

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by            )  
Waldemar J. Lach, Esq.,                    )  
  Complainant                    )  
  against                                    )  
  Town of Windsor and Police            )  
Department of the Town of                )  
Windsor,                                    Respondents                    )

Report of Hearing Officer  
Docket #FIC76-173  
January 10, 1977

The above captioned matter was heard as a contested case on October 25, 1976, 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 as defined in §1(a) of P.A. 75-342.
2. By letter dated September 20, 1976, the complainant requested a copy of case report No. 741650 from the respondent police department.
3. By letter dated September 24, 1976, the respondent police department denied this request. The complainant thereupon appealed to this Commission by letter filed on October 5, 1976.
4. The requested case report is a public record within the meaning of §1(d) of P.A. 75-342, and is in the custody and possession of the respondent police department.
5. The respondent police department contends that disclosure of the aforesaid record would affect the rights of litigants under the laws of discovery of this state within the meaning of §3(3) of P.A. 75-342, and that therefore disclosure is not required.
6. Several police officers of the respondent department were dispatched pursuant to a burglary/larceny/sick person call on March 13, 1976.
7. In the course of events that followed, an arrest was made involving a single individual concerning an alleged assault.
8. The activities of the police in response to said call, were for the most part entirely unrelated to the aforesaid arrest for assault.

9. All of the activities of the officers dispatched above were recorded and included in the aforesaid case report.

10. The individual arrested is presently a criminal defendant in pending litigation involving the above arrest.

11. A copy of the entire case report in this matter was turned over to the prosecutor to become part of the prosecutorial records in the above mentioned criminal matter, even though, in some cases, the respondent police department turns over only part of the case report to the prosecution.

12. It is found that disclosure of those parts of the requested case report which deal directly and distinctly with the activities of the police in response to the burglary/larceny/sick person call on March 13, 1976 are severable from those police activities contained thereon concerning the aforesaid criminal prosecution, and would not affect the rights of litigants under the laws of discovery of this state within the meaning of §3(3) of P.A. 75-342.

13. It is further found that those parts of the requested record which are severable as hereinabove described, do not contain information to be used in a prospective law enforcement action, prejudicial to said action, within the meaning of §2(b)(2)(B) of P.A. 75-342.

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

1. The respondent police department shall forthwith provide the complainant with those parts of the requested case report which are severable as delineated in paragraph 12 hereinabove.

2. If this information is not available in a document amenable to public disclosure because it contains other exempt material which cannot be easily covered and copied, this must be accomplished by some process of abstraction.

3. Nothing herein shall be construed as requiring disclosure of information exempt under P.A. 75-342, except as provided in paragraph 1 of this Order.

*Judith Lahey*

Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on January 26, 1977.

*Louis J. Papogna*  
Louis J. Papogna, as Clerk of the  
Freedom of Information Commission