

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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November 13, 2013

TO: Albany County District Attorney P. David Soares –
Member, Commission to Investigate Public Corruption

FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: What are Your Procedures for Handling Public Corruption Complaints? –
& Other Questions that an Unconflicted Commission to Investigate Public
Corruption Would Ask

You were absent from the Commission to Investigate Public Corruption's October 28, 2013 public hearing in Manhattan, at which the State Board of Elections was subjected to scathing interrogation about its procedures for handling complaints.

What are your procedures for handling complaints of public corruption? And how do they compare to your procedures for handling criminal referrals from the State Board of Elections, such as were featured in Ken Lovett's August 5, 2013 Daily News article "*Members of Cuomo's anti-corruption panel failed to pursue 1,500 criminal referrals by the Board of Elections*"?¹ Did these criminal referrals from the Board of Elections go to your Public Integrity Unit – and was there no timely communication from it to the Board as to why it was not following through with any of 1,382 referrals since 2007? If the issue was one of resources, did you not request increased budget allocations for your district attorney's office for such purpose?

As you know – including from our October 17, 2013 letter² – your Public Integrity Unit has been sitting on our July 19, 2013 corruption complaint against Governor Cuomo, Attorney General Schneiderman, and New York's other highest public officers for crimes including their grand larceny of the public fisc in connection with the judicial pay raises and the unitemized, slush fund judiciary and legislative budgets.

¹ The Daily News article was enclosed with our November 8, 2013 FOIL request to the State Board of Elections – a copy of which was sent to you and your "Public Integrity Unit" Bureau Chief Eric Galarneau on that date. A further copy is enclosed for your convenience.

² Our October 17, 2013 letter, entitled, in pertinent part, "CJA's Unresponded-to July 19, 2013 corruption complaint and intervention request to Commission Member Albany County District Attorney Soares", is posted on our website, including on the webpage of our July 19, 2013 corruption complaint. Here's the direct link: <http://www.judgewatch.org/web-pages/judicial-compensation/albany-da.htm>.

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To date, nearly four full months after filing the July 19, 2013 complaint with your Public Integrity Unit Bureau Chief, Eric Galarneau – and more than 2-1/2 months after hand-delivering for him hard copies of the substantiating proof – we have yet to receive a written acknowledgment, let alone notification of any investigation. Is this normal and customary procedure where, with each passing month, the theft of taxpayer monies increases by many millions of dollars? Have you not examined the complaint and confirmed, as stated, that:

“it presents an open-and-shut, *prima facie* case of plunder of public monies, verification of which can be accomplished in minutes from comparison of the Commission on Judicial Compensation’s August 29, 2011 ‘Final’ Report and our October 27, 2011 Opposition Report – as to which the Executive Summary to our Opposition Report provides a handy guide.” (July 19, 2013 complaint, at p. 4, italics and underlining in the original).

What is taking you so long? Is there any explanation for your nonfeasance and misfeasance other than your financial, political, and personal conflicts of interest?

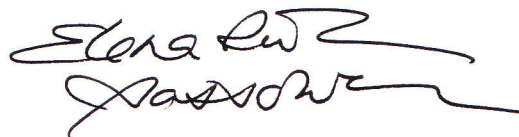
Please advise without further delay so that we – and the Commission to Investigate Public Corruption – may be guided accordingly.

Finally, inasmuch as the questions that the State Board of Elections was required to answer at the October 28, 2013 hearing are questions that an unconflicted Commission to Investigate Public Corruption would be requiring of all 62 of this state’s district attorneys, please furnish your answers to the following:

1. What is the budget of your district attorney’s office?
2. How does the budget compare with your requested budget?
3. How many people are employed by your district attorney’s office?
4. How are public corruption complaints handled? Does the district attorney’s office have a specifically designated public integrity unit to handle public corruption complaints – and is it identified by your district attorney’s website and informational brochure?
5. Are public corruption complaints required to be on a special form? Must they be signed and or notarized? How about anonymous complaints?
6. Does your district attorney’s office initiate public corruption complaints based on news reporting – if not, why not.

7. What is the intake procedure for public corruption complaints? Are all public corruption complaints logged? What kind of log is it? What kinds of information does it contain? Is it accessible to you and others in supervisory positions?
8. Are all public corruption complaints acknowledged? What is the length of time between receipt and acknowledgment and who does it?
9. Following acknowledgment, is there a preliminary review process preceding investigation? Who does it and what does it consist of?
10. Who decides whether a public corruption complaint is to be investigated and what is the criteria for investigation?
11. Who does the investigation and what does it consist of?
12. What system is in place to inform you and supervising staff of the status of corruption complaints?
13. Does your district attorney's office have a backlog of public corruption complaints? If so, what have you done to address it? Are public corruption complaints prioritized?
14. Do you inform complainants of the disposition of their public corruption complaints? Who does it and is it in writing?
15. How many public corruption complaints have been received in each of the past six years?
 - a. how many public corruption complaints have been investigated, including by issuance of subpoenas and subpoenas *duces tecum*?
 - b. How many public corruption complaints have resulted in criminal prosecutions? How many have been the subject of grand jury presentments? How many resulted in grant jury indictments?
 - c. How many public corruption complaints have ended in convictions or pleas?

Thank you.

A handwritten signature in black ink, appearing to read "Elena Ruiz". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Enclosure

cc: See next page

cc: Eric Galarneau, Bureau Chief, Public Integrity Unit/Albany County District Attorney Soares
New York State Board of Elections
 Co-Executive Director Todd Valentine
 Co-Executive Director Robert Brehm
 Deputy Enforcement Counsel William McCann
 Public Information Officer John Conklin
Commission to Investigate Public Corruption
 Co-Chair Onondaga County District Attorney William Fitzpatrick
 Co-Chair Nassau District Attorney Kathleen Rice
 Co-Chair Milton L. Williams, Jr.
Ken Lovett, Daily News
The Public & The Press