

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Leonard Grudzinski,

FINAL DECISION

Complainant

Docket #FIC84-175

against

February 27, 1985

Bloomfield Human
Relations Commission and
the Bloomfield Town Council,

Respondents

The above captioned matter was heard as a contested case on December 11, 1984 at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.

2. By letter dated June 22, 1984 three members of the Bloomfield police department filed a complaint with the respondent human relations commission alleging racist and discriminatory remarks by another member of the department, Officer Cousins. A complaint containing such allegations had, on December 23, 1983, been presented to the chief of police. In April, 1984, an internal affairs investigation, approved by the chief of police, found the remarks were not improper.

3. On July 11, 1984 the respondent human relations commission held a special meeting during which it interviewed two of the complaining officers.

4. On July 30, 1984 the respondent human relations commission held another special meeting during which it convened in executive session to discuss the officers' allegations. The conclusion of the commission was that the remarks and actions as reported were racist and discriminatory in nature, and in violation of the Bloomfield police department's general rules of conduct. The respondent human relations commission also found fault with the chief of police's handling of the matter.

5. By letter of complaint filed with the Commission on August 27, 1984 the complainant alleged that the respondent human relations commission lacked authority to discuss the allegations against the police officer, that the discussion was not a proper

purpose for an executive session, that the votes taken at the meeting were not properly recorded, that the names of those attending the executive session were not recorded, that the individual discussed in executive session had not been given an opportunity to require that the discussion be held in public and that because the commission had never voted to hold a special meeting on July 30, 1984, the meeting on that date should be declared null and void.

6. By letter of complaint filed with the Commission on August 30, 1984 the complainant alleged that minutes of a July 25, 1984 meeting of the respondent commission were not available for copying when requested on August 29, 1984.

7. Allegations with respect to meetings of the respondent held more than 30 days prior to the filing of the complainant's complaint are not within this Commission's jurisdiction and will not be considered in this report.

8. On August 13, 1984 the respondent town council convened in executive session with the town manager for "discussion of a personnel matter." While convened in executive session the respondent town council considered a memorandum from the deputy mayor regarding the report of the respondent human relations commission.

9. By letter of complaint filed with the Commission on September 4, 1984 the complainant alleged that the report of the respondent commission was not a proper purpose for an executive session and that the chief of police had not been given an opportunity to require that the discussion be held in public session. The complainant also alleged that the respondent commission prepared two different sets of minutes for its July 30, 1984 meeting.

10. At hearing, the complainant clarified his complaint to indicate that the minutes of the July 25, 1984 meeting of the respondent commission had been requested on July 29, 1984, rather than August 29, 1984.

11. It is therefore concluded that the unavailability of the minutes of the respondent commission's July 25, 1984 meeting when requested by the complainant on July 29, 1984, did not violate §1-21(a), G.S.

12. It is found that the complainant's claim that the respondent commission lacked authority to consider and take action with respect to the police officers' complaint is a matter over which this Commission has no jurisdiction.

13. It is also found that votes taken at the respondent commission's July 30, 1984 meeting were properly recorded as being "unanimous."

14. It is further found that because communications limited to notices of meetings or the agendas thereof do not themselves constitute "meetings" within the meaning of §1-18a(b), G.S., the complainant's allegation regarding the improper scheduling of the July 30, 1984 meeting is without merit.

15. It is found, however, that the names of those in attendance at the July 30, 1984 executive session were not clearly indicated in the minutes of such meeting, as required by §1-21g, G.S.

16. It is found that to the extent that while convened in executive session on July 30, 1984 the respondent commission discussed the employment, performance, evaluation or dismissal of Officer Cousins or the chief of police, such discussion was a proper purpose for an executive session within the meaning of §1-18a(e)(1), G.S.

17. However, although an attempt was made to reach Officer Cousins to advise him that he would be discussed on July 30, 1984, the respondent human relations commission failed to prove that either he or the chief of police was given a meaningful opportunity to require that all discussions concerning them be held in public session.

18. It is concluded that the respondent commission violated §1-18a(e)(1) and 1-21(a), G.S. when it failed to provide Officer Cousins and the chief of police with the opportunity to require that all discussions concerning them be held in public.

19. It is also found that to the extent that the July 30, 1984 executive session was held to formulate a response to the police chief's findings or to discuss what actions it might take to disseminate its findings, such discussion was not a proper purpose for an executive session within the meaning of §1-18a(e)(1), G.S.

20. It is further found that the two sets of minutes referred to by the complainant were not two different sets, rather, one set reflected the contents of the meeting only and one set included a statement prepared by the respondent human relations commission after the meeting for presentation to the respondent town council.

21. It is concluded that the existence of two versions of the minutes of the July 30, 1984 meeting of the respondent human relations commission, one more complete than the other, did not violate §1-21(a), G.S.

22. It is found that at the August 13, 1984 meeting of the respondent council the mayor of Bloomfield, based upon a review of the findings of the respondent human relations commission and the memorandum from the deputy mayor, decided to convene in executive session to discuss personnel.

23. Upon convening in executive session the respondent council determined that it would first have to review the respondent commission's report. Concluding that discussion of the report was not a proper purpose for an executive session, the respondent council reconvened in public session.

24. It is found that discussion of the report of the respondent commission was not a proper purpose for an executive session.

25. It is concluded that to the extent that the August 13, 1984 executive session of the respondent council concerned the report of the respondent human relations commission, such discussion violated §1-21(a), G.S.

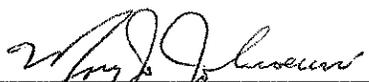
26. It is also found that the respondent failed to prove that either the police chief or Officer Cousins was given an opportunity to require that any discussions concerning them be conducted in public, in violation of §§1-18a(e)(1) and 1-21(a), G.S.

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

1. Henceforth the respondent commission shall act in strict compliance with the requirements of §§1-21g, 1-18a(e) and 1-21(a), G.S.

2. Henceforth the respondent council shall act in strict compliance with the requirements of §§1-18a(e) and 1-21(a), G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of February 27, 1985.



Mary Jo Jolicoeur
Clerk of the Commission