



Board of Supervisors

Telephone (518) 736-5540

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- SENT VIA EMAIL -

4 August 2020

Ms. Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc (CJA)
PO Box 8101
White Plains, NY 10602

Dear Ms. Sassower:

I am writing in response to your Freedom of Information Law Request email dated 24 July 2020 and received in my Office on the same day requesting for following:

...to request records reflecting the functioning and performance of the Fulton County district attorney's office with respect to public corruption complaints filed with it by members of the public, from 2016 to the present – these being the five years of Fulton County District Attorney Chad Brown's tenure, the first as acting district attorney and then the four years of his current elective term, and specifically, as to each of these five years:

- (1) records reflecting the number of public corruption complaints the district attorney received;
- (2) records reflecting the number of public corruption complaints the district attorney dismissed without presentment to grand juries;
- (3) records reflecting the number of public corruption complaints the district attorney presented to grand juries that did not result in indictments;
- (4) records reflecting the number of public corruption complaints the district attorney presented to grand juries that resulted in indictments, the names of those indicted, the court index/docket numbers, and the disposition of the indictments pursuant to County Law §700.6;
- (5) records reflecting the number of public corruption complaints the district attorney presented to grand juries that resulted in grand jury reports – and the court index/docket numbers thereof pursuant to Criminal Procedure Law §190.85, §190.90 and County Law §700.7;
- (6) records reflecting the number of public corruption complaints from which the district attorney's office recused itself – and how such complaints were handled;

- (7) manuals, guides, and other records setting forth the policies and procedures of the district attorney's office in instances of conflicts of interests of the district attorney or assistant district attorneys, *to wit*, financial interest and professional, political, and social relationships;
- (8) manuals, guides, and other records of the district attorney's office setting forth its procedures for handling public corruption complaints, as, for example:
 - (a) a requirement that public corruption complaints be handled by the district attorney personally, by top assistant district attorneys, or by a specially-designated public integrity/corruption unit;
 - (b) a requirement for preliminary investigation of each complaint not determined to be facially lacking in merit – with such preliminary investigation consisting, *at minimum*, of an interview of the complainant, under oath, and an examination of the documentary evidence the complainant has furnished and/or proffered in substantiation of the complaint;
 - (c) a requirement that each facially-meritorious complaint validated by preliminary investigation as supported by (1) the “rules of evidence” specified by Criminal Procedure Law §190.30; and (2) evidence determined to be “legally sufficient” and “competent and admissible”, specified by Criminal Procedure Law §190.65, be presented to the grand jury – with the complainant called to testify before the grand jury in support of the complaint and with his/her evidence pursuant to Criminal Procedure Law §190.50(2);
 - (d) the preservation/retention policy for public corruption complaints and the record of the district attorney's actions with respect thereto.
- (9) records as to the number of grand jury indictments that the district attorney obtained against “a public servant” and persons “acting in concert with a public servant” pursuant to Penal Law §496 (“The Public Trust Act”) – and the names of those indicted thereunder, the court index/docket numbers, and the dispositions of the indictments pursuant to County Law §700.6.

Additionally, please furnish the mailing/e-mail address of the Fulton County grand jury through which it can receive communications directly from members of the public, unobstructed by the district attorney, in furtherance of its duty pursuant to Article I, §6 of the New York State Constitution and Criminal Procedure Law Article 190 – and the name, phone number, mail, and e- mail address of the Fulton County Commissioner of Jurors.

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E. SASSOWER
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By copy of this letter, I am referring your request to Fulton County District Attorney Chad Brown, who will identify and compile the records, if any. I estimate it will take approximately 20 working days from the date of this letter to compile the records.

Sincerely,



Jon R. Stead
Administrative Officer
Records Access Officer

cc: Chad Brown, District Attorney