



May 11th, 2021

**SUBMITTED BY:** [online portal](#)

Fulton County District Attorney  
136 Pryor St SW 3rd Fl  
Atlanta, GA 30303

**Re: Open Records Request**

Dear Sir/Madam:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records pursuant to the Georgia Open Records Act, [O.C.G.A. § 50-18-70 et seq.](#)

Specifically, CREW requests:

All records from March 16, 2021 to the present concerning the Fulton County District Attorney’s response to the March 16 shootings at three Atlanta-area massage parlors and spas. This request includes without limitation the following records as they relate to the Fulton County District Attorney’s response:

1. All records regarding the shooter’s possible motive for the attacks, including without limitation records relating to the shooter’s alleged statements that he had a “really bad day.”
2. All communications between state and local public officials regarding Captain Jay Baker’s comments at a March 17 press conference that the shooter had a “really bad day,” including without limitation communications relating to the March 18 statement by the Cherokee County Sheriff’s Office addressing Captain Baker’s March 17 comments.
3. All records relating to any monitoring, review, or investigation of material posted on Captain Baker’s personal social media accounts, including without limitation Captain Baker’s personal Facebook posts promoting xenophobic Covid-19-themed T-shirts.
4. All records reflecting any disciplinary investigations or actions taken against Captain Baker.
5. All records reflecting any policies, procedures, or protocols governing the identification and investigation of potential hate crimes, including without limitation crimes motivated by the victim’s perceived or actual race, color, religion, national origin, ethnicity, sexual orientation, gender, gender identity, or disability.

This request excludes news articles and other publicly-available materials without any accompanying discussion by government officials.

This request includes but is not limited to communications within the Fulton County District Attorney, as well as communications with the Atlanta City Council, Office of the Mayor of Atlanta, Atlanta Police Department, Office of the Atlanta Police Chief, Atlanta Citizen Review Board, Georgia Department of Public Safety, Fulton County Sheriff's Office, Fulton County Police, Fulton County Marshal, Cherokee County Sheriff's Office, Cherokee County District Attorney's Office, Office of the Attorney General of Georgia, Office of the Governor of Georgia, and Georgia Bureau of Investigation.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, as well as those who were cc'ed or bcc'ed on any emails.

If it is your position any portion of the requested records is exempt from disclosure, please cite each specific exemption you feel justifies the refusal to release the information and notify CREW of the appeal procedures available under the law. CREW requests that you state in writing and with particularity the reasons for any conclusion that a record is exempt or confidential. If some portions of the requested records are properly exempt from disclosure, you are required to redact those portions and produce the remainder of the requested records.

On March 16, 2021, Robert Aaron Long killed eight people, including six women of Asian descent, in three separate attacks on Atlanta-area massage parlors and spa businesses, for which he was charged with eight counts of murder and one count of aggravated assault.<sup>1</sup> On March 17, the Cherokee County Sheriff's Office held a press conference where Captain Jay Baker stated that Long viewed these businesses as "temptations" for his sex addiction that he wanted to "eliminate," and that Long had told police the shootings were "not racially motivated."<sup>2</sup> At the same press conference, Baker commented that Long "was pretty much fed up and had been at the end of his rope, and yesterday was a really bad day for him, and this is what he did." Later that day, images from Baker's personal Facebook account surfaced, including posts where he promoted Covid-19-themed T-shirts with the words "Imported Virus from Chy-na."<sup>3</sup> His comment and posts sparked national outrage, particularly from the Asian American community, which has faced increased violence and discrimination in the past year stemming from the Covid-19 pandemic. On March 18, the Sheriff's Office issued a statement expressing "regret for any heartache Captain Baker's words may have caused."<sup>4</sup> The requested records would provide a clearer

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<sup>1</sup> Jason Hanna, Amanda Watts and Madeline Holcombe, Suspect in Atlanta-area spa shootings might have intended more shootings in Florida, mayor says, *CNN*, March 18, 2021, available at <https://www.cnn.com/2021/03/17/us/metro-atlanta-shootings-wednesday/index.html>

<sup>2</sup> Elliott C. McLaughlin, Casey Tolan and Amanda Watts, What we know about Robert Aaron Long, the suspect in Atlanta spa shootings, *CNN*, March 18, 2021, available at <https://www.cnn.com/2021/03/17/us/robert-aaron-long-suspected-shooter/index.html>

<sup>3</sup> Jordan Liles, Did Georgia Capt. Jay Baker Promote 'Imported Virus From Chy-na' Shirts? *Snopes*, March 18, 2021, available at <https://www.snopes.com/fact-check/jay-baker-chyna-shirts/>

<sup>4</sup> Nicole Carr, *Twitter*, March 18, 2021, available at [https://twitter.com/NicoleFCarr/status/1372627341457907714?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed](https://twitter.com/NicoleFCarr/status/1372627341457907714?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed)

picture of the way the Fulton County District Attorney responded to these incidents, which suggest the existence of anti-Asian bias in the law enforcement involved with the case. They would also provide a fuller picture of how law enforcement decided to publicly present the shooter's self-described motivations.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and reducing the influence of money on politics. CREW intends to analyze the information responsive to this request and to share its analysis with the public. The release of information obtained through this request is not in CREW's financial interest.

If there are any fees for searching or copying these records, please inform CREW if the cost will exceed \$100. However, CREW also requests a waiver of all fees because the disclosure of the requested information is in the public interest. The public is entitled to information concerning the Fulton County District Attorney's response to the shootings that took the lives of eight people, including six Asian women. Further, this information is not being sought for commercial purposes. Please advise us if the costs associated with processing this request will exceed \$100.00.

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at [ali@citizensforethics.org](mailto:ali@citizensforethics.org), and please copy [hhammado@citizensforethics.org](mailto:hhammado@citizensforethics.org) on all communications. Where possible, please produce records in electronic format. Please send the requested records to me in electronic form to [ali@citizensforethics.org](mailto:ali@citizensforethics.org) and [hhammado@citizensforethics.org](mailto:hhammado@citizensforethics.org). If it's not possible to produce them electronically, please contact me at that email, and I will provide a mailing address. Thank you for your assistance.

Sincerely,



Angela Li