

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Barbara Monsky,

FINAL DECISION

Complainant

Docket #FIC83-157

against

Danbury Police Department,

March 14, 1984

Respondent

The above captioned matter was heard as a contested case on October 21, 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 within the meaning of section 1-18a(a), G.S.

2. By letter of complaint filed with the Commission on July 20, 1983 the complainant alleged that on or about July 18, 1983 she was denied access to reports of incidents involving her former husband, Francis Monsky.

3. It is found that on or about July 18, 1983 the complainant made a request of the respondent, in person, for a copy of the respondent's report on a December 16, 1979 assault against her by Francis Monsky. The complainant was told that the file had been purged following a court order that the case was nolle.

4. The complainant then made an inquiry as to all previous records of assaults by Francis Monsky against her, to which inquiry the complainant received what she felt was not a "direct" answer.

5. The respondent has provided the complainant with copies of all reports of incidents which did not result in an arrest. The complainant, however, feels that records of Francis Monsky's arrests for assaults have been improperly destroyed by the respondent.

6. §54-142a(c) provides that "[w]henver any charge in a criminal case has been nolle in the Superior Court, . . . , if at least thirteen months have elapsed since such nolle, all police and court records . . . pertaining to such charge shall be erased."

7. The December 16, 1979 arrest of Francis Monsky was nolle on January 30, 1980.

8. It is therefore concluded that the record of the December 16, 1983 arrest of Francis Monsky, as well as records of all other arrests which resulted in an order of nolle entered thirteen or more months prior to the complainant's request, are exempted from disclosure by §§1-19(a) and 54-142a(c), G.S.

9. It is found that the complainant has received copies of all police reports of incidents of assault by Francis Monsky against the complainant, with the exception of those incidents of arrest which were subsequently nolleed by the court.

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

1. The complaint is hereby dismissed.

Approved by order of the Freedom of Information Commission at its regular meeting of March 14, 1984.

  
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Mary Jo Jolicœur  
Clerk of the Commission