



OFFICE OF THE DISTRICT ATTORNEY
WESTCHESTER COUNTY

WESTCHESTER COUNTY COURTHOUSE
111 Dr. Martin Luther King, Jr. Blvd.
White Plains, New York 10601
(914) 995-3414

ANTHONY A. SCARPINO, JR.
DISTRICT ATTORNEY

February 22, 2018

Ms. Elena Ruth Sassower
10 Stewart Place
Apt 2D-E
White Plains, NY 10603

Re: FOIL Request

Dear Ms. Sassower,

I am writing in further response to your request, pursuant to the Freedom of Information Law (FOIL), for records reflecting the Westchester County District Attorney's Office's ("WCDAO") "conflict of interest protocols" and (based upon the context in which it appears in your letter) the procedures for the appointment of a special prosecutor.

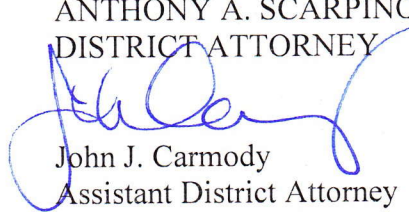
Inasmuch as there are no written "conflict of interest protocols," or procedures for the appointment of a special prosecutor, that are unique to the WCDAO, your FOIL request is denied" (*see Matter of Walsh v Wasser*, 225 AD2d 911, 912 [3d Dept 1996 [an agency has no obligation to produce records that it does not possess]]). Such matters are guided and informed by state law and court rules.

I also note that the caption of your letter purports to contain a FOIL request "Pertaining to Your Procedures for Handling Public Corruption Complaints in Which You Have Financial and Other Conflicts of Interest." As you indicate in your letter, the WCDAO's website has a downloadable "Complaint Form," which is self-explanatory. Beyond this, there are no written procedures for the handling of so-called "public corruption" complaints. On this basis, your request is denied.

Any appeal of these determinations must be made within 30 days to: Steven A. Bender, FOIL Appeals Officer, Office of the District Attorney, 111 Dr. Martin Luther King Jr. Blvd, White Plains, New York 10601.

Very truly yours,

ANTHONY A. SCARPINO, JR.
DISTRICT ATTORNEY


John J. Carmody
Assistant District Attorney
Records Access Officer