

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by )  
Reinaldo Rodriguez, ) Report of Hearing Officer  
Complainant )  
 ) Docket #FIC77-180  
against )  
 ) October 14, 1977  
Town of Granby; and the Police )  
Department of the Town of )  
Granby, Respondents )

The above captioned matter was heard as a contested case on October 6, 1977 at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. After having been granted the status of an intervenor and permission to present both evidence and argument, the Prosecutor of Geographical Area #13 of the Court of Common Pleas, also participated in the proceedings.

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 dated September 2, 1977, the complainant, by his attorneys, requested of the respondent department an accident report made in the course of an investigation of an automobile accident on June 16, 1977 in which two persons died.

3. Having failed to receive compliance with the aforesaid request the complainant filed this appeal with the Commission on September 15, 1977, alleging violations of the Freedom of Information Act by the failure of the respondent department to furnish him the report.

4. As a result of his role in the aforesaid automobile accident the complainant was charged with two counts of negligent homicide.

5. The respondent department contended that the records in question were not public records in that they were exempted from disclosure by §1-19(b)(3)(B) and §1-19(c), G.S.

6. It was further contended that disclosure of such reports was barred by §1-19(b)(3) in that §2157 of the Connecticut Practice Book prohibits disclosure of the requested reports.

7. While the respondent department ordinarily makes accident reports available to the public, these reports are not made available when an arrest has been made. Under the latter circumstance the respondent department sends the accident report to the appropriate prosecutor.

8. §14-108a, G.S., provides among other things that there will be a form called a uniform investigation of accident report which must be completed with respect to certain accidents including those in which a person has been killed. The report is to be forwarded to the motor vehicle commissioner within five days after completion of a police investigation of the accident.

9. It is found that the accident report in question is required under §14-108a, G.S., and may be characterized as a motor vehicle report and a police report.

10. It is also found that in collecting data for the aforesaid report the respondent department was not only acting as a criminal investigatory agency, but also as an agent for the motor vehicle department pursuant to §14-108a, G.S.

11. It is further found that in so far as the aforesaid report is a motor vehicle report its disclosure is neither prohibited by §1-19(b)(3)(B), §1-19b(3), §1-19(c), or §2157 of the Connecticut Practice Book.

12. It is concluded, therefore, that the requested accident report is subject to disclosure under §1-15, G.S.

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

1. The respondent department shall forthwith comply with the complainant's request as stated in the aforesaid letter dated September 2, 1977.

2. The Commission notes that the manner in which accident reports are compiled by the respondent department varies depending upon whether or not criminal charges are to be preferred. The Commission can find no statutory requirement that there be such a difference in the manner in which motor vehicle reports are compiled. The Commission therefore recommends that the respondent department comply only with the requirements set forth in the uniform investigation of accident report form as stated in §14-108a, G.S., that is that such report shall "contain all available detailed information to disclose the cause of the accident, the conditions then existing and the persons and vehicles involved, as well as the enforcement action taken."

  
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Commissioner Judith A. Lahey

as Hearing Officer

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

A handwritten signature in cursive script, appearing to read "Charlene G. Arnold".

Charlene G. Arnold, Clerk of the  
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