

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Marie Curcuruto,

FINAL DECISION

Complainant

Docket #FIC83-64

against

December 23, 1983

Greenwich Police Department,

Respondent

The above captioned complaint was heard as a contested case on July 12, 1983, at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent is a public agency as defined by §1-18a(a), G.S.
2. By letter of complaint filed with the Commission on January 25, 1983, and supplemented by letters dated February 8, 1983 and March 28, 1983, the complainant alleged that on January 11, 1983 and January 18, 1983 she had been denied access to records of an August 6, 1982 incident involving a complaint she had filed with the respondent regarding one Bernice Carroll.
3. It is found that when on January 11, 1983 and January 18, 1983, the complainant appeared at the office of the respondent and requested access to the records referred to at paragraph 2, above, she was told that there was nothing in the respondent's files relating to the August 6, 1982 incident.
4. However, on July 11, 1983, the respondent presented the complainant with a copy of the report regarding the August 6, 1983 incident. On July 12, 1983, the date of the hearing, the respondent presented the complainant with further documents relating to the August 6, 1982 incident.
5. The respondent claimed that it could not retrieve the requested records in January 1983 because the complainant had failed to provide the respondent with an exact date or case number.
6. It is found, however, that the respondent indexes its files by name as well as by case number and date, so that the respondent could have retrieved the requested records upon request in January 1983 by referencing the complainant's name.

7. The respondent had also claimed that the records relating to Bernice Carroll had been sealed by court order. Such records, however, have apparently been provided to the complainant, and the Commission, therefore, need not address such issue.

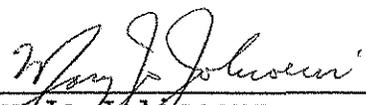
8. It is therefore concluded that to the extent that the requested records had not been sealed by court order or otherwise erased pursuant to statute, the respondent violated §§1-15 and 1-19(a), G.S. when it failed to provide the complainant with the requested records promptly upon request.

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

1. Henceforth, the respondent shall act in strict compliance with the requirements of §§1-15 and 1-19(a), G.S.

2. The respondent shall, within one week of the final decision in this matter, provide the complainant with an affidavit stating that a diligent search of its files has been conducted and that all requested records have been provided.

Approved by order of the Freedom of Information Commission at its regular meeting of December 14, 1983.



Mary Jo Jolicoeur
Clerk of the Commission