

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Joseph LaBianca,

Complainant

against

Docket #FIC 2024-0461

Chief, Police Department, City of New
London; Police Department, City of New
London; and City of New London,

Respondents

July 23, 2025

The above-captioned matter was heard as a contested case on February 7, 2025, at which time the complainant and respondents appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. It is found that on July 18, 2024, the complainant submitted a request for records seeking police reports, statements, and officer notes in connection with an incident of vandalism that allegedly took place at a McDonalds owned by the complainant on April 19, 2024.
3. It is found that on July 29, 2024, the respondents replied to the complainant indicating that the requested records, described in paragraph 2, above, contained uncorroborated allegations, and thus, were exempt from disclosure.
4. By letter of complaint received and filed August 8, 2024, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to disclose the records described in paragraph 2, above.

5. Section 1-200(5), G.S., provides:

"[p]ublic records or files" means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such

data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

6. Section 1-210(a), G.S., provides in relevant part that:

[e]xcept as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212.

7. Section 1-212(a), G.S., provides in relevant part that “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

8. It is concluded that the records described in paragraph 2, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

9. It is found that the respondents assigned the incident described in paragraph 2, above, Case #240001050.

10. The respondents submitted the records at issue to the Commission for in camera inspection (the “in camera records”). The in camera records are fairly described as follows: a 16 page packet of documents consisting of a two-page call summary report, and a 14-page case/incident report, both of which pertain to Case #240001050.

11. With respect to the respondents’ claim that the records described in paragraph 2, above, contain “uncorroborated allegations,” §1-210(b)(3)(H), G.S., provides in relevant part that, disclosure is not required of:

[r]ecords of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection of a crime, if the disclosure of said records would not be in the public interest because it would result in the disclosure of . . . uncorroborated allegations subject to destruction pursuant to section 1-216.

12. Section 1-216, G.S., provides, in relevant part, that:

. . . records of law enforcement agencies consisting of uncorroborated allegations that an individual has engaged in criminal activity shall be reviewed by the law enforcement agency one year after the creation of such records. If the existence of the alleged criminal activity cannot be corroborated within ninety days

of the commencement of such review, the law enforcement agency shall destroy such records.

13. Upon careful in camera inspection, it is found that the requested in camera records are records of a law enforcement agency, not otherwise available to the public, which records were compiled in connection with the detection or investigation of crime within the meaning of §1-210(b)(3), G.S.

14. In Docket #FIC 94-291, Rachel Gottlieb and The Hartford Courant v. State of Correction, Department of Public Safety, Division of State Police (May 24, 1995), (hereinafter, "Gottlieb"), the Commission determined that Black's Law Dictionary, Sixth Edition (1990), defines "corroborate" as "to strengthen, to add weight or credibility to a thing by additional and confirming facts or evidence." In addition, the Commission determined that Ballentines Law Dictionary, Third Edition (1969) defines "corroborate" as "to state facts tending to produce confidence in the truth of a statement made by another," and that Funk & Wagnall New Standard Dictionary of English Language (1946) defines "corroborate" as "to give increased support to make more sure or evident."

15. In Gottlieb, the Commission found that "the reports [at issue] contain[ed] similar accounts relayed to the interviewees concerning allegations under investigation." The Commission went on to find that "the requested reports contained allegations which were corroborated[.]" and concluded that such reports were, therefore, not exempt from disclosure.

16. After careful in camera inspection, it is found that there are no similar accounts of the underlying events like those determined to exist in Gottlieb, nor is there any evidence in the case/incident reports or call report summary that tends to strengthen, add weight, or support the allegations contained in the in camera records.

17. The Appellate Court in Bona v. Freedom of Info. Comm'n, 44 Conn. App. 622 (1997), has determined that the entirety of a record containing uncorroborated allegations of criminal activity is exempt from disclosure under §1-210(b)(3)(H), G.S., and that portions of such records cannot be disclosed.


18. It is found that the disclosure of the requested in camera records would result in the disclosure of uncorroborated allegations subject to destruction within the meaning of §§1-210(b)(3)(H) and 1-216, G.S.; and that the in camera records are permissively exempt from disclosure pursuant thereto.

19. It is therefore concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by withholding the requested in camera records described in paragraph 10, above.

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

1. The complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of July 23, 2025.



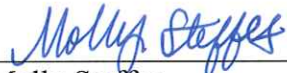
Molly Steffes
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

JOSEPH LABIANCA, Hamilton Sunset Corporation, One Fort Hill Road, Suite 11, Groton, CT 06340

CHIEF, POLICE DEPARTMENT, CITY OF NEW LONDON; POLICE DEPARTMENT, CITY OF NEW LONDON; AND CITY OF NEW LONDON, c/o Attorney Brian K. Estep, Conway, Londregan, Sheehan & Monaco, P.C., 38 Huntington Street, New London, CT 06320



Molly Steffes
Acting Clerk of the Commission