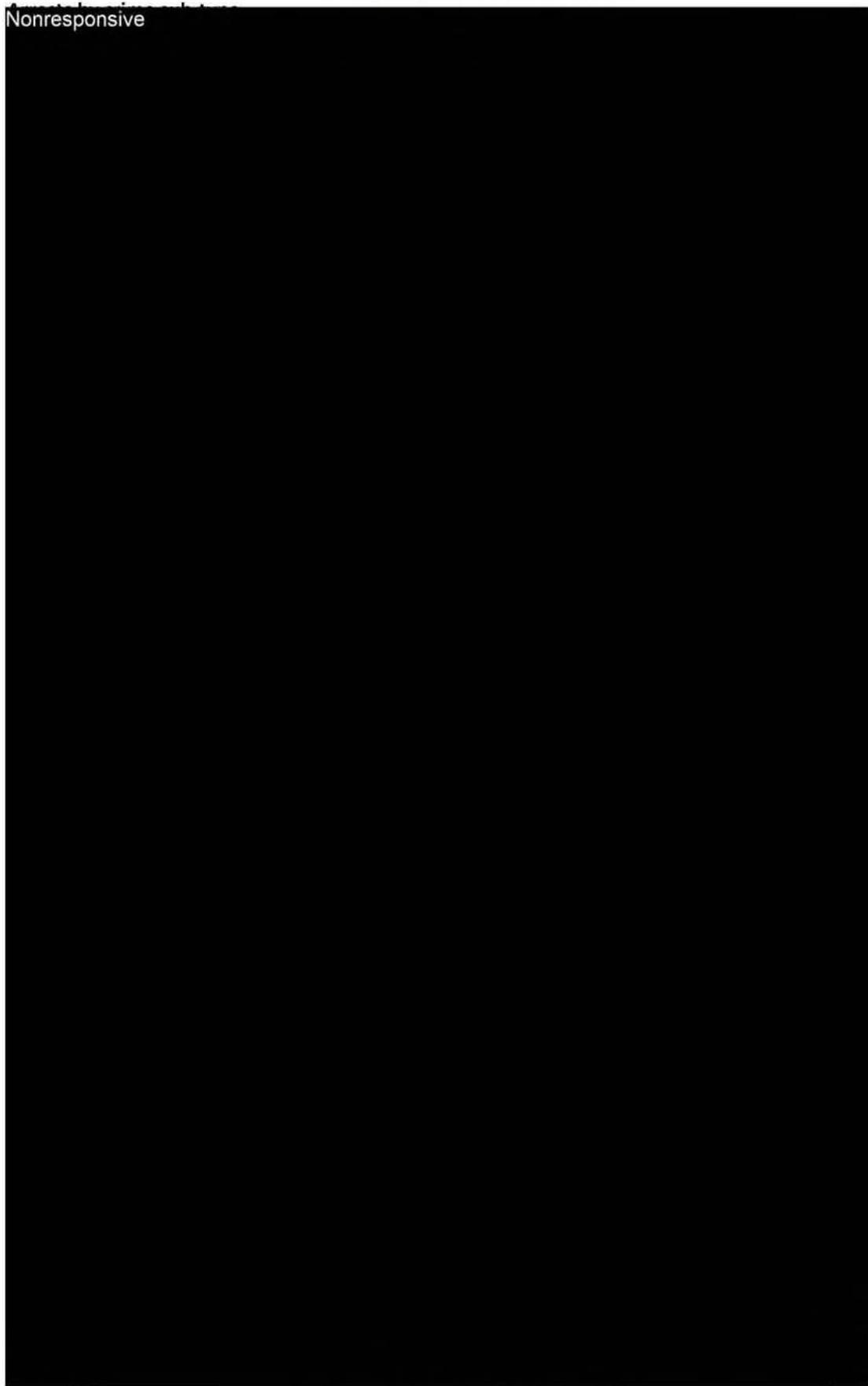
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LAW ENFORCEMENT SENSITIVE

