

Center for Judicial Accountability, Inc. (CJA)

From: Switzer, Rosemary S <Rosemary.Switzer@co.ontario.ny.us>
Sent: Tuesday, August 11, 2020 2:25 PM
To: elena@judgewatch.org
Subject: FOIL



**Ontario County
Dept. of Records,
Archives and
Information
Management Services**

Phone: 585-396-4376
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3051 County Complex Drive
Canandaigua, New York 14424

August 10, 2020

Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc
P.O. Box 8101
White Plains, NY 10602

Dear Ms. Sassower:

This is in an updated response to your FOIL request concerning copies of records that reflect the functioning and performance of the Ontario county district attorney's office with respect to public corruptions complaints filed with it by members of the public in 2016-2017 under former elected Ontario County District Attorney R. Michael Tantillo and 2018-2020 under current elected Ontario County District Attorney James Ritts and specifically as to each of these five years:

1. Copies of records reflecting the number of public corruption complaints the district attorney received
2. Copies of records reflecting the number of public corruption complaints the district attorney dismissed with presentment to grand juries
3. Copies of records reflecting the number of public corruption complaints the district attorney presented to grand juries that did not result in indictments
4. Copies of 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 dispositions of the indictments pursuant to County Law 700.6;
5. Copies of records reflecting the number of public corruption complaints the district attorney presented to grant juries that resulted in grand jury reports- and the court index /docket number thereof pursuant to Criminal Procedure Law 190.85 190.90 and County Law 700.7

6. Copies of records reflecting the number of public corruption complaints from which the district attorney's office recused itself- and how such complaints were handled;
7. Copies of 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. Copies of manual, guides, and other records of the district attorney's office setting forth its procedures for handling public corruption complaints as for example:
 - 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
 - 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
 - Requirement that each facially-meritorious complaint validated by preliminary investigation as supported by (1)” 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 wand with his/her evidence pursuant to Criminal Procedure Law 190.50 (2)
 - The preservation /retention policy for public corruptions complaints and records of the district attorney's actions with respect thereto.
9. Copies of records as to the number of grand jury indictments that the Ontario County district attorney has obtained against a “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.
10. The mailing/email address of the Ontario 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 NYS Constitution and Criminal Procedure Law Article 190- name, phone number, mail and email address of the Ontario County Commissioner of Jurors.

The District Attorney reports that for Items 1-6, 9 – 0 records. Items 7 and 8 concerning manuals –no manuals related to how to handle these records. Item 10 Commission of Jurors:

<https://www.co.ontario.ny.us/Directory.aspx?did=35>

If you wish to appeal this decision, please do so in writing to Jack Marren, Chair of the Ontario County Board of Supervisors, 20 Ontario St. Canandaigua, NY within (30) days.

Sincerely,
Rosemary Switzer
 Rosemary Switzer
 Records Access Officer

“This message may contain confidential, sensitive and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited.”