



7. The local newspapers were notified of the trial board hearing and the complainant's counsel was permitted to be present during only those portions of the proceedings at which the complainant testified. Neither the newspapers nor the public at large were permitted to attend the trial board hearing.

8. The record of such hearing is in the form of stenographic notes and refers to some nine hours of testimony by some twelve witnesses.

9. By letters dated March 6 and 16, 1978 respectively, the complainant requested from the respondent police chief portions of a police manual, the report described in paragraphs 4 and 5 above, and a transcript of the proceedings described in paragraphs 6 and 7 above.

10. Upon failure to receive access to inspect or copy such records, the complainant brought this appeal by letters filed with the Commission on March 23, 1978 and April 20, 1978 respectively.

11. The requested portions of the police manual were made available to the complainant at or before the time of hearing and are therefore not in controversy.

12. The respondents contend that the remainder of the requested records are exempt from disclosure under §1-19(b) (2), G.S., as a personnel or similar file the disclosure of which would constitute an invasion of personal privacy.

13. It is found that the records in question are kept in the internal affairs files of the New Canaan police department and not in its personnel files that are separately maintained.

14. It is also found that such records serve a function distinct from the recording of data for personnel or similar purposes. In this regard, they constitute the record of a non-criminal, police internal affairs investigation and the administrative disposition thereof that relate directly to the conduct of the public's business.

15. It is further found that the disclosure of the requested records would not constitute an invasion of personal privacy because the arresting officer is a public official who is deemed to have waived any right of privacy with respect to matters relating to his conduct of the public's business.

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

17. The intervenor contends that the requested records are exempt from disclosure under §1-19(a) and §54-90(c), G.S., relating to the erasure of police, prosecution and court records in a criminal case where an accused is found not guilty or the case is otherwise dismissed.

18. Since the requested records relate to a non-criminal police internal affairs investigation and a subsequent trial board hearing into alleged misconduct by a police officer, it is found that §1-19(a) and §54-90(c), G.S. do not provide an

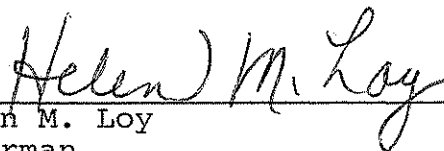
exemption to disclosure of the records here in issue.

19. Consequently such records are found to be public records subject to the mandatory disclosure requirements of §1-19 and §1-19, G.S.

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

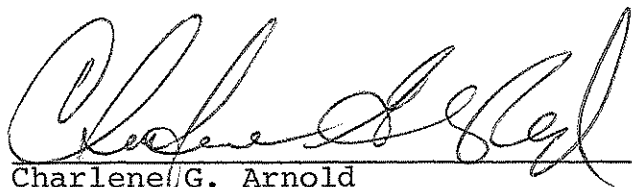
1. The respondents shall forthwith provide the complainant with a copy of the requested report without cost to the complainant.

2. The respondents shall also forthwith provide the complainant with a copy of the transcript of the February 16 and February 23, 1978 police trial board hearing without cost to the complaint.



Helen M. Loy  
Chairman

Approved by order of the Freedom of Information Commission on July 26, 1978.



Charlene G. Arnold  
Clerk of the Commission