

Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by)
Joseph Giantonio, Complainant) Report of Hearing Officer
against) Docket #FIC 76-72
Town of Berlin and Police Department) June 3, 1976
of the Town of Berlin, Respondents)

The above captioned matter was heard as a contested case on May 18, 1976, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

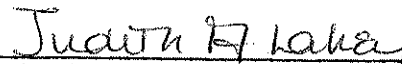
After consideration of the entire record, the following facts are found:

1. The respondents are public agencies.
2. On April 19, 1976, the complainant requested and received in person from the respondent police department a plain copy of a two page, handwritten police report of a motor vehicle traffic accident. The complainant was charged \$4.00 for the copy of this two page document.
3. The complaint herein was filed April 26, 1976 alleging that the \$4.00 charge was in violation of P.A. 75-342 and requesting, in part, that the complainant be reimbursed for any overpayment in excess of the cost to the public agency.
4. At the hearing on this complaint, the respondents provided a cost analysis of releasing copies of police reports. This analysis is based on the average cost of providing an estimated 500 copies and containing the following elements: clerk's wages, photocopying machine costs, postage, envelopes and form letters.
5. On the basis of this analysis, the respondents conclude that each copy of a motor vehicle accident costs \$5.83. Thus the respondents contend that their standard charge of \$4.00 is below the actual cost for copying a motor vehicle accident report.
6. Since the complainant requested and was given the documents sought in person, the respondent police department did not incur envelope and form letter costs.
7. No estimate was provided of clerk's time in retrieving and copying the particular document in this case. Nor was there provided a per page cost analysis of photocopying machine operation.
8. It is concluded that pursuant to §5 of P.A. 75-342 the respondent police department may only charge to the complainant a fee for the requested document which does not exceed the actual cost of copying such document.

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 compute its actual cost of copying the document requested herein. In computing such cost, the respondent police department shall include the following items only: actual personnel costs in retrieving, copying and returning to files the requested document; the actual cost of two 8-1/2" x 11" sheets of photocopy paper; and the estimated cost of operating its photocopy machine, including the cost of rental, ink, chemicals, and service contract, for two copies.

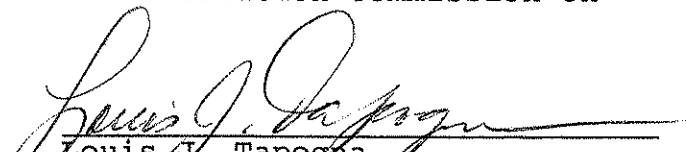
2. After completing the computation described in paragraph 1 of this order, the respondent police department shall forthwith provide the complainant with a statement of the actual cost of copying the requested document and shall remit to the complainant any overcharge resulting from the difference between \$4.00 and actual cost of copying such requested document.



Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on June 9, 1976.



Louis J. Tapogna
Clerk of the Commission