

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Jonathan Palmer,

Complainant

Report of Hearing Officer

against

Docket #FIC78-256

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

January , 1979

The above captioned matter was heard as a contested case on January 10, 1979, 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. By letter dated August 30, 1978 and September 18, 1978 the complainant requested the respondent provide him with copies of all documents indexed under or containing his name.

3. By complaint filed with this Commission September 20, 1978 the complainant alleged violation of his rights under the Freedom of Information Act by the failure of the respondents to provide him with copies of the requested documents.

4. By letter to the respondent dated September 25, 1978 the complainant amended his request for records to state a claim under the Connecticut Freedom of Information Act, §1-15, et seq.

5. A copy of the aforesaid amendment was sent to the Freedom of Information Commission.

6. At hearing the complainant made his request for records more specific:

a. a copy of his personnel folder and any other documents and files held by the Stamford Police Department that are indexed under or are relevant to the events of December, 1977;

b. a copy of all complaints and officer's reports made out about and/or against him by officers of the Stamford Police Department and any other officer's reports that are indexed under his name or are relevant to the events of December, 1977;

c. a copy of all complaints and reports made out about and/or against him by civilians or any other reports or complaints by civilians that are indexed under his name or are relevant to the events of December, 1977;

d. a copy of the investigation undertaken by the internal affairs division of the Stamford Police Department and any other files or documents held by the internal affairs division of the Stamford Police Department that are indexed under his name or are relevant to the events of December, 1977;

e. a copy of his personnel folder and all files and documents held by the City of Stamford that are indexed under his name or are relevant to the events of December, 1977;

f. a copy of all correspondence between the Stamford Police Department and the Milford Police Department that is indexed under or contain his name;

g. records pertaining to when personal property in the possession of the Stamford Police Department which consists of one Smith & Wesson Chief Special 2" ser. #568645 and one RG-17 Darrenger .38 caliber 2" ser. #29124 will be returned.

7. The complainant further stated that the copies of correspondence between the Stamford and Milford Police Departments which he sought were letters or a single letter which were sent before March 31, 1978 and which stated that the complainant should be watched.

8. The respondents alleged by way of defense various policy considerations. In particular, the respondents alleged that disclosure of the requested records would have a chilling effect upon reports by police officers regarding the inappropriate behavior of fellow officers.

9. It is found that the requested records are not exempted from disclosure by any of the exceptions to disclosure set forth at §1-19(b), G.S.

10. It is further found that no public agency is authorized under the Freedom of Information Act to deny access to public records on the basis of policy considerations alone.

11. It is concluded therefore that the complainant is entitled to receive the copies of records which he requested.

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

1. The respondents shall within seven business days of the mailing of the notice of the final decision in this matter provide the complainant with copies of the records requested by him.



Commissioner Donald Friedman

as Hearing Officer

Approved by order of the Freedom of Information Commission on February 14, 1979.



Leslie Ann McGuire

Acting Clerk of the Commission