

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Anthony Mase (IBPO,
Local 404),

Docket #FIC84-1

Complainant(s)

August 22, 1984

vs.

Town of Hamden and
Police Chief John P. Ambrogio
of the Town of Hamden,

Respondent(s)

The above captioned matter was scheduled for hearing February 29, 1984 at which time the complainant appeared and presented evidence on the complaint.

At that time they requested that a civil penalty be imposed upon the police chief John P. Ambrogio for denying them rights created by Sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, without reasonable grounds.

Pursuant to §1-21i(b), G.S. a second hearing was scheduled for March 26, 1984 to determine whether a civil penalty should be imposed against Chief John P. Ambrogio for denying the complainants their rights under the Act without reasonable grounds. At that time Chief Ambrogio was made a party herein.

At the scheduled hearing the matter was continued at the request of Chief Ambrogio to April 18, 1984 at which time the parties appeared and presented evidence and argument on the complaint.

1. The respondent town is a public agency within the meaning of §1-18a(a), G.S.

2. By complaint mailed January 6, 1984 the complainant alleged that the Town of Hamden violated the Freedom of Information Act when it refused to provide access to public records requested by Officer James Foley December 6, 1984.

3. The complainant requested copies of a patrol division work schedule from July 1, 1984 through August 24, 1983 and a list of all patrol officers who received three (3) hours compensatory time for performing the task of acting street supervisor from July 1, 1982 through August 21, 1983 on several occasions the last of these requests having been made on December 6, 1983.

4. No such list was provided by the respondent.

5. At the first hearing on this matter no person appeared on behalf of any respondent.

6. At that time the complainant asked that a civil penalty be imposed against Chief John P. Ambrogio because he was the official directly responsible for the denial of his rights.

7. Thereafter pursuant to §1-21i(b), G. S. and Commission regulation §1-21j-27, the hearing officer designated Chief John P. Ambrogio as a party and scheduled a second hearing on the instant matter.

8. On April 11, 1984 the complainant obtained the work schedules which it sought from the respondent by subpoena.

9. It is found that the complainant's access by virtue of the subpoena to part of the records which were sought, does not satisfy the complainant's request under the Freedom of Information Act.

10. At the second hearing the respondent chief claimed that the documents requested were exempt under §1-19(b)(3)(c) which provides in relevant part that an agency shall not be required to disclose "records of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of said records would not be in the public interest because it would result in the disclosure of investigatory techniques not otherwise known to the general public."

11. It is found that the respondent chief is a public agency within the meaning of §1-18a(a), G.S. and a law enforcement agency within the meaning of §1-19(b)(3), G.S.

12. The records sought were forms which provide information on what persons were assigned to patrol or traffic duty, or to duty at headquarters; they contained numbers showing locations for assignment, vehicle numbers and the dates on which each individual worked.

13. The records show that the individual assignments varied by activity and location according to the needs of the situation.

14. It is found that the records sought by the complainant are part of the administrative procedure used to monitor the work activity of members of the police force.

15. It is further found that because of the shifts in deployment of men and vehicles in response to different situations and because of the generality of the records that the records of past assignments requested do not provide a means of predicting what investigatory technique will be used on a given day.

16. It is found, therefore, that the respondent failed to prove that the disclosure of the requested records, as described at paragraph 3 herein, would constitute disclosure of investigatory techniques not otherwise known to the general public.

17. It is further found that the respondent failed to prove that the records were compiled in connection with the detection or investigation of crime.

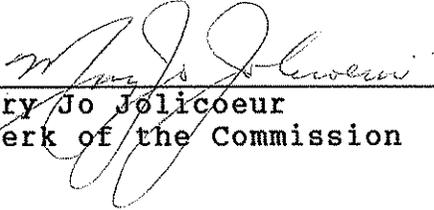
18. Although the Commission has ordered disclosure of records of a type similar to those which were withheld by the respondent police chief in #FIC82-39, E. Stedman Cargill vs. Bridgeport Police Department, et al., under the facts of this case a civil penalty is not warranted.

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

1. The respondent shall provide the complainant with the records requested which are described at paragraph 3 herein.

2. The Commission does not rule out the imposition of a civil penalty in the future, if the respondent should deny the complainant copies of work attendance records, such as were sought herein, at some time subsequent to this final decision.

Approved by order of the Freedom of Information Commission at its regular meeting of August 22, 1984.



Mary Jo Jolicoeur
Clerk of the Commission