

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Richard L. Wilson,

FINAL DECISION

Complainant

Docket #FIC84-192

against

March 13, 1985

First Selectman of the Town of
Montville,

Respondent

The above captioned matter was heard as a contested case on January 3, 1985 at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.
2. On or about June 27, 1984 the complainant made a request of the state police in Montville for information regarding the duties of Montville constables.
3. The state police responded to the complainant's request with a letter dated July 6, 1984, to which were appended nine attachments, including copies of correspondence between the state police and the respondent and other "orders, directives and contracts."
4. All of the documents referred to above were forwarded to the respondent with a request that he forward them to the complainant. The respondent provided the complainant with the letter and attachments 1, 2, 3, 7 and 8.
5. By letter dated August 31, 1984 the complainant made a request of the respondent for attachments 4, 5, 6 and 9.
6. By letter of complaint filed with the Commission on September 14, 1984 the complainant alleged that the respondent had failed to provide him with the requested attachments.
7. At hearing the respondent requested that the Commission conduct an in camera inspection of the documents in question, which request was denied.

8. Prior to the date of hearing the state police, having made a determination that the records in question were disclosable, provided the complainant with copies of all such records. Although not seeking a order of disclosure from the Commission, the complainant indicated at hearing that he was seeking a determination from the Commission that the respondent had been in error in claiming that the documents were exempted from disclosure.

9. At hearing the respondent claimed that the complaint was moot and should therefore be dismissed.

10. It is found, however, that the respondent continued at hearing to maintain that the documents are exempted from disclosure and the complainant maintained his interest in knowing whether the respondent acted properly in withholding the documents.

11. It is concluded that the complaint is not moot.

12. At hearing the respondent conceded that attachment 5 was disclosable, as were parts 2, 8 and 9 of attachment 4, which consists of a total of nine parts and parts 1, 3, 4 and 5 of attachment 9, which consists of a total of five parts.

13. The respondent claims that attachment 4, parts 1, 3, 5, 6 and 7 and attachment 9, part 2 are letters referring to juvenile matters, including evidence seized and dates of thefts, and are exempted from disclosure by §1-19(b)(3)(D).

14. It is found that none of the letters refers to any juveniles by name, rather, case numbers only are used. Testimony from the respondent's witness indicated that case numbers could not lead to the identification of juveniles without the cooperation of the police department which maintains the files.

15. It is found that the letters which constitute parts 1, 3, 5, 6 and 7 of attachment 4 are not arrest records or investigatory files concerning the arrest of a juvenile within the meaning of §1-19(b)(3)(D), G.S.

16. The respondent failed to prove that parts 1, 3, 5, 6 and 7 of attachment 4 are exempted by any other provision of the Freedom of Information Act.

17. Part 4 of attachment 4 is a letter which refers to correct evidentiary procedure in connection with a matter no longer under investigation.

18. The respondent failed to prove that part 4 of attachment 4 was exempted from disclosure by §1-19(b)(3)(C), G.S. or by any other provision of the Freedom of Information Act.

19. Attachment 6 is a "letter of understanding" dated May 31, 1984 from the state police to the respondent which refers to reprimands of employees within the state police department.

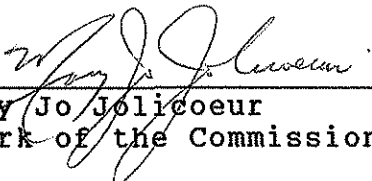
20. The respondent failed to prove that attachment 6 was exempted from disclosure by any provision of the Freedom of Information Act.

21. It is concluded that the respondent violated §§1-15 and 1-19(a), G.S. when it failed to provide the complainant with copies of attachments 4, 5, 6 and 9 to the July 6, 1984 letter from the state police.

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

1. Henceforth the respondent shall act in strict compliance with the disclosure requirements of §1-15 and 1-19(a), G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of March 13, 1985.



Mary Jo Jolicoeur
Clerk of the Commission