

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Louis D'Onofrio, Jr.

Docket #FIC83-74

Complainant(s)

September 21, 1983

vs.

Board of Police Commissioners
of the City and Town of
West Haven

Respondent(s)

The above captioned matter was scheduled for hearing July 20, 1983 at which time the parties appeared and presented evidence at argument on the complaint.

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

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.
2. By complaint dated February 28, 1983 the complainant alleged that the respondent had violated the Freedom of Information Act by failing to provide him with copies of an estimated budget, a draft of a proposed change concerning rule 23, and mailed notice of all regular and special meetings of the respondent.
3. The complainant made his request for notice of meetings on January 27, 1983.
4. On February 14, 1983 the complainant made his request for the budget document and the draft of the rule change.
5. On March 1, 1983 counsel for the respondent advised its chairman that the complainant was not entitled to receive either notice of meetings or copies of documents.
6. On March 11, 1983 the chairman of the respondent agreed to provide the complainant with copies of the budget document and with notice of the regular and special meetings.
7. It is found that the draft budget is not exempt from disclosure under §1-19(b), G.S. and that under §1-21c complainant is entitled to notice of regular and special meetings.

8. It is further found that since §1-15, G.S. provides that "any person applying in writing shall receive, promptly upon request, a plain or certified copy of any public record" (emphasis provided), the failure to provide the complainant with prompt access to the budget document constituted a violation of §1-19(a), G.S.

9. The respondent claimed that the draft of the proposed change concerning Rule 23 was exempt from disclosure under §1-19(b)(9), G.S. "records, reports and statements of strategy or negotiation with respect to collective bargaining."

10. Rule 23 concerned substantive rules and procedures relating to the discipline of members of the police department.

11. The respondent claimed that since any change in Rule 23 could not become final without the agreement of the police union the draft was a record of strategy or negotiation with respect to collective bargaining.

12. It is found that the proposed rule change is not a record of strategy or negotiation with respect to collective bargaining.

13. It is concluded that the respondent violated §1-15, G.S. when it failed to provide the complainant with a copy of the proposed rule change.

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

1. The respondent shall henceforth comply with §1-15, G.S. by providing copies of public records promptly.

2. The respondent shall provide the complainant with a copy of the proposed rule change concerning Rule 23.

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



Mary Jo Jolicoeur
Clerk of the Commission