

# EXHIBIT

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CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Website: [www.judgewatch.org](http://www.judgewatch.org)

July 11, 2016

TO: Valerie Friedlander, Records Access Officer/Division of Criminal Justice Services  
Alan Lebowitz, Records Access Officer/Division of the Budget

FROM: Elena Ruth Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)

RE: FOIL REQUEST: The "plan" to reimburse counties not covered by Judiciary Law §183-a for district attorney salaries: fiscal years 2016-17, 2015-16, and 2014-15

Governor Cuomo's Aid to Localities Budget Bill for fiscal year 2016-2017, both original (#S.6403/A.9003, at p. 45) and enacted (#S.6403-D/A.9003-D, at p. 74), contains an entry which begins with the words: "For grants to counties for district attorney salaries". It ends, as follows:

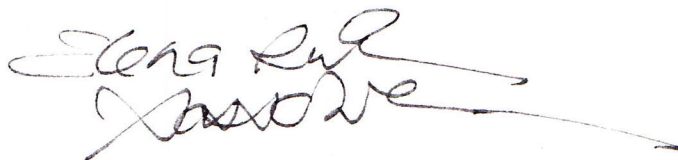
"...For those counties whose salaries are not covered by section 183-a of the judiciary law, the state reimbursement for these counties will be pursuant to a plan prepared by the commissioner of criminal justice services and approved by the director of the budget (20244)" (underlining added).

Except for the parenthesized number "(20244)", the identical entry appears in Governor Cuomo's Aid to Localities Budget Bill for fiscal year 2015-2016, both original (S.2003/A.3003, at p. 46-47) and enacted (S.2003-C/A.3003-C, pp. 61-62), and in his Aid to Localities Budget Bill for fiscal year 2014-2015, both original (S.6353/A.8553, at p. 37) and enacted (S.6353-E/A.8553-E, at p. 60-61).

Pursuant to FOIL, request is made for the referred-to-"plan prepared by the commissioner of criminal justice services and approved by the director of the budget" for fiscal years 2016-17, 2015-16, and 2014-15, as well as records identifying the plans' dollar reimbursement for district attorney salaries to each county in each of those three fiscal years.

Pursuant to Public Officers Law §89.3, your response/acknowledgment is required "within five business days" of your receipt of this request. I would appreciate if you e-mailed it to me at [elena@judgewatch.org](mailto:elena@judgewatch.org).

Thank you.



## Center for Judicial Accountability, Inc. (CJA)

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**From:** dcjs.sm.legal.foil <dcjslegalfoil@dcjs.ny.gov>  
**Sent:** Friday, July 15, 2016 10:20 AM  
**To:** Center for Judicial Accountability, Inc. (CJA)  
**Subject:** FOIL Request -- plan to reimburse counties not covered by Judiciary Law 183-a for D.A. salaries: fiscal years 2016-17, 2015-16, and 2014-15  
**Attachments:** 7-11-16-ltr-to-cjs-dob.pdf

Dear Ms. Sassower:

This will acknowledge receipt of your Freedom of Information Law request for the "plan prepared by the Commissioner of Criminal Justice Services and approved by the director of the budget" for fiscal years 2016-17, 2015-16, and 2014-15, as well as records identifying the plans' dollar reimbursement for district attorney salaries to each county in each of those three fiscal years.

Please be advised that your request is under active review and you may expect a formal response to your inquiry within twenty business days.

Very truly yours,

Valerie Friedlander  
Records Access Officer

**From:** Center for Judicial Accountability, Inc. (CJA) [mailto:[elena@judgewatch.org](mailto:elena@judgewatch.org)]  
**Sent:** Monday, July 11, 2016 4:31 PM  
**To:** dcjs.sm.legal.foil <dcjslegalfoil@dcjs.ny.gov>; dob.sm.foil <foil@budget.ny.gov>  
**Subject:** FOIL Request -- plan to reimburse counties not covered by Judiciary Law 183-a for D.A. salaries: fiscal years 2016-17, 2015-16, and 2014-15

