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March 26, 2024

Hon. Bruce A. Hidley
Office of the Albany County Clerk
Albany County Court House, Room 128
16 Eagle Street
Albany, New York 12207-1077

RE: FOIL Request No. 24-85

Dear Mr. Hidley,

This letter is in response to Elena Sassower's request for the production of records under the Freedom of Information Law (hereinafter, "FOIL"). That request has been denied.

- 1) The request for "records reflecting the total number of public corruption complaints the district attorney received" is denied. The District Attorney's Office does not generate or receive any records that tabulate this information and, thus, no records responsive to the request exist and the District Attorney's Office is not required to create them (*Pennington v McMahon*, 234 AD2d 624, 625 [3d Dept 1996]).
- 2) The request for "records reflecting the number of public corruption complaints the district attorney dismissed without presentment to grand juries" is denied. The District Attorney's Office does not generate or receive any records that tabulate this information and, thus, no records responsive to the request exist and the District Attorney's Office is not required to create them (*Pennington v McMahon*, 234 AD2d 624, 625 [3d Dept 1996]).
- 3) The request for "records reflecting number of public corruption complaints the district attorney presented to grand juries that did not result in indictments" is denied. The District Attorney's Office does not generate or receive any records that tabulate this information and, thus, no records responsive to the request exist and the District Attorney's Office is not required to create them (*Pennington v McMahon*, 234 AD2d 624, 625 [3d Dept 1996]).

- 4) The request for “records reflecting the number of public corruption complaints the district attorney presented to grand juries that resulted in indictments, the names of those indicted, the court index/docket numbers, and the disposition of the indictments pursuant to County Law §700.6” is denied. The District Attorney’s Office does not generate or receive any records that tabulate this information and, thus, no records responsive to the request exist and the District Attorney’s Office is not required to create them (*Pennington v McMahan*, 234 AD2d 624, 625 [3d Dept 1996]).
- 5) The request for “records reflecting the number of public corruption complaints the district attorney presented to grand juries that resulted in grand jury reports—and the court index/docket numbers thereof pursuant to Criminal Procedure Law § 190.85, § 190.90 and County Law §700.7” is denied. The District Attorney’s Office does not generate or receive any records that tabulate this information and, thus, no records responsive to the request exist and the District Attorney’s Office is not required to create them (*Pennington v McMahan*, 234 AD2d 624, 625 [3d Dept 1996]).
- 6) The request for “records reflecting the number of public corruption complaints from which the district attorney’s office recused itself—and how such complaints were handled” is denied. The District Attorney’s Office does not generate or receive any records that tabulate this information and, thus, no records responsive to the request exist and the District Attorney’s Office is not required to create them (*Pennington v McMahan*, 234 AD2d 624, 625 [3d Dept 1996]).
- 7) The request for “manuals, guides, and other records setting forth the policies and procedures of the district attorney’s office in instances of conflicts of interests of the district attorney or assistant district attorneys, *to wit*, financial interest and professional, political, and social relationships” is denied. Following a diligent search of the office’s records, I certify that no responsive documents exist.
- 8) The request for “manuals, guides, and other records of the district attorney’s office setting forth its procedures for handling public corruption complaints” is denied. Following a diligent search of the office’s records, I certify that no responsive documents exist.
- 9) The request for “records as to the number of grand jury indictments that District Attorney Soares has obtained against ‘a public servant’ and persons ‘acting in concert with a public servant’ pursuant to Penal Law §496 . . . in each of the nearly ten years since it was enacted . . . and the names of those indicted under Penal Law §496, the court index/docket numbers, and the dispositions of the indictments pursuant to County Law §700.6” is denied on the ground that it does not reasonably describe the information requested within the meaning of Public Officers Law § 89 (3). A request is not reasonably described where “the descriptions [are] insufficient for purposes of locating and identifying the documents sought” (*Konigsberg v Coughlin*, 68 NY2d 245, 249 [1986] [internal quotation omitted]). Unfortunately, the information provided to this Office is insufficient to conduct a search for the responsive records. Thus, a search “would be pointless, as there is no combination of search terms that would yield the

universe of responsive documents” (*Asian American Legal Defense and Educ. Fund v New York City Police Dept.*, 41 Misc3d 471[2013]).

Best,

P. DAVID SOARES
DISTRICT ATTORNEY

By:

A handwritten signature in blue ink, appearing to read "D. Young", is written over a faint circular stamp.

DANIEL J. YOUNG
ASSISTANT DISTRICT ATTORNEY