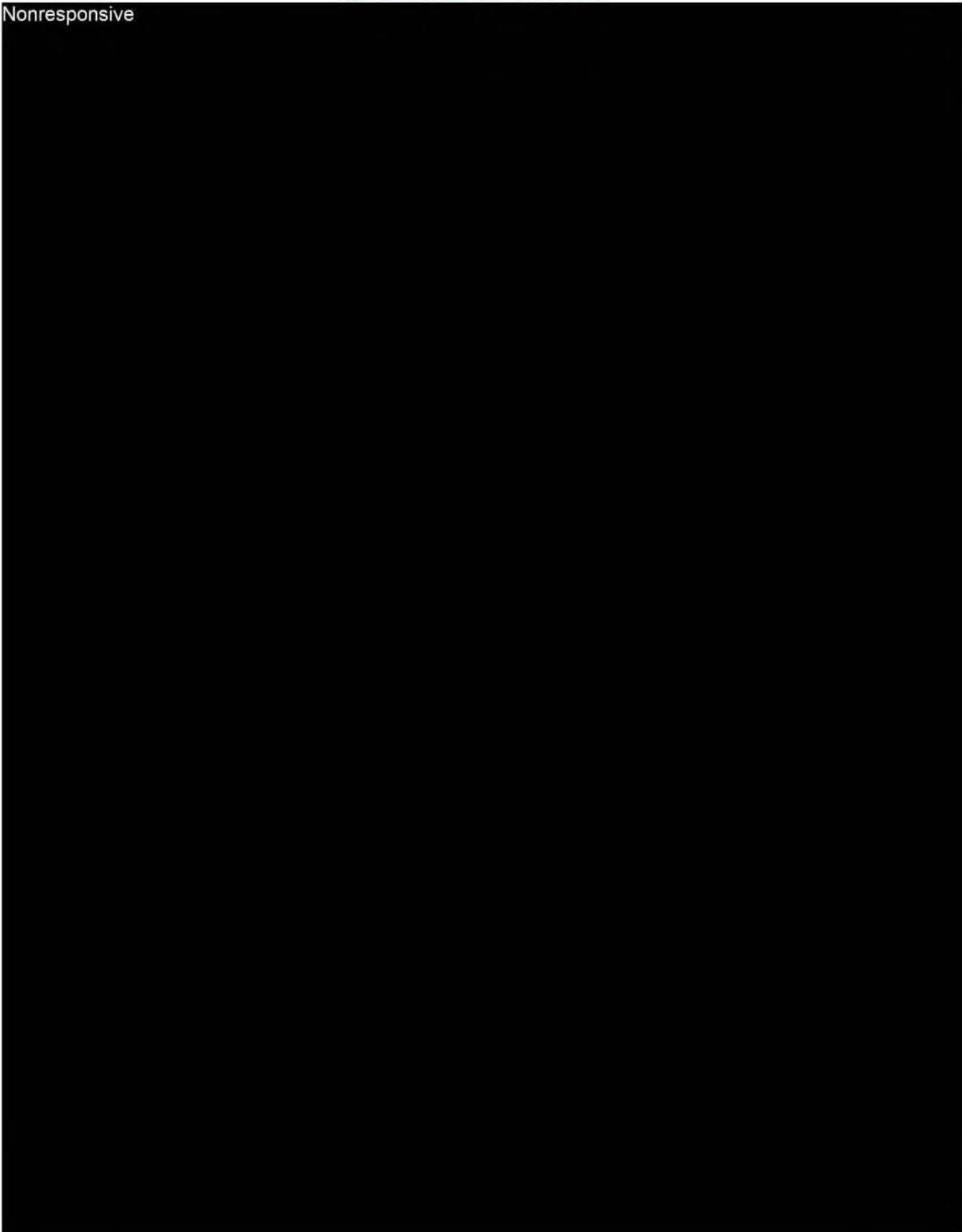
Nonresponsive



LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

Nonresponsive



LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

Nonresponsive

Nonresponsive

LAW ENFORCEMENT SENSITIVE

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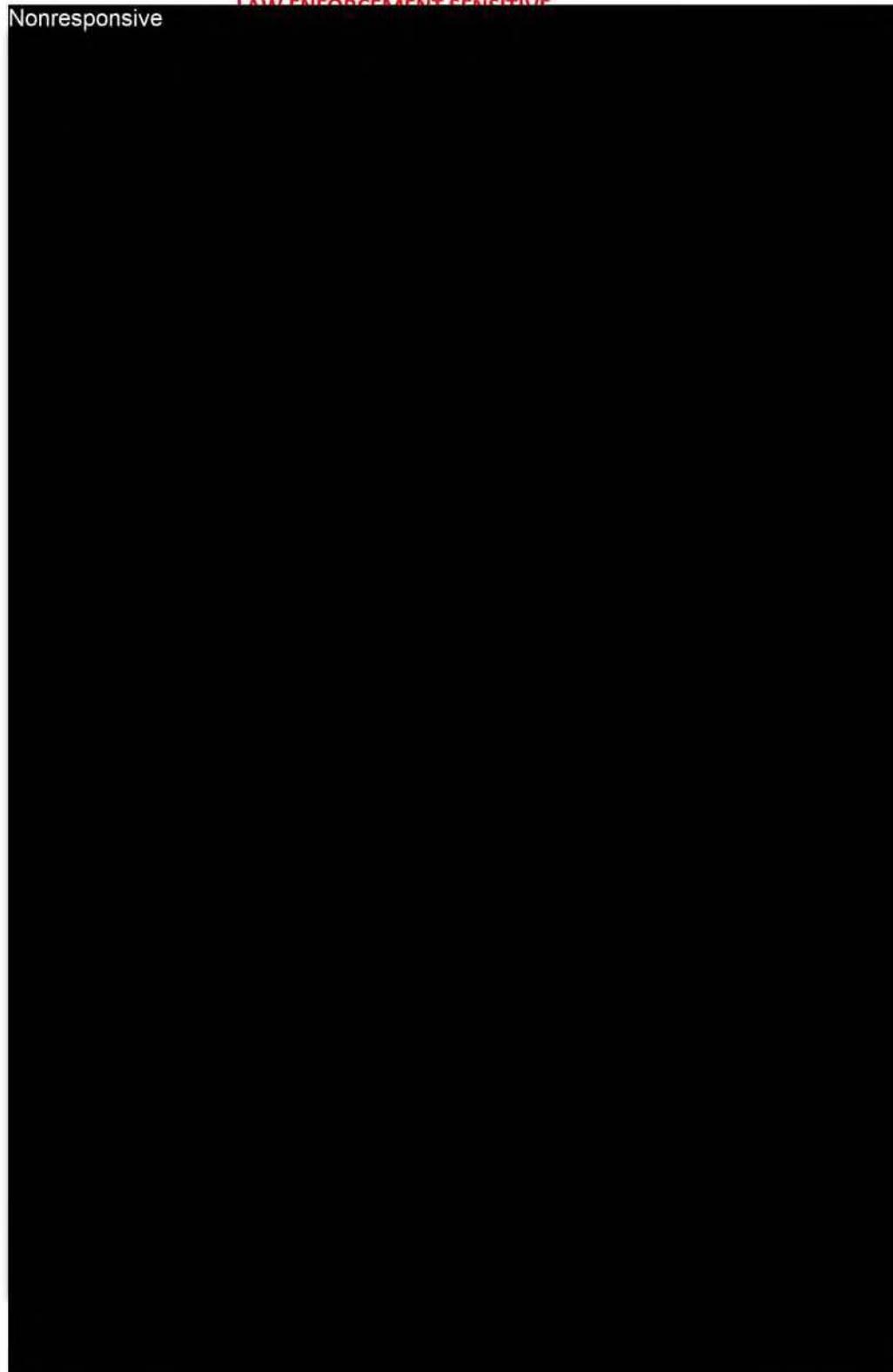
Nonresponsive



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Nonresponsive

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III. Violent Protest Incidents Outside of New York

Nonresponsive



IV. Notable Social Media Postings Encouraging Violence and Criminal Activity

Social Media Posting Observed by IB Field Operations Personnel

At approximately (2)(b) hrs, NYPD IB field operations personnel observed an Instagram post by account (2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy

The group also posted a potential

protest location in the (2)(b) (2)(b) Invasion Of at an unknown time.

(2)(b) Invasion Of is a (2)(b) based entity and activist group (2)(b)

(2)(b) Invasion Of Personal Privacy

(2)(b) Invasion Of Personal Privacy

(2)(b) Invasion (2)(b) Invasion Of (2)(b) Invasion Of (2)(e) Law

(2)(e) Law Enforcement

(2)(b) Invasion Of Personal Privacy

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Nonresponsive



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