

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Frank G. Kiss,

Report of Hearing Officer

Complainant

Docket #FIC81-53

against

December 9, 1981

City and Town of Stamford; Police
Chief of the City and Town of
Stamford; and Police Department
of the City and Town of Stamford,

Respondents,

The above captioned matter was heard as a contested case on October 9, 1981, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

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

1. The respondent police department is a public agency as defined by § 1-18a(a), G.S.

2. By letter filed with the Commission on April 6, 1981, the complainant alleged that the respondent police department had failed to release certain requested documents, in violation of the Freedom of Information Act.

3. More specifically, the complainant alleged that he had received no response from the respondent police chief to a request dated March 12, 1981 for reports, complaints and other documents constituting evidence of crimes committed against the complainant and his wife.

4. It is found that subsequent to the date of filing his complaint with the Commission, and approximately one month following the date of his original request, the complainant received from the respondent police department a substantial percentage of the documents requested.

5. It is found that on the date the above captioned matter was heard by the Commission, the complainant's allegations were as follows:

a. The respondent failed to provide reports of neighborhood meetings at which Stamford police officers were present.

b. The respondent failed to provide a tape recording of an anonymous caller making a complaint against the complainant on April 4, 1981.

c. The respondent failed to provide legible copies of documents released to the complainant.

d. The respondent failed to provide the complainant with a closing report of an investigation relating to the complainant's arrest on November 5, 1979 and subsequent trial in May, 1980.

6. In its defense, the respondent police department claimed that no documents fitting the descriptions in paragraph 5(a) and (d), above, were even prepared, owned, used, received or retained by the respondent police department and that the tape referred to in paragraph 5(b), above, was destroyed prior to the complainant's request for such tape.

7. The respondent police department admitted that the quality of copies it produces is poor due to the type of data recording system currently in use.

8. It is found that the complainant failed to prove the existence of reports of neighborhood meetings as described in paragraph 5(a) above.

9. It is also found that the complainant failed to prove the existence of a final report as described in paragraph 5(d), above.

10. It is found that the anonymous telephone complaint referred to in paragraph 5(b), above, was received and recorded by the respondent on April 4, 1981, more than 3 weeks following the date of the request for information forming the basis of this action.

11. It is therefore concluded that the Commission lacks jurisdiction to consider the allegation referred to in paragraph 5(d), above.

12. It is found that the bulk of the records requested and eventually received by the complainant were not made available by the respondent police department until approximately one month following the date of the complainant's request.

13. It is therefore found that the failure of the respondent police department to provide prompt access to the records requested by the complainant constituted a technical violation of §§ 1-15 and 1-19, G.S.

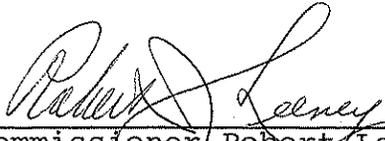
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The complaint is hereby dismissed insofar as the allegations contained in paragraphs 5(a), (b) and (d), of the findings above.

2. The respondent police department shall henceforth respond promptly to requests for access to public records in compliance

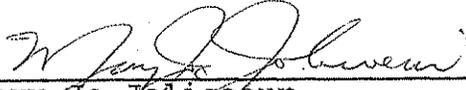
with §§ 1-15 and 1-19, G.S.

3. The respondent police department shall henceforth provide upon request, legible copies of its public records using whatever method it deems effective and efficient.



Commissioner Robert Leeney
as Hearing Officer

Approved by order of the Freedom of Information Commission
at its regular meeting of January 27, 1982.



Mary Jo Jolicœur
Clerk of the Commission