

**Nassau County**



**Police Department**

**THOMAS R. SUOZZI**  
COUNTY EXECUTIVE

1490 Franklin Avenue  
Mineola, New York 11501  
(516) 573-7000

**JAMES H. LAWRENCE**  
COMMISSIONER

March 22, 2006

Police Officer Kevin Tobin  
2<sup>nd</sup> Vice President  
Nassau Police Benevolent Association  
89 E. Jericho Turnpike  
Mineola, New York 11501

Dear Officer Tobin:

I am in receipt of your letter dated March 11, 2006, concerning the potential release of personnel records of Police Officer John Bruckner. A "so-ordered" trial subpoena directed the records be produced to the attorneys for the defense. In furtherance of Civil Rights Law § 50-a, it is the Department's policy not to produce or disclose personnel records of its sworn members. Accordingly, Police Officer Bruckner's records were not disclosed. The Records Bureau and the Legal Bureau to whom such requests are received either by subpoena or Freedom of Information (FOIL) request are cognizant of the statute.

Upon receipt of a subpoena for production of personnel records our Records Bureau is instructed to forward the subpoena to the Legal Bureau for guidance. Pursuant to Civil Procedure Practice Law and Rules § 3122, the Department's objection to disclosure would be served upon the noticing attorneys. If there were a subsequent court ruling compelling production, the personnel records would only be produced for in-camera inspection by the court. Similarly, FOIL requests for personnel records are also denied. Civil Rights Law § 50-a, is cited as the statutory exemption to disclosure.

I hope this letter adequately addresses any concerns or issues you may have.

Sincerely,

A handwritten signature in cursive script that reads "Robert W. McGuigan".

Robert W. McGuigan  
First Deputy Commissioner