

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
William Beasley

FINAL DECISION

Complainant

Docket #FIC84-11

against

June 27, 1984

Newtown Police Department of
the Town of Newtown

Respondent

The above captioned matter was heard as a contested case on March 26, 1984 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 §1-18a(a), G.S.
2. On January 9, 1984 the complainant made a written request of the respondent for access to and certified copies of all records pertaining to "accident investigation #N-8-84."
3. The complainant was told by the respondent that access to and copies of the requested records would be denied until the accident had been "disposed of in the courts."
4. A verbal request on January 16, 1984 for the same information was also denied.
5. By letter of complaint filed with the Commission on January 23, 1984 the complainant appealed the denial of his request.
6. The complainant was issued a summons for reckless driving on January 3, 1984 in connection with the accident in question.

7. §7-282, G.S. provides that

The police department of any city, town or borough having or receiving any memoranda, sketches, charts, written statements, reports or photographs made in the investigation of any accident wherein any person has been injured or property damaged shall preserve and retain the same for a period of at least ten years from the date of such accident. Subsequent to the final disposition of any criminal action arising out of an accident, the records hereinbefore specified and the information contained therein shall be open to public inspection, except that such records shall be available to any person except that such records shall be available to any person involved in the accident subsequent to the issuance of a warrant or summons in such action.

8. It is found that the records in question are of the type specified in §7-282, G.S. and that the matter of the complainant's arrest for reckless driving has not reached a final disposition.

9. §1-19(a), G.S. provides that all records maintained or kept on file by any public agency shall be public records and every person shall have the right to inspect such records "[e]xcept as otherwise provided by any federal law or state statute."

10. It is found that §7-282, G.S. exempts from public disclosure the records requested by the complainant.

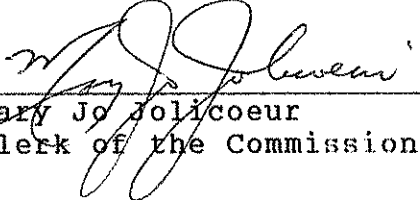
11. It is also found that this Commission lacks jurisdiction over the administration of §7-282, G.S. regarding disclosure of records to persons who by virtue of the language of such section may have a right of access to records greater than the public right created by §1-19(a), G.S.

12. It is concluded that the respondent did not violate §§1-15 or 1-19(a), G.S. when it denied the complainant access to the requested records.

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 June 27, 1984.



Mary Jo Jolicoeur
Clerk of the Commission