

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Lucas Held and the Middletown
Press,

FINAL DECISION

Complainants

Docket #FIC84-45

against

June 27, 1984

Mayor of the City and Town
of Middletown

Respondent

The above captioned matter was heard as a contested case on April 13, 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 or about January 30, 1984, the complainant Held made a request of the police chief of Middletown for records of the police department's internal investigation of the hanging death of Michael Goodfield in a Middletown police cell. The police chief referred Mr. Held to the respondent mayor.
3. At some date between February 1, 1984 and February 19, 1984 the complainant Held made an oral request of the mayor for records of the police department's internal investigation of the death, which request was orally denied.
4. By letter dated February 19, 1984 the complainant Held made a request of the respondent for a copy of the police department's internal investigation into the death, as well as copies of the police chief's recommendation on disciplinary action regarding the internal investigation and the respondent's response to the police chief's recommendation.
5. On March 12, 1984 the respondent orally denied the complainants' request for records.

6. By letter of complaint filed with the Commission on March 16, 1984 the complainants appealed the denial of their request for records.

7. By letter dated March 16, 1984 the complainant Held was informed by a representative of the respondent that the respondent would be on vacation until March 26, 1984.

8. By letter dated April 6, 1984 the respondent informed the complainant Held that after consultation with the city attorney it was the respondent's conclusion that the records requested were exempted from disclosure by §1-19(b)(2), G.S.

9. At hearing the union representing Middletown police officers, Local 1361, requested intervenor status and was granted permission to participate at the hearing level only.

10. The respondent claims that the records in question are exempted from disclosure by §1-19(b)(2), G.S. as personnel, medical or similar files, the disclosure of which would constitute an invasion of personal privacy.

11. The respondent claims that because no disciplinary action was taken as a result of the January 30, 1984 incident, nor is any contemplated, disclosure of the records in question is particularly harmful and unnecessary.

12. It is found that the internal affairs investigation in question and the comments thereon by the respondent and the police chief were generated in response to an incident which indicated the possibility of misconduct by one or more police officers.

13. It is further found that records of internal affairs investigations serve a function which is distinct from the recording of data for personnel or similar purposes.

14. It is found that the records in question constitute the record of a non-criminal, police internal affairs investigation and the administrative disposition thereof, and relate directly to the conduct of the public's business.

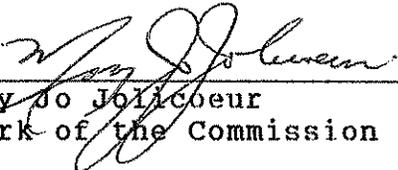
15. It is further found that due to the high degree of public accountability of police officers and to the legitimate and overriding interest of the public in the conduct of its police officers, the disclosure of the requested records would not constitute an invasion of personal privacy.

It is therefore found that the records in question are not exempted from disclosure by §1-19(b)(2), G.S.

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

1. The respondent shall forthwith provide the complainant with copies of the records referred to at paragraph 4 of the findings, above.

Approved by order of the Freedom of Information Commission at its regular meeting of June 27, 1984.



Mary Jo Jolicoeur
Clerk of the Commission