

D. Robert Busbee

From: D. Robert Busbee
Sent: Friday, October 10, 2025 4:15 PM
To: Noel Brown; Jake Saxon; BCSO CST STAFF GROUP
Cc: Jillian Gibson; Bill Black
Subject: RE: Buy Videos

Good Afternoon,

In response to what happened last month, Chief ADA Gibson and I looked at this office's policy on CI videos and sensitive information. As I have discovered with several important areas since taking office, the DA's Office has no policy on this subject.

I can confirm that this has been an issue for at least four years, presumably longer. We cannot tell which cases or which CIs were exposed, but buy videos were turned over. I cannot account for what happened before I got here, but I wanted you all to be aware.

Confident Informant Materials Policy

Going forward, the Ogeechee Judicial Circuit District Attorney's Office has the following policy regarding Confidential Informants (CI):

- I was advised by a member of your office that BCSO has the ability to flag files containing sensitive materials when they come into our office.
- DA's Office Investigators will segregate the sensitive materials - with CI materials going into the DA's Office evidence safe and remaining materials going onto the server in normal fashion.
- Defense will be advised that such evidence exists when discovery is served.
- ADAs may make screenshots from videos that show Defendant for purposes of negotiation. Such screenshots shall contain **no** identifying information pertaining to CI.
 - If law enforcement preemptively provides screenshots incriminating Defendant, ADAs are encouraged to use those.
- If Defense insists on viewing videos, they can schedule a time to come to DA's office to view videos.
 - Defense will be informed that all offers are revoked if DA's Office is forced to show identifying information pertaining to CI.
 - Lead investigator will be informed when viewing is scheduled.
- Physical copies of CI materials will be provided 10 days prior to trial, in accordance with applicable law.

My ADAs have already been instructed on these new procedures.

Exchange of Evidence Between BCSO and OJC DA

As to BCSO withholding videos from my office, let me be clear: Under the law, my office is responsible for all evidence physically in our possession, as well as the evidence in the possession of law enforcement. We expect **full disclosure** from our law enforcement partners. If we discover evidence is being withheld or hidden from us, those cases will be subject to dismissal, and we will take all remedial action available and appropriate.

Other Policy Changes

When Lt. Saxon came over to my office to pick up our check, I am told he had a long conversation with my investigators. He requested a single ADA be assigned to handle all CST cases and expressed confusion over our asset forfeiture policy.

In response to Lt. Saxon's request/concerns, I reviewed CST files from 2023 to present, as well as asset forfeiture cases. Candidly, none of this was on my radar prior to Lt. Saxon's request. We set the \$2,500 minimum because we are underfunded and understaffed. My prime concern is prosecuting criminals, and everything else takes a backseat. When my office is fully funded and fully staffed, I will gladly remove the \$2,500 minimum. Until then, I consider that matter closed and not up for further discussion.

Dedicated CST ADA

After reviewing the CST cases and evaluating the need, I am denying the request for a dedicated CST ADA at this time.

Appropriate Asset Forfeiture Cases

To be constitutional - i.e., not violate a defendant's due process and double jeopardy rights, an asset forfeiture action must be remedial, not punitive. We get to punish criminals in their criminal cases. Asset forfeiture is intended to attack "the business of crime," not the criminal defendant. That's why they are filed as civil actions against the property itself.

Going forward, there must be a for-profit criminal enterprise connected to every asset forfeiture case. Drug dealing is the obvious one, but bootlegging, prostitution, racketeering, gambling, etc. are also fine. We are supposed to be going after the capital used for and profit obtained from the business of crime. We will not be taking 20-year-old cars from junkies.

I am not opposed to taking a house in rare circumstances. I recently approved a forfeiture action in Effingham County where the owner was using the house to grow and sell marijuana. In these cases, the owner of the house needs to be the criminal, not a renter, and the house itself must be an instrument of the criminal enterprise (and thus part of the capital used in the illegal business).

For the time being, all Bulloch County asset forfeiture cases will come to me for approval before anything is filed.

Investigative Holds

While reviewing files, I came across the practice of keeping people in jail on what's called an "investigative hold" or "administrative hold." To the extent the prior administration may have given a greenlight to this practice, that opinion was incorrect.

The official position of my office is, if you take anyone into custody, you have 48hrs to charge them and put them in front of a Magistrate Judge. If they are charged with a misdemeanor and thus entitled to a bond as a matter of law, they must be given a bond and released once that bond is made. If the judge grants a bond on a felony case, they must be allowed to bond out, if they are able.

The jail is the Sheriff's domain, but if you unlawfully hold someone under an "investigative hold," you do so at your own risk and liability. Moreover, my office cannot use any evidence obtained through illegal detention in either criminal cases or asset forfeitures.

Sincerely,

Robert Busbee
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From: Noel Brown <[REDACTED]>
Sent: Friday, September 19, 2025 8:43 PM
To: Jake Saxon <[REDACTED]>; BCSO CST STAFF GROUP <[REDACTED]>
Cc: Jillian Gibson <[REDACTED]>; Bill Black <[REDACTED]>; D. Robert Busbee <dbusbee@pacga.org>
Subject: Re: Buy Videos



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From: Jake Saxon <[REDACTED]>
Sent: Friday, September 19, 2025 7:04:38 PM
To: BCSO CST STAFF GROUP <[REDACTED]>
Cc: Jillian Gibson <[REDACTED]>; Bill Black <[REDACTED]>; Noel Brown <[REDACTED]>;
Robert Busbee <dbusbee@pacga.org>
Subject: Buy Videos

Good Afternoon,

From now on, when you have videos from a sales case, upload them to the CST Shared Drive in a folder labeled by your case number. These videos will be made available to the DA's office upon request. Do take still images from the videos and upload them to Axon to be sent with the rest of the case file. This way, we can control the dissemination of sensitive videos and prevent a repeat of the disaster this week.

I met with [REDACTED] this afternoon and gave him the \$2,000 check from the DA's Office for relocation. CST will continue to stay in contact with [REDACTED] throughout the weekend and an extra watch has been placed on his residence.



Lieutenant Jake Saxon
Bulloch County Crime Suppression Team
(912)764-1786

