

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Peter T. Farrelly,

Complainant

Report of Hearing Officer

against

Docket #FIC78-261

City and Town of Norwalk; Chief
of Police of the City and Town
of Norwalk; and Police Commis-
sion of the City and Town of
Norwalk,

March 14, 1979

Respondents

The above captioned matter was heard as a contested case on February 13, 1979, at which time the complainant 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 filed with this Commission December 18, 1978 the complainant alleged violations of the Freedom of Information Act by virtue of the failure of the respondent chief to provide him with a copy of a report of an internal investigation of a civilian complaint which had resulted in a five day suspension for a certain member of the police department.

3. The complainant had initially made a request for the document in question on December 8, 1978.

4. The requested record was handed to the complainant at the hearing on February 13, 1979.

5. The complainant indicated at hearing that it remained for this Commission to determine whether such delayed compliance satisfied the requirements of the Freedom of Information Act.

6. The respondents claimed that its failure to provide the document up to December 20, 1978 was based on its claim that the document is exempt under §1-19(b)(2), G.S.

7. After December 20, 1978 the respondents claimed the failure to disclose was based on the fact that the complainant was present at the December 20, 1978 hearing at which the aforesaid report was read into the record.

8. It is found that the complainant's presence at the December 20, 1978 hearing did not deprive him of his right to receive a copy of the requested record under §1-15 and §1-19(a), G.S.

9. The requested record is a report of an internal investigation of a civilian complaint which contains a factual summary of the investigator's inquiry, his conclusions, and a copy of the affidavit filed by the civilian complainant.

10. The requested records includes a summary of an interview with the officer in question, data from a Communications Master Tape, and an interview with the civilian complainant.

11. All of the factual data and conclusions treated in the report deal with matters relevant to the incident in question and to police procedures.

12. Nothing in the report touches details of the personal life of either the civilian complainant or the officer who was the subject of the civilian complaint.

13. It is found that the record of the investigation of the civilian complaint which is sought by the complainant serves a function which is distinct from the recording of data for personnel or similar purposes. In this regard it constitutes a record of a non-criminal, police internal affairs investigation and the administrative disposition thereof which relates directly to the conduct of the public's business.

14. It is found that the police officer who is the subject of the aforesaid record has no privacy rights with respect to the subject matter of the internal disciplinary proceedings because these proceedings relate to the conduct of the public's business.

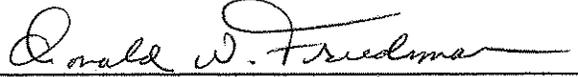
15. It is further found that with respect to the civilian who filed the aforesaid complaint, there is no fact or conclusion contained within the aforesaid record with respect to which disclosure could constitute an invasion of personal privacy.

16. It is therefore concluded that the records in question are not exempt from disclosure under §1-19(b)(2), G.S.

17. It is further concluded that the failure of the respondent chief to provide the requested record within four business days of the complainant's request constituted a violation of sections 1-15, 1-19(a) and 1-21i(a), G.S.

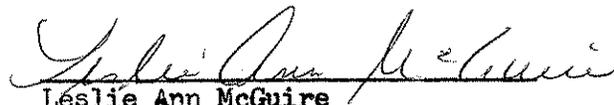
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The respondents shall henceforth comply with the provisions of §1-15 and §1-19(a), G.S.


Commissioner Donald Friedman

as Hearing Officer

As approved by Order of the Freedom of Information Commission on
March 28, 1979.


Leslie Ann McGuire
Acting Clerk of the Commission