

March 28, 2012

VIA CERTIFIED MAIL

Information and Privacy Coordinator
Central Intelligence Agency
Washington, DC 20505

Office of the Inspector General
Central Intelligence Agency
Washington, DC 20505

Re: Freedom of Information Act Request

Dear FOIA Officer,

This letter constitutes a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and is submitted on behalf of the Electronic Privacy Information Center ("EPIC") to the U.S. Central Intelligence Agency ("CIA") Inspector General's ("IG") Office.

EPIC seeks records from the Inspector General's 2011 investigation regarding the CIA's collaboration with the New York Police Department ("NYPD").

Background

Beginning in 2011, a series of investigative articles by the Associated Press revealed that the NYPD had been conducting surveillance of Muslims and persons of Arab descent in New York, New Jersey, and elsewhere.¹ This surveillance included photographing members of the Muslim community as they entered mosques,² infiltrating Muslim student groups,³ and conducting surveillance of Muslim stores and businesses.⁴

The New York City Police Commissioner Raymond Kelly confirmed that the CIA had collaborated with the NYPD in surveillance matters and that a CIA officer had been

¹ Associated Press, *Highlights of AP's Probe into NYPD Intelligence Operations*, <http://ap.org/media-center/nypd/investigation>

² Associated Press, NYPD Records, *Target of Surveillance, Majid Omar*, available at: http://hosted.ap.org/specials/interactives/documents/nypd/nypd_omar.pdf

³ Intelligence Division, Intelligence Collection Coordinator, *Deputy Commissioner's Briefing*, Apr. 25, 2008, available at: <http://hosted.ap.org/specials/interactives/documents/nypd/dci-briefing-04252008.pdf>

⁴ See e.g., NYPD Intelligence Division, Demographics Unit, *Egyptian Locations of Interest Report*, July 7, 2006, available at: <http://hosted.ap.org/specials/interactives/documents/nypd/nypd-egypt.pdf>

working out of NYPD police headquarters.⁵ CIA spokeswoman, Jennifer Youngblood confirmed that the agency had a collaborative relationship with the NYPD.⁶

Several December 2011 media reports discussed a CIA IG's investigation regarding the agency's collaboration with NYPD.⁷ CIA spokesman Preston Golson acknowledged the existence of this investigation and stated that the agency's Inspector General concluded that no laws were broken and there was "no evidence that any part of the agency's support to the NYPD constituted 'domestic spying.'"⁸ Recent news reports indicate that the, as a result of the IG investigation and media scrutiny, the CIA officer embedded within the NYPD would be leaving.⁹

EPIC seeks documents related to the IG investigation.

Documents Requested

EPIC seeks all records related to the IG's 2011 investigation regarding the CIA's collaboration with the NYPD.

1. All documents related to the CIA Inspector General's investigation regarding the agency's collaboration with NYPD;
2. All legal analyses conducted by the CIA Inspector General's office regarding the CIA's collaboration with the NYPD;
3. All final reports issued as a result of the CIA Inspector General's investigation;
4. Any communications between the CIA Inspector General's office and the NYPD regarding the agency's collaboration with the NYPD.

Request for Expedited Processing

This request warrants expedited processing because it is made by "a person primarily engaged in disseminating information ..." and it pertains to a matter about which there is an "urgency to inform the public about an actual or alleged federal government activity."¹⁰

⁵ Ellen Sullivan, *NYPD Confirms CIA Officer Works at Department*, Associated Press, Aug. 25, 2011.

⁶ *Id.*

⁷ See e.g., Associated Press, *CIA's Watchdog: No Problem with NYPD Partnership*, Dec. 23, 2012, available at: <http://www.usatoday.com/news/washington/story/2011-12-23/cia-nypd-partnership/52198856/1>

⁸ *Id.*

⁹ Faiza Patel and Elizabeth Goitein, *It's Time to Police the NYPD*, New York Times, Jan. 29, 2012, <http://www.nytimes.com/2012/01/30/opinion/the-nypd-needs-policing.html>

¹⁰ 5 U.S.C. § 552(a)(6)(E)(v)(II) (2008); *Al-Fayed v. CIA*, 254 F.3d 300, 306 (D.C. Cir. 2001).

EPIC is “primarily engaged in disseminating information.”¹¹

There is a particular urgency for the public to obtain information about the Inspector General’s oversight of the CIA’s collaboration with the NYPD. The NYPD’s surveillance program and collaboration with the CIA has spawned Congressional calls for investigation,¹² protests,¹³ and Congressional questions to Attorney General Holder,¹⁴ and dozens of news stories.¹⁵

There is an urgent need for the public to learn what the CIA’s involvement was in this surveillance program and what oversight the CIA Inspector General’s office is conducting of the CIA’s collaboration with the NYPD. For this reason we request expedited processing.

Request for “News Media” Fee Status

EPIC is a “representative of the news media” for fee waiver purposes.¹⁶ Based on our status as a “news media” requester, we are entitled to receive the requested record with only duplication fees assessed. Further, because disclosure of this information will “contribute significantly to public understanding of the operations or activities of the government,” any duplication fees should be waived.

Thank you for your consideration of this request. As provided in 6 C.F.R. § 5.5(d)(4), I will anticipate your determination on our request for expedited processing within 10 business days. For questions regarding this request I can be contacted at 202-483-1140 ext. 102 or FOIA@epic.org.

Respectfully Submitted,

Ginger P. McCall
Director, EPIC Open Government Project

¹¹ *American Civil Liberties Union v. Department of Justice*, 321 F. Supp. 2d 24, 29 n.5 (D.D.C. 2004).

¹² Associated Press, *34 Congress Members Call for NYPD, CIA Probe*, Dec. 21, 2011, <http://www.crainsnewyork.com/article/20111221/POLITICS/111229961>

¹³ CBS New York, *Fallout Continues from NYPD Muslim Student Group Monitoring*, Mar. 3, 2012, <http://newyork.cbslocal.com/2012/03/03/nj-officials-meeting-with-muslim-community-on-nypd-program/>

¹⁴ Pete Yost, *Holder Disturbed by Reports on NYPD Muslim Spying*, Associated Press, Mar. 8, 2012, http://www.google.com/hostednews/ap/article/ALeqM5j4fWZx5Bpi2u_bfCaX5DA9--wFA?docId=b3db44dc1b52431ea94115651889796b

¹⁵ See e.g. Angela Delli Santi, *Criticism Grows Over NYPD’s Muslim Spying*, Associated Press, Mar. 1, 2012, <http://www.google.com/hostednews/ap/article/ALeqM5iZJmbNWgM0InduQhqsc-VlCnrHIw?docId=2fc6311a9ec5470185240aade5937f4>

¹⁶ *EPIC v. Department of Defense*, 241 F. Supp. 2d 5 (D.D.C. 2003).