

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Robert H. Boone; and The Journal  
Inquirer,

Complainants

Report of Hearing Officer

against

Docket #FIC80-65

State of Connecticut; Department  
of Public Safety; and the Commis-  
sioner of the Department of Public  
Safety of the State of Connecticut,  
Respondents

August 27, 1980

The above captioned matter was heard as a contested case on August 7, 1980, at which time the complainants and respondents appeared and presented testimony, exhibits and argument on the complaint.


After consideration of the entire record, the following facts are found:

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.
2. By letter dated January 30, 1980, the complainants requested a copy of an internal affairs investigation report made by the respondent department concerning the conduct of an investigation arising out of a fatal accident on April 9, 1978.
3. By letter dated February 13, 1980, the respondent commissioner denied the request citing §1-19(b)(4), G.S., and referring the complainants to the case of Winialski v. Daily, pending in Superior Court, Judicial District of Tolland.
4. By letter dated March 11, 1980 and filed with this Commission on March 12, 1980, the complainants appealed this denial to the Commission.
5. The case referred to by the respondent commission was filed by the estate of the decedent against the officers charged with investigating the fatal accident, alleging that they either negligently or wilfully failed to properly perform their duty.
6. The document sought by the complainants pertains only to the investigation performed by the internal affairs division of the respondent department into the conduct of the police officers involved.

6. It is found that the documents requested by the complainants exist wholly independent of the pending litigation and do not constitute "records pertaining to strategy and negotiation with respect to pending claims and litigation to which the public agency is a party ...," within the meaning of §1-19(b)(4), G.S.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

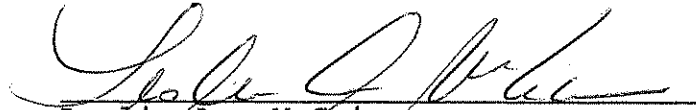
1. The respondents shall forthwith provide the complainants with the records requested in their letter of January 30, 1980.



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Commissioner Judith A. Lahey  
as Hearing Officer

Approved by order of the Freedom of Information Commission on  
September 10, 1980.



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Leslie Ann McGuire  
Clerk of the Commission