



August 17, 2023

**Via Portal**

Fulton County  
141 Pryor St. SW  
Atlanta, GA 30303

**Open Records Act Request: Declination of Prosecutions**

Dear Records Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we communicate with a national audience through traditional and social media platforms. AFL's email list contains over 77,000 unique addresses, our Twitter page has 175,600 followers, the Twitter page of our Founder and President has over 495,000 followers, our Facebook page has 142,000 followers, and we have another approximately 32,000 followers on GETTR.

**I. Requested Information**

- a. Records sufficient to show the rate at which the Fulton County District Attorney's Office declines felony prosecutions or the number of such declinations over any period for which reporting is available.
- b. Any internal tracker indicating the rate at which the Fulton County District Attorney's Office declines felony prosecutions or the number of such declinations.
- c. All communications containing information about the rate at which the Fulton County District Attorney's Office declines felony prosecutions, sent to or received by District Attorney Willis between January 1, 2021 and the present.

611 Pennsylvania Ave SE #231  
Washington, DC 20003

320 South Madison Avenue  
Monroe, Georgia 30655

- d. If no records exist responsive to items (a) – (c), records sufficient to show the total number of declinations and the total number of arrests from January 1, 2021, to the present.

## **II. Processing Requirements**

Your office is an Agency of the State of Georgia subject to the Open Records Act (“ORA”) (codified at O.C.G.A. § 50-18-70 *et seq.*, adopting the definition of “agency” used at O.C.G.A. § 50-14-1). Under the ORA, your office has three (3) business days to produce the requested records. O.G.C.A. § 50-18-71(b)(1)(A).

## **III. Redactions and Withholding**

If this records request is denied, in whole or in part, please provide AFL with the section of the ORA on which the denial or redaction is based. In cases where a portion of the document(s) is exempt, please redact that portion, identify the statutory basis for each redaction, and release the remainder.

## **IV. Waiver of Charge**

AFL requests a waiver of all costs associated with this request. We believe AFL’s non-commercial commitment to public education and transparency justifies this waiver. Further, this request aims to shed light on the behavior of the Fulton County District Attorney’s office, and the way it has been discharging its duty to the people of Fulton County. We are, of course, available to provide additional information in writing or offline in support of this request.

## **V. Production**

To accelerate the release of responsive records, AFL welcomes production on an agreed rolling basis. If possible, please provide responsive records in an electronic format by email. Alternatively, if this is not practical, please provide responsive records in native format or in PDF format on a USB drive. Please send any responsive records being transmitted by mail to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

## **VI. Conclusion**

I look forward to your response no later than three working days from today. If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate more efficient produc-

tion of records of interest to AFL, please do not hesitate to contact me at FOIA@aflegal.org. Finally, if AFL's request for a fee waiver is not granted, please contact us immediately upon making that determination.

Sincerely,

/s/ Jacob Meckler  
America First Legal Foundation