



OFFICE OF THE DISTRICT ATTORNEY
NASSAU COUNTY

OFFICIAL REQUEST FOR INFORMATION

December 5, 2019

All Police Commanders
Local & State Police Agencies
Operating in Nassau County

RE: Compliance with New York State
Criminal Procedure Law Article 245
Official & Standing Request for Information

TO ALL POLICE COMMANDERS HAVING JURISDICTION AND/OR OPERATIONS IN
THE COUNTY OF NASSAU, STATE OF NEW YORK:

Pursuant to sections 245.20(2), 245.35(3), and 245.55(2) of the New York State Criminal Procedure Law, I, acting in my capacity as District Attorney of Nassau County, hereby request and require that your law enforcement agency provide my office with “a complete copy of its complete records and files” relating to any and all investigations and prosecutions with which it had any role in initiating or assisting. This request applies to all open and unresolved cases that are pending in any criminal court within the District of Nassau as of January 1, 2020 and shall remain a standing request with respect to all future cases brought by your agency until this request is rescinded in writing by me. No Assistant District Attorney may rescind this request – in whole or in part – on my behalf.

Pursuant to the mandates of section 245.55(1) of the New York State Criminal Procedure Law, I have directed that my Early Case Assessment Bureau be staffed and available to your departments 24 hours-a-day / 365 days-a-year to ensure that a sufficient flow of information can and will exist between our agencies. While internally staffed at all times, the Early Case Assessment Bureau will additionally maintain an on-call list of prosecutors from every bureau and unit in my office as well as a general roster – with contact information – of all Nassau County Assistant District Attorneys. For purposes of compliance with the above request, please therefore utilize the aforesaid bureau for the transmission of your complete records and files. The Early Case Assessment Bureau has been instructed to log all communications with your agency as well as all completed file transmissions. However, this correspondence serves as the exclusive vehicle of my office’s standing request – the staff of the Early Case Assessment Bureau shall not be responsible for its reiteration on a case-by-case basis and have no authority to defer, modify, condition, or in any other way countermand it.

This request is further delineated with target dates of transmission as follows:

- Within 24 hours of an arrest or the issuance of an appearance ticket, I request that a “complete copy” of all generated police records in existence at that time be transmitted to my office, via the Early Case Assessment Bureau. Such records should include, but not be limited to: (a) all form reports regarding the charged individual and the circumstances of the arrest, (b) all statements made by witnesses; (c) all statements made by defendants and co-defendants; (d) adequate contact information for all witnesses; (e) a listing of all property recovered from the defendant or a co-defendant; (f) a listing of all law enforcement personnel involved in the case; (g) all photographs, videos, and digital evidence related to the case; (h) all handwritten notes and memoranda from police witnesses; and (i) the name, rank, command, and contact information of the individual responsible for your agency’s compliance with this request for the particular case-at-issue.
- Within 5 days of an arrest or the issuance of an appearance ticket (if not available sooner), I request that a “complete copy” of all generated police records in existence at that time be transmitted to my office via the Early Case Assessment Bureau, unless sooner contacted and instructed by the case-assigned Assistant District Attorney to transmit said records directly to his or her attention. Such records should include, but not be limited to all (a) electronic recordings; (b) mobile data transmissions; (c) peer-to-peer communications (e.g. radio, text, messaging systems); (d) event chronologies; (e) calibration records of any utilized equipment; and (f) test results with back-up documentation.
- Within 10 days of an arrest or the issuance of an appearance ticket (if not available sooner), I request that a “complete copy” of all generated police records in existence at that time be transmitted to my office via the Early Case Assessment Bureau, unless sooner contacted and instructed by the case-assigned Assistant District Attorney to transmit said records directly to his or her attention. Such records should include, but not be limited to (a) inventories resulting from the execution of a search warrant; (b) a summary of all promises, rewards and inducements, if any, made to any witness or potential witness; and (c) a copy of all electronically stored information taken from a device owned or possessed by the arrestee.
- I request that any records or materials generated by your agency subsequent to the commencement of prosecution (e.g. case report updates, property log updates) be transmitted as soon as practicable, but no later than 24 hours after their generation.

Additionally, pursuant to section 245.55(3) of the New York State Criminal Procedure Law, upon the filing of each accusatory instrument, if not before, I request that the “arresting officer or lead detective” expeditiously notify my office, via the Early Case Assessment Bureau, of the existence of all known police-generated electronic recordings (e.g. “911 telephone calls, police radio transmissions and video and audio footage”). Pursuant to that section, I note that such notification must be “in writing.” To accommodate statutory mandates, the arresting officer or lead detective should further submit a production request to any involved communications repository for all 911

calls and written dispatch event chronology reports related to the case, upon arrest, so that the same may be provided to my office within the timetables referenced above.

Electronic files that are unable to be transmitted due to technological limitations must be preserved and made available for viewing, inspection, and copying by members of my office as well members of the defense bar. In such event, the individual responsible for your agency's compliance with this request for the particular case-at-issue, referenced above, should promptly communicate such limitations, preservation, and means of availability, in writing at the time such recordings were otherwise due to be transmitted.

Pursuant to section 245.20(2), my office is deemed to be in possession of your records and files, whether or not we have obtained actual possession of them. Accordingly, failure to comply with this request as outlined may result in case sanctions up to and including dismissal. Your cooperation is therefore imperative to the proper functioning of our criminal justice system. I stress further that this request for information applies to all charges commenced by “indictment, superior court information, prosecutor’s information, information, simplified information, misdemeanor complaint, or felony complaint” (see section 245.10(1)(a)), and therefore any reference to “case” in this correspondence applies to all prosecutions of felonies, misdemeanors, violations, and/or infractions proffered by your respective entity.

Please retain a copy of this request for your records and disseminate to all affected staff in your agency. This request will be published to all staff of the Nassau County District Attorney’s Office, the Administrative and Supervising Judges of the Nassau County Criminal Courts, and will also be posted on our office website.

Thank you in advance for your anticipated cooperation.

Sincerely,



Madeline Singas
District Attorney
Nassau County