

Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by)
Moreau D. Brown, Thomas G. Brown,) Report of Hearing Officer
Morgan P. Ames, Complainants)
against) Docket #FIC 76-6
Town of Greenwich, Chief of) March 2, 1976
Police of the Town of Greenwich,)
Respondents)
Juvenile Court, 1st District,)
Intervenor)

1. The respondents are public agencies as they are the Town of Greenwich and the Department of Police of the Town of Greenwich.

2. On December 8, 1975 and January 7, 1976 complainants requested the record in the custody of respondents covering the Police Department investigation of the facts and circumstances surrounding an incident that occurred in Greenwich on June 19, 1975.

3. On January 14, 1976, the respondents denied the request, relying on the advice of the intervenor that such disclosure would violate Section 17-57a of the general statutes.

4. At the time of the hearing before the Commission the respondents did not appear but sent a letter stating that the "Town has no objection to releasing the information provided it is not prohibited by law from doing so...."

5. On the date the complainants requested access to the record compiled in the detection or investigation of any crime by the police department, the criminal or other prosecution concerning the subject events had been concluded. Access to these records will not result in the disclosure of the identity of any informant, nor will it result in the disclosure of information to be used in a prospective law enforcement action at this time, nor will it result in the disclosure of any investigatory technique not otherwise known to the general public.

6. Compliance with the complainant's request for access will not result in the disclosure of the arrest record of a juvenile. Sec. 2(b)(2)(d) of P.A. 75-342 refers to the exemption of "the arrest records of a juvenile" from disclosure. An arrest record is commonly understood to refer to the record of the arrests and convictions of an individual. The request for access makes no reference to such an arrest record, but only to the investigation of the events described in the complaint. If the record of arrests is in any way mentioned by the record compiled in the detection or investigation of any crime,

no evidence of such inclusion was offered to the Commission by any respondent or by the intervenor. None can be assumed to have been included in the absence of such supporting evidence.

7. The record sought is not an "arrest record" when viewed in light of the legislative history of this section of the Act. P.A. 75-342 is clearly more narrow than the predecessor which exempted:

"investigatory files compiled for law enforcement purposes except to the extent available by law to a private citizen"

8. Intervenor also claims an exemption under Sec. 2(a) of the Act and 17-57a of the general statutes which provides as follows:

"The juvenile court shall keep records of all cases brought before it, and any record or any part thereof, including studies and reports by probation officers, social agencies and clinics, shall be confidential and for the use of said court, and open to inspection or disclosure to any third party only upon order of said court, except that such records shall be available to the attorney representing the child, his parents or guardian. Any record or any part thereof forwarded by the juvenile court or any of its employees to any persons, governmental and private agencies, and institutions, shall not be disclosed, directly or indirectly, to any third party save upon order of said court."

9. Sec. 17-57a does not apply to the records to which the complaints seek access for the reason that the subject records are not records kept by the juvenile court, but were compiled and are kept by the Police Department under the custody of the respondent Chief of Police. There is no other statutory requirement that excludes these records from public access.

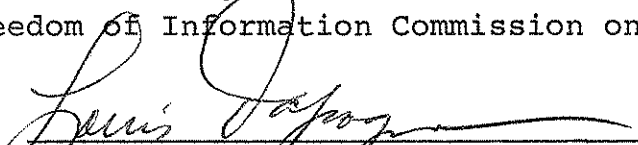
The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

The respondent is ordered to make the public records described by the complaint available for inspection and copying forthwith in accordance with P.A. 75-342.


Herbert Brucker, Chairman

as Hearing Officer

Approved by order of the Freedom of Information Commission on March 24, 1976.


Louis Tapogna, Clerk of the Commission