Attached is the Center for Judicial Accountability's FOIL request of today's date.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
914-421-1200  
[www.judgewatch.org](http://www.judgewatch.org)

## Center for Judicial Accountability, Inc. (CJA)

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**From:** dcjs.sm.legal.foil <dcjslegalfoil@dcjs.ny.gov>  
**Sent:** Friday, August 12, 2016 4:05 PM  
**To:** Center for Judicial Accountability, Inc. (CJA)  
**Subject:** FOIL Request -- plan to reimburse counties not covered by Judiciary Law 183-a for D.A. salaries: fiscal years 2016-17, 2015-16, and 2014-15  
**Attachments:** 7-11-16-ltr-to-cjs-dob.pdf

Dear Ms. Sassower:

This is in response to your attached Freedom of Information Law request for the "plan prepared by the Commissioner of Criminal Justice Services and approved by the director of the budget" for fiscal years 2016-17, 2015-16, and 2014-15, as well as records identifying the plans' dollar reimbursement for district attorney salaries to each county in each of those three fiscal years.

Please be advised that your request is in process and we anticipate that a response will be provided to you by October 26, 2016. This additional time to respond is required due to the extensive volume of FOIL requests the Division is responding to and the time required to compile and review the responsive records.

Very truly yours,

Valerie Friedlander  
Records Access Officer

**From:** dcjs.sm.legal.foil  
**Sent:** Friday, July 15, 2016 10:20 AM  
**To:** 'Center for Judicial Accountability, Inc. (CJA)' <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Subject:** FOIL Request -- plan to reimburse counties not covered by Judiciary Law 183-a for D.A. salaries: fiscal years 2016-17, 2015-16, and 2014-15

Dear Ms. Sassower:

This will acknowledge receipt of your Freedom of Information Law request for the "plan prepared by the Commissioner of Criminal Justice Services and approved by the director of the budget" for fiscal years 2016-17, 2015-16, and 2014-15, as well as records identifying the plans' dollar reimbursement for district attorney salaries to each county in each of those three fiscal years.

Please be advised that your request is under active review and you may expect a formal response to your inquiry within twenty business days.

Very truly yours,

Valerie Friedlander  
Records Access Officer

**From:** Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]  
**Sent:** Monday, July 11, 2016 4:31 PM  
**To:** dcjs.sm.legal.foil <[dcjslegalfoil@dcjs.ny.gov](mailto:dcjslegalfoil@dcjs.ny.gov)>; dob.sm.foil <[foil@budget.ny.gov](mailto:foil@budget.ny.gov)>  
**Subject:** FOIL Request -- plan to reimburse counties not covered by Judiciary Law 183-a for D.A. salaries: fiscal years 2016-17, 2015-16, and 2014-15



**Division of  
the Budget**

**ANDREW M. CUOMO**  
Governor

**ROBERT F. MUJICA, JR.**  
Director of the Budget

**Via Electronic Mail**

July 25, 2016

Elena Sassower  
Center for Judicial Accountability, Inc.  
elena@judgewatch.org

Dear Ms. Sassower:

This is to acknowledge receipt by the Division of the Budget (the "Division") of your Freedom of Information Law ("FOIL") request dated July 11, 2016, in which you seek the following: "the referred-to "plan prepared by the commissioner of criminal justice services and approved by the director of the budget" for fiscal years 2016-17, 2015-16, and 2014-2015, as well as records identifying the plans' dollar reimbursement for district attorney salaries to each county in each of those three fiscal years."

Division staff has been asked to review applicable files and provide pertinent records in the possession of the Division, if any, that are responsive to your request. Any such pertinent records will be reviewed to determine what records and/or information should be disclosed under FOIL. We estimate that the Division will respond to your request by October 25, 2016. We need extended time to complete a response to your request because of (i) the limited resources available at the Division, and (ii) the time needed to collect and review the materials, if any, that are responsive to your request.

The Division will notify you in writing when/if any responsive materials are available for release or if the time needed to complete the processing of your request extends beyond the above date.

Sincerely,

Alan P. Lebowitz  
FOIL Officer