

Center for Judicial Accountability, Inc. (CJA)

From: Li, Margaret <mli@co.seneca.ny.us>
Sent: Wednesday, August 12, 2020 9:27 AM
To: 'elena@judgewatch.org'
Subject: FW: FOIL/Information Request: (1) the functioning of the Seneca County district attorney's office & performance of its duties with respect to public corruption complaints filed by members of the public; (2) access to the Seneca County grand jury...
Attachments: seneca-7-31-20-da-foil.pdf

Dear Elena Sassower:

This email is to acknowledge receipt of your email on July 31, 2020,

For purposes of internal tracking, your request has been assigned the ID # 20200708. You may expect a response within 20 business days of receipt of the FOIL request or by Friday, August 28, 2020.

Records requested:

Pursuant to FOIL (Public Officers Law Article VI), this is to request records reflecting the functioning and performance of the Seneca County district attorney's office with respect to public corruption complaints filed with it by members of the public in 2016-2018 under former elected Seneca County District Attorney Barry Porsch and in 2019-2020 under acting and thereafter elected Seneca County District Attorney Mark Sinkiewicz, 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 records of the district attorney’s actions with respect thereto.
- (9) records as to the number of grand jury indictments that the Seneca County district attorney has 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.

Margaret E. Li, Clerk to the Board
Seneca County Board of Supervisors
1 DiPronio Drive, Waterloo, NY 13165
(P) 315-539-1700
Website: www.co.seneca.ny.us

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]

Sent: Friday, July 31, 2020 10:14 AM

To: Li, Margaret

Subject: FOIL/Information Request: (1) the functioning of the Seneca County district attorney's office & performance of its duties with respect to public corruption complaints filed by members of the public; (2) access to the Seneca County grand jury...

TO: Seneca County FOIL Officer & Clerk to the Board of Supervisors Margaret Li

Thank you for your prompt return call. As discussed, attached is my FOIL/information request of today’s date.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-421-1200
www.judgewatch.org
elena@judgewatch.org