

Center for Judicial Accountability, Inc. (CJA)

From: GMcCaffrey@co.livingston.ny.us
Sent: Monday, July 27, 2020 11:32 AM
To: Center for Judicial Accountability, Inc. (CJA)
Subject: Re: Reasonable questions arising from your nonfeasance with respect to the June 18, 2020 corruption complaint in support of grand jury inquiry, pursuant to Article I, §6 of the NYS Constitution, of Livingston County state legislators...
Attachments: Livingston County Ethics Policy DA McCaffrey.docx; Political Activity.pdf

Ms. Sassower,

Please find the response to your FOIL request. I have endeavored to respond as thoroughly as possible and utilizing the specific requests you have made. Responses are attached.

Pursuant to FOIL (Public Officers Law Article VI), this is to request records reflecting the functioning and performance of the Livingston County district attorney's office with respect to public corruption complaints filed with it by members of the public, each year from 2017 to the present – these being years of Livingston County District Attorney Gregory McCaffrey's second elective term, and specifically, as to each of these four years:

- (1) records reflecting the number of public corruption complaints the district attorney received; -
NONE/NOT APPLICABLE
- (2) records reflecting the number of public corruption complaints the district attorney dismissed without presentment to grand juries; **NONE/NOT APPLICABLE**
- (3) records reflecting the number of public corruption complaints the district attorney presented to grand juries that did not result in indictments; **NONE/NOT APPLICABLE**
- (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; **NONE/NOT APPLICABLE**
- (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; **NONE/NOT APPLICABLE**
- (6) records reflecting the number of public corruption complaints from which the district attorney's office recused itself – and how such complaints were handled; **NONE/NOT APPLICABLE**
- (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; **NONE/NOT APPLICABLE**
 - (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; **NONE/NOT APPLICABLE**
 - (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); **NONE/NOT APPLICABLE**

(d) the preservation/retention policy for public corruption complaints and the record of the district attorney's actions with respect thereto. **ALL OPEN INVESTIGATIONS WOULD BE STORED ON SITE AT THE LIVINGSTON COUNTY DISTRICT ATTORNEY'S OFFICE**

(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. **NONE/NOT APPLICABLE**

Additionally, please furnish the mailing/e-mail address of the Livingston 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 Livingston County Commissioner of Jurors.

**LIVINGSTON COUNTY GRAND JURY
2 COURT STREET
GENESEO, NEW YORK 14454**

**Commissioner of Jurors
JOSE CRUZADO
LIVINGSTON COUNTY COURTHOUSE
2 COURT STREET
GENESEO, NEW YORK 14454
(585)371-3895
jcruzado@nycourts.gov**

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Livingston County District Attorney
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From: "Center for Judicial Accountability, Inc. (CJA)" <elena@judgewatch.org>
To: <GMcCaffrey@co.livingston.ny.us>, <LCDA@co.livingston.ny.us>
Date: 07/24/2020 10:25 AM
Subject: Reasonable questions arising from your nonfeasance with respect to the June 18, 2020 corruption complaint in support of grand jury inquiry, pursuant to Article I, §6 of the NYS Constitution, of Livingston County state legislators...

TO: Livingston County District Attorney Gregory McCaffrey

I have received no acknowledgment or other response to my June 18, 2020 public corruption/grand jury complaint against Livingston County state legislators, which I sent you by the below e-mail, with a direct link to the substantiating evidentiary webpage: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/grand-juries.htm>.