

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Joseph J. Trantolo, Jr.,

Report of Hearing Officer

Complainant

Docket #FIC81-189

against

July 8, 1982

City of Hartford; Police Department
of the City of Hartford; Town of East
Hartford; Police Department of the
Town of East Hartford,

Respondents

The above captioned matter was heard as a contested case on March 23, 1982, at which time the complainant and the respondent police departments appeared, stipulated to certain facts, and presented testimony and argument on the complaint.

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

1. The respondent police departments are public agencies as defined by §1-18a(a), G.S.

2. By letter dated November 11, 1981, the complainant made a request of the respondent Hartford Police Department for the following:

- a) all statements, vouchers, invoices, receipts, bills, checks, claims, payments or reimbursements and payroll records of officers of the department who were directed to or hired by the Town of East Hartford for the purpose of investigating possible liquor establishment violations in the Town of East Hartford, including, but not limited to July 21, and July 23, 1981;
- b) the names and addresses of each of the officers so hired by the Town of East Hartford, and
- c) copies of all statements, memoranda, etc., relating to or detailing the activities of these police officers while hired by the Town of East Hartford.

3. By letter dated November 11, 1981, the complainant made a request of the respondent East Hartford Police Department for the following:

- a) copies of all invoices, bills, checks and statements relating to the payment or hiring of non-East Hartford Police Department personnel for the investigation of violations of Liquor Control Commission regulations in the town of East Hartford, including, but not limited to, July 21 and July 23, 1981.

- b) copies of all written memoranda or documents by any official of the Town of East Hartford, requesting, ordering or directing the hiring of such non-East Hartford Police Department personnel for this purpose; and
 - c) Copies of all memoranda or statements from such people so hired, together with any expense claims or vouchers for food or liquor purchased by them.
4. By letter of complaint filed with the Commission on November 24, 1981, the complainant alleged that no response had been received to his November 11, 1981 requests.
 5. It is found that in July, 1981, two Hartford police officers patronized one or more East Hartford bars as part of an investigation of possible violations of liquor control commission regulations.
 6. It is found that the Hartford police officers were paid for such activities by the respondent Hartford Police Department.
 7. It is further found that the two Hartford police officers were given approximately \$25.00 to spend on food and drinks in such establishments by the respondent East Hartford Police Department.
 8. The respondent East Hartford Police Department acknowledges that a voucher was drawn up for the spending money given to the Hartford police officers, but claims that such voucher is exempt from disclosure pursuant to §1-19(b)(3)(C), G.S.
 9. It is found, however, that the activities of the two Hartford police officers and their method of investigating East Hartford bars received thorough media coverage following completion of the investigation.
 10. The respondent East Hartford Police Department failed to prove by any credible evidence that, in spite of media coverage of the police officers' activities, the investigatory techniques involved are not known to the general public.
 11. The respondent East Hartford Police Department also failed to prove by any credible evidence that the release of the voucher in question would result in the disclosure of any particular investigatory technique.
 12. It is therefore concluded that the voucher in question is subject to disclosure pursuant to §§1-15 and 1-19(a), G.S.
 13. The respondent East Hartford Police Department acknowledges that the Hartford police officers gave statements to the East Hartford Police Department regarding the investigation, but claims that all records of such statements have been lost.
 14. The respondent East Hartford Police Department also acknowledges that it maintained a case file on the matter in question,

but claims that it was not released to the complainant because the complainant did not ask for it.

15. It is found that to the extent that records contained in the case file maintained by the respondent East Hartford Police Department relate to the type of information described in paragraph 3, above, such records were requested in the complainant's November 11, 1981 letter.

16. The respondent East Hartford Police Department claims that it has no invoices, bills, checks, statements, or record regarding the payment or hiring of non-East Hartford Police Department personnel other than its case file and the voucher described in paragraph 8, above.

17. The respondent Hartford Police Department claims that the only records it has which relate to the investigation in question are time cards covering the period during which the Hartford Police officers conducted the East Hartford investigation.

18. The respondent Hartford Police Department claims that its time cards were not released because they were not requested by the complainant.

19. It is found that time cards relating to the period in question must certainly be considered "payroll records" within the meaning of the complainant's November 11, 1981 request.

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

1. The respondent East Hartford Police Department shall forthwith provide the complainant with a copy of the voucher referred to in paragraph 8 of the findings, above.

2. The respondent East Hartford Police Department shall forthwith provide the complainant with records contained in its case file on such matter in question to the extent that such records relate to the type of information described in paragraph 3 of the findings, above.


3. The respondent East Hartford Police Department shall forthwith provide the Commission and the complainant with an affidavit stating that it has conducted a diligent search of its records and has been unable to locate any of the requested records other than those referred to in paragraphs 1 and 2 of this order.

4. The respondent Hartford Police Department shall forthwith provide the complainant with a copy of the time cards referred to in paragraph 17 of the findings, above.

Judith A. Lahey

Commissioner Judith A. Lahey
as Hearing Officer

Approved by order of the Freedom of Information Commission
at its regular meeting of July 28, 1982.



Mary Jo Jolicoeur
Clerk of the Commission