

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)	
Robert E. Harper, Complainant)	Report of Hearing Officer
)	
against)	Docket #FIC77-167
)	
Town of Fairfield; the Board of)	October 13, 1977
Police Commissioners of the Town)	
of Fairfield; and the Chief of the)	
Police Department of the Town of)	
Fairfield, Respondents)	

The above captioned matter was heard as a contested case on September 8, 1977, at which time the complainant and the 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. The respondent board is the police trial board. It has the duty when charges are filed against any member of the police department to meet, to hear evidence, and to take whatever action the evidence justifies.
3. In his administration of the police department the respondent chief of police has the duty to investigate misconduct and/or violations of the rules and regulations of the department and to report to the respondent board thereon.
4. On August 1, 1977 the respondent chief of police convened an investigative proceeding regarding a complaint of misconduct by a police officer.
5. A hearing before the respondent board is scheduled for the complainant herein to answer certain charges specified in the aforesaid complaint.
6. By letter dated August 4, 1977, the complainant's attorney requested copies of certain documents which the respondent chief used in the proceeding on August 1, 1977.
7. On August 22, 1977 the respondents' attorney stated that some but not all of the requested documents would be furnished.
8. By letter filed with this Commission on August 25, 1977, the complainant appealed the respondents' refusal to furnish certain of the requested documents.

9. The respondents contend that the documents they withheld are exempt from disclosure under §§1-19b(3) and 1-19(b)(3)(B), G.S.

10. The respondent police chief will not recommend that criminal charges be brought against the complainant.

11. To date all charges arising from the incident which was the subject of the proceeding on August 1, 1977 have already been disposed of.

12. It is found that the requested documents have been compiled in connection with an administrative proceeding of the respondent board and not in connection with the detection or investigation of crime.

13. It is concluded, therefore, that the documents requested by the complainant are not exempt under §1-19(b)(3)(B), G.S.

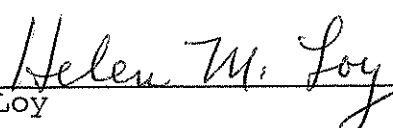
14. It is further found that the respondent failed to show that any parties to the aforesaid administrative proceedings had any rights under the laws of discovery of this state.

15. It is concluded, therefore, that the records are not exempt under §1-19(b)(3), G.S., in that no rights under the laws of discovery of this state are affected.

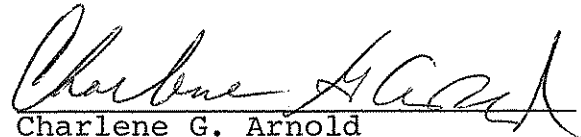
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The respondent board shall forthwith furnish the complainant with those copies of those records not already furnished which were requested by the letter of the complainant's attorney dated August 4, 1977.

2. These findings and this order are specifically limited to the facts presented in this case, and nothing herein shall be construed as holding that any and all documents prepared for an administrative proceeding by a public agency are public records which are subject to disclosure under §1-51, G.S., et seq.


Helen M. Loy
Chairman

Approved by order of the Freedom of Information Commission on
October 12, 1977.

A handwritten signature in cursive script, appearing to read "Charlene G. Arnold".

Charlene G. Arnold
Clerk of the Commission