

PUBLIC SAFETY CENTER
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August 25, 2020

Eleana R. Sassower, Director
Center for Judicial Accountability, Inc.
P.O. Box 8101
White Plains, New York 10602

Re: FOIL Request Dated July 29, 2020 - Public Corruption Complaints

Dear Ms. Sassower:

Your Freedom of Information (FOIL) request seeking certain records from this office is hereby acknowledged. As you know, FOIL is a records production statute. You are seeking information concerning public corruption complaints handled by this office and/or an Oswego County Grand Jury.

To the extent you seek grand jury records, I would note that the first grounds for denial under Public Officers Law, §87(2)(a), pertains to records which "are specifically exempted from disclosure by state or federal statute." New York State Criminal Procedure Law §190.25(4) specifically deals with grand jury proceedings and states, in part, as follows:

"Grand jury proceedings are secret, and no grand juror, or other person specified in subdivision three of this section or section 215.70 of the penal law, may, except in the lawful discharge of his duties or upon written order of the court, disclose the nature or substance of any grand jury testimony, evidence, or any decision, result or other matter attending a grand jury proceeding."

Secrecy of its proceedings and immunity from obligation to account for its actions are features of the grand jury. *Foran v. Murphy*, 1973, 73 Misc.2d 486, 342 N.Y.S.2d 4. As grand jury proceedings are secret and this office has a role in presenting cases to the grand jury any information sought concerning same is hereby denied. So strong are the principles of grand jury secrecy and the policies underlying it that unauthorized disclosure of grand jury evidence is a felony in New York (See: Penal Law §215.70).

Additionally, your FOIL request seeks information concerning public corruption complaints only. The crime of public corruption is defined under Penal Law §496.06 and

became effective in April of 2014 with the adoption of the Public Trust Act.

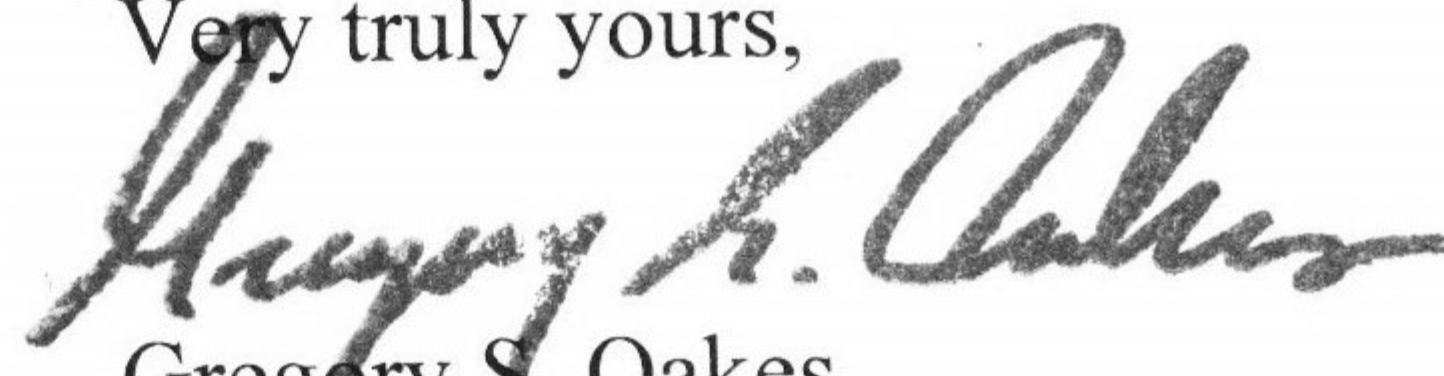
Insofar as your FOIL is concerned, I would offer the following in response to your numbered requests:

- (1) No responsive records.
- (2) No responsive records.
- (3) Denied under POL §87(a)(2) and Criminal Procedure Law §190.25(4) as secret and/or no responsive records.
- (4) No responsive records.
- (5) No responsive records.
- (6) No responsive records.
- (7) Part 1200 Rules of Professional Practice (available at NY Courts online); Oswego County Ethics & Disclosure Law.
- (8) No responsive records specifically as to Public Corruption complaints.
- (9) No responsive records.

The Oswego County Grand Jury panels do not have an e-mail or mailing address and do not have communication directly with the public as it would be improper (see Article 190 of the CPL). The Oswego County Commissioner of Jurors is James Cloonan (jcloonan@nycourts.gov) whom is a NYS Unified Court System employee. His phone is 315-207-7563 and his mailing address is 39 Churchill Road, Oswego, New York 13126.

You may appeal any denials contained in this determination in writing within thirty (30) days to the Hon. James Weatherup, Chair of the Legislature at 46 East Bridge Street, Oswego, NY 13126.

Very truly yours,


Gregory S. Oakes
District Attorney

(Enclosure)

cc: Christopher Jones, Clerk of the Legislature/RAO