



CHAUTAUQUA COUNTY DEPARTMENT OF LAW

PAUL M. WENDEL, JR.
County Executive
STEPHEN M. ABDELLA
County Attorney

August 19, 2020

Via E-Mail Only – elena@judgewidth.org

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

Re: Freedom of Information Law Request dated July 24, 2020

Dear Ms. Sassower:

This letter is in reply to your Freedom of Information Law (FOIL) request dated July 24, 2020, in which you request the following records relating to the functioning and performance of the Chautauqua County District Attorney's Office with respect to political corruption complaints filed by members of the public for each year from 2016 through the present:

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 the 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 and 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 interest 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 forth public corruption complaints as detailed in the examples cited in your July 24, 2020 FOIL request; and
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.

You also requested the mailing/e-mail address of the Chautauqua County grand jury through which members of the public, unobstructed by the District Attorney, can directly receive communications in furtherance of its duty pursuant to Criminal Procedure Law Article 190, and the name, phone number, mail, and e-mail address of the Chautauqua County Commissioner of Jurors.

Enclosed please find eight (8) pages in response to item 1 of your FOIL request dated July 24, 2020, which requests records reflecting the number of public corruption complaints the District Attorney received each year from 2016 to the present.

The County does not maintain or possess the records requested in items 2 – 6 of your FOIL request.

Also enclosed please find nine (9) pages in response to item 7 of your FOIL request, which is a copy of Chautauqua County's Local Law Amending the Chautauqua County Code of Ethics.

The County does not maintain or possess records requested in items 8 and 9 of your FOIL request.

Below is the contact information for the Chautauqua County Commissioner of Jurors:

Mary Alice Petrella, Acting Commissioner of Jurors
Chautauqua County Commissioner of Jurors Office
3 N. Erie Street
P.O. Box 293
Mayville, New York 14757-0293
(716) 753-4410
mpetrell@nycourts.gov

I trust that this information satisfies your request. Thank you.

The Freedom of Information Law stipulates that certain information may be denied, however, the County is required to advise you of your rights to appeal such denials. If you are denied information and you choose to appeal such denial, you must do so in writing within 30 days of receipt of such denial. The appealing authority is Paul M. Wendel, Jr., County Executive, 3 N.

Erie Street, Mayville, New York 14757. Your appeal must state the date of the denial, the information requested, the information denied, and the reason for the denial.

Sincerely yours,

Allison B. Carrow

Allison B. Carrow
First Assistant County Attorney

ABC

Enclosures

cc: Patrick E. Swanson, District Attorney, Chautauqua County District Attorney's Office (via e-mail only)