



POLICE DEPARTMENT
Office of Deputy Commissioner,
Legal Matters
One Police Plaza, Room 1406A
New York, New York 10038
FOILAppeals@NYPD.org

July 14, 2022

[REDACTED]

RE: FREEDOM OF INFORMATION LAW
REQUEST: FOIL-2022-056-00034
Re: Det. Henry Cinotti

Dear Mr. [REDACTED]:

This letter is in response to your email dated July 14, 2022, appealing the determination of the Records Access Officer (RAO) made on June 8, 2022 regarding records requested from the New York City Police Department. Your request, pursuant to the Freedom of Information Law, was originally received by the FOIL unit on January 5, 2022 and subsequently denied because the RAO was unable to locate records responsive to your request.

To the extent that you seek to appeal that determination, your appeal is denied as untimely because the time within which to appeal the determination had expired at the time of your appeal. Public Officers Law §89(4)(a) requires that FOIL appeals be submitted within thirty days of the date of the denial of access. The RAO determination was issued on June 8, 2022 with specific instructions on the appeal process, including where to send the appeal (“by contacting the agency’s FOIL Appeals Officer: foilappeals@nypd.org”) and within how many days as required by FOIL (“within 30 days”); however, your appeal was not emailed until July 14, 2022. Therefore, because the appeal was submitted beyond the statutorily-defined thirty-day period, the appeal is denied.

You may seek judicial review of this determination by commencing an Article 78 proceeding within four months of the date of this decision.

Respectfully,

Jordan S. Mazur
Sergeant
Records Access Appeals Officer

c: Committee on Open Government

From: [REDACTED]
To: DOCPROD110C@nypd.org; foilageals@nypd.org
Subject: Request FOIL-2022-056-00034 APPEAL
Date: Thursday, July 14, 2022 10:55:34 AM
Attachments: [FOIL-2022-056-00034 \(Det Henry Cinotti\) - Appeal.pdf](#)

This letter constitutes an administrative appeal under the Freedom of Information Act.

On January 3, 2022, I filed an appeal to your office under the Freedom of Information Act for records relating to the following (request attached):

"I request a copy of ALL records in the possession, custody or control of the New York Police Department (including but not limited to the NYPD, it's investigatory units, and past or present officials of the NYPD) of ALL investigative activities, reports and/or settlements, regarding allegations of misconduct (in any of its forms or categories) against NYPD Detective/Police Officer Henry P. Cinotti, which may have resulted in a disciplinary proceeding, administrative hearing, interdepartmental trial, or de novo administrative hearing. The timeframe for this is between the late 1970's through early 1980's."

Based on the attached confirmation of this investigation, and trial, I dispute the adequacy of the search in response to my FOIA request.

Upon reconsideration of this matter, should the NYPD continue to deny my request in whole or in part, and if the NYPD does not provide a satisfactory explanation detailing the extent to which a reasonable search has been conducted, I may take legal action to compel disclosure under FOIA.

[REDACTED]

NYPD RESPONSE - DENIAL

[REDACTED]

From: donotreply@records.nyc.gov
Sent: Wednesday, June 8, 2022 10:57 AM
To: [REDACTED]
Subject: [OpenRecords] Request FOIL-2022-056-00034 Closed

The New York City Police Department (NYPD) has **closed** your FOIL request FOIL-2022-056-00034 for the following reasons:

- In regard to the document(s) which you requested, this unit is unable to locate records responsive to your request based on the information you provided.

You may appeal the decision to deny access to material that was redacted in part or withheld in entirety by contacting the agency's FOIL Appeals Officer: foilappeals@nypd.org within 30 days.

ORIGINAL FOIA REQUEST

From: donotreply@records.nyc.gov
To: [REDACTED]
Subject: [OpenRecords] Request FOIL-2022-056-00034 Submitted to New York City Police Department (NYPD)
Date: Monday, January 3, 2022 10:17:59 AM

Your request FOIL-2022-056-00034 has been successfully submitted to the New York City Police Department (NYPD). The details of your request are shown below.

Request Title: Detective Henry P. Cinotti - Disciplinary proceeding/Interdepartmental trial

Request Description: Other Request

Request Type: Other Request

Other Request

Type of Request: Disciplinary proceeding/Administrative hearing, Interdepartmental trial

Report #:

Date:

Time:

Precinct:

Location:

Description: I request a copy of ALL records in the possession, custody or control of the New York Police Department (including but not limited to the NYPD, it's investigatory units, and past or present officials of the NYPD) of ALL investigative activities, reports and/or settlements, regarding allegations of misconduct (in any of its forms or categories) against NYPD Detective/Police Officer Henry P. Cinotti, which may have resulted in a disciplinary proceeding, administrative hearing, interdepartmental trial, or de novo administrative hearing. The timeframe for this is between the late 1970's through early 1980's.

Requester's Contact Information

Name:

[REDACTED]

Title:

Not provided

Organization:

Not provided

Email:

[REDACTED]

Phone Number:

Not provided

Fax Number:

Not provided

Street Address (line 1):

Not provided

Street Address (line 2):

Not provided

City:

Not provided

State:

Not provided

Zip Code:

Not provided

You can view the request and take any necessary action at the following webpage:

<https://a860-openrecords.nyc.gov/request/view/FOIL-2022-056-00034>.