

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
George R. Jameson

FINAL DECISION

Complainant

Docket #FIC 84-185

against

March 13, 1985

Chief, South Windsor Police
Department and the Town Attorney
of South Windsor

Respondents

The above captioned matter was heard as a contested case on December 28, 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 filed with the Commission on September 4, 1984, the complainant alleged that the respondent Chief had refused him access to public records, that the respondents had failed to promptly respond to a written request for records, and that the respondents had failed to provide all the records which the complainant requested.

3. It is found that on or about August 8, 1984 the complainant talked by phone with the respondent Chief and requested access to the arrest and investigative reports concerning the arrest of Michael Jameson, the complainant's son, in July, 1984.

4. The respondent Chief replied that the requested records involved a prospective law enforcement action and release of the records would have to be approved by the state's attorney's office.

5. On August 10, 1984, the complainant sent the respondent Chief a letter requesting the records set forth in paragraph 3 above.

6. On August 14, 1984 the respondent Town Attorney sent a letter to the complainant, on behalf of the respondent Chief, stating that he had written to the state's attorney to determine if the requested records should be withheld pursuant to §1-19(b)(3)(B), G.S., and that he would contact the complainant upon receipt of the reply from the state's attorney.

7. On August 14, 1984, the respondent Town Attorney wrote to the state's attorney to inquire whether the requested records should be withheld pursuant to §1-19(b)(3)(B), G.S.

8. On August 17, 1984, the respondent Town Attorney received a reply from the assitant state's attorney informing him that the release of the requested records would not prejudice a law enforcement action.

9. On August 17, 1984, the respondent Town Attorney wrote to the respondent Chief advising him that the requested records could be released to the complainant.

10. On August 21, 1984, the respondent Chief sent the complainant the requested records.

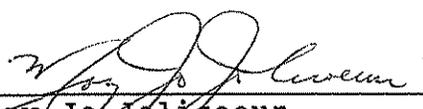
11. The complainant alleged that he was not provided with one document he had requested. However, it is found that the document that was not provided referred to a separate incident that occurred on the day after the arrest of Michael Jameson, and therefore was not within the purview of the complainant's request.

12. It is concluded that the respondents did not violate §§1-15 or 1-19, G.S., because they complied with the complainant's request for records within a reasonable period of time during which they determined whether it was in the public interest to withhold the documents pursuant to §1-19(b)(3)(B), G.S.

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 13, 1985.



Mary Jo Jolicoeur
Clerk of the Commission