

**ONEIDA COUNTY  
OFFICE OF THE DISTRICT ATTORNEY**

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August 3, 2020

Elena R. Sassower  
Center for Judicial Accountability  
PO Box 8101  
White Plains, NY 10602

Re: Freedom of Information Law Request

Dear Ms. Sassower:

As the Freedom of Information Officer for the Oneida County District Attorney's Office, I am writing in response to your FOIL application, which was received by our office on July 31, 2020. Your letter says that you are seeking copies of all a series of documents involving grand jury presentations from 2016 to the present as follows:

- 1) The number of public corruption complaints received by this office
- 2) The number of public corruption complaints dismissed without presentment to a grand jury
- 3) The number of public corruption complaints presented to a grand jury that did not result in an indictment
- 4) The number of public corruption complaints presented to a grand jury that resulted in an indictment
- 5) The number of public corruption complaints presented to a grand jury that resulted grand jury reports
- 6) The number of public corruption complaints from which the district attorney's office recused itself

- 7) Manuals, guides and other records setting forth the policies and procedures of this office in instances of conflicts of interest the district attorney, or an assistant district attorney
- 8) Manuals, guides and other records of the district attorney's office setting forth its procedures for handling public corruption cases
- 9) The number of grand jury indictments obtained by the district attorney's office under the Public Trust Act pursuant to PL §496 and the disposition of those indictments
- 10) The mailing/email address of the Oneida County grand jury.

As to your requests contained in paragraphs one through three we are unable to comply with this portion your application. Our office does not maintain a specific list of such cases.

The information that you seek in paragraphs one and two also is exempt because release of any data associated with uncharged allegations would be an unwarranted invasion of privacy. Public Officers Law §87(2)(a) exempts an agency from disclosing records when there is a specific state or federal statute which prohibits any such access (*see* CPL §160.55).

Additionally, your request in paragraph three cannot be granted as such information is exempt from disclosure via FOIL. Grand jury proceedings are secret and specifically protected by law. (*See* §190.25(4) of the Criminal Procedure Law). Section 87(2)(e) of the Public Officers Law says records that are secret by law cannot be released pursuant to a FOIL request (*Hawkins v Kurlander*, 98 AD2d 14 [4<sup>th</sup> Dept 1983]).

As to your request under paragraph four, I affirm that after a diligent of our files I was unable to locate any indictments for cases involving "public corruption" as that term is defined under PL §496.

As to your request for copies of any records regarding the number of grand jury reports involving public corruption, we are unable to comply for the reasons already stated under CPL §190.25(4) and CPL §160.50.

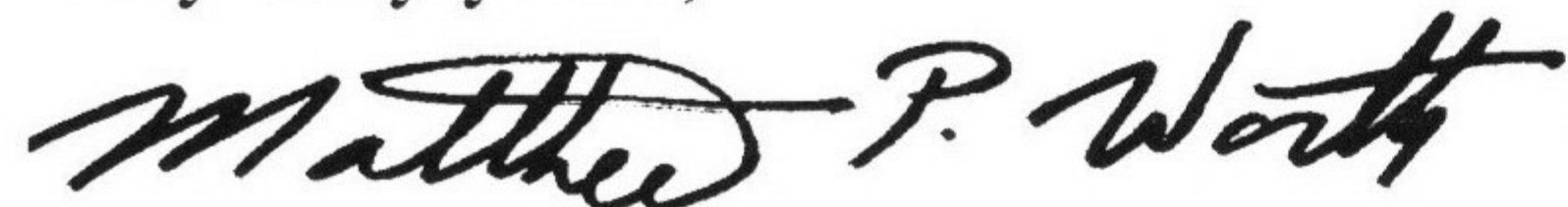
As to your request under paragraph six, we do not keep a list of the public corruption cases that may have been referred to our office. Any time the district attorney's office recuses itself from a criminal case our county court is notified and it is the job's role to appoint a special prosecutor.

As to your application for copies of any manuals, guides or other records that set forth policies and procedures of this office to handle conflicts of interest as listed in paragraphs seven and eight, I affirm that after a diligent search I was unable to locate any such documents.

As to your request for contact information regarding the Office of the Oneida County Commissioner of Jurors, I refer you to the New York State Courts website.

Please be advised that any appeals of these proceedings must be brought before Assistant District Attorney Joshua L. Bauer.

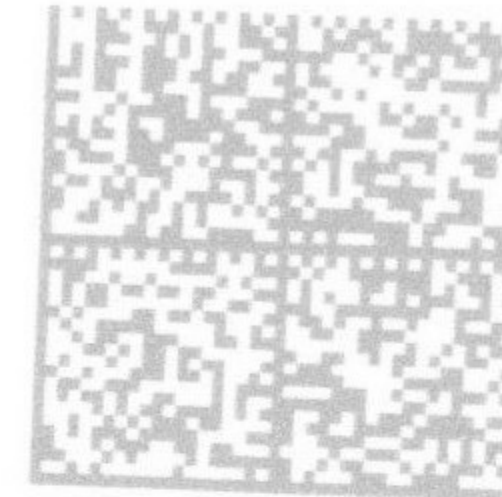
Very truly yours,



Matthew P. Worth, Esq.  
Assistant District Attorney  
FOIL Officer – OCDA

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