



OFFICE OF THE DISTRICT ATTORNEY
NASSAU COUNTY

OFFICIAL REQUEST FOR COMPLIANCE

February 21, 2020

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

RE: Compliance with New York State
Criminal Procedure Law Article 245
Police Officer Memo-Book Entries

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

On December 5, 2019, I, acting in my capacity as District Attorney of Nassau County, issued a standing request 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, with such request applying to all open and unresolved cases that were pending in any criminal court in the District of Nassau as of January 1, 2020 and thereafter. A copy of this request was sent via e-mail and regular mail as well as posted on the main Nassau County District Attorney website – NassauDA.org – where it has remained and will remain indefinitely.

Your cooperation with that request has been professional and is very much appreciated.

Due to the substantial nature of one particular issue, however, I feel compelled to speak directly to it in this correspondence. It has come to my attention that police officer memo-books are sometimes privately retained by individual officers. The fact that these memo-books are in private custody is irrelevant under the criminal procedure law. Pursuant to section 245.20(2), my office is deemed to be in possession of police notes, records, and files. The law makes no distinction as to whether or not we have obtained actual possession of them or whether or not the materials are actually retained on police premises. Furthermore, pursuant to section 245.55(2), “upon request by the prosecution, each New York state and local law enforcement agency shall make available to the prosecution a complete copy of its complete records and files related to the investigation of a case or the prosecution of the defendant for compliance with [the discovery requirements of Article 245.]”

Memo-book entries of police officers, apart from being necessary to satisfy requirements of *People v. Rosario*, 9 N.Y.2d 286 (1961) (et seq.), are statutorily identified as discovery material by section 245.20(1)(e) (“...all police reports, notes of police and other investigators, and law enforcement agency reports.”) While all discovery is predicated upon relevance, that is a legal determination that my office must make, and subsequently advocate for, on a case-by-case basis.

Police officer memo-book entries must be provided as expeditiously as possible to avoid potential adverse consequences to pending criminal cases. This issue is manifesting itself most substantially with institutional delays of production on pre-2020 cases. To the extent not already done, please take immediate departmental possession of all memo-books and thereafter transmit all entries associated with pending criminal cases to my office. If you need assistance identifying which officers/memo-books from your department are associated with pending criminal cases, my Discovery Compliance Bureau can provide you with a list of all such cases.

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 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,

A handwritten signature in black ink that reads "Madeline Singas". The signature is fluid and cursive, with the first name "Madeline" written in a larger, more prominent script than the last name "Singas".

Madeline Singas
District Attorney
Nassau County