

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)	
Carlos Benitez, Complainant)	Report of Hearing Officer
)	
against)	Docket #FIC77-213
)	
The City and Town of Hartford;)	December 14, 1977
and the Chief of Police of the)	
City and Town of Hartford,)	
Respondents)	

The above captioned matter was heard as a contested case on November 29, 1977 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:

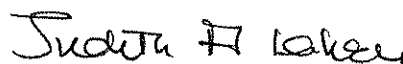
1. The respondents are public agencies within the meaning of §1-18a(a).
2. By letter of his attorney dated November 7, 1977 the complainant requested a copy of the investigative report completed by the internal affairs division of the Hartford Police Department pursuant to a citizen's complaint filed by the complainant on March 13, 1974.
3. By letter dated November 9, 1977, the complainant's request was denied by the respondent chief.
4. By letter filed with the Commission on November 15, 1977, the complainant appealed the aforesaid denial.
5. The respondents claimed the requested documents were exempt from disclosure under §1-19(b)(2) and §1-19(b)(3)(A), G.S.
6. The police internal investigation of a citizen complaint involves the review of two separate reports or files: an investigative report and a "profile", a file maintained over the course of employment of a police officer which contains information relevant to his or her promotion and career evaluation and which includes health data, data on certain personal habits, and reports of discipline or reprimands.
7. The complainant's request was a request for the investigative report only.
8. It is found that the investigative report is not a personnel or medical file or similar file within the meaning of §1-19(b)(2), G.S.

9. It is further found that the investigative report is not a law enforcement record compiled in connection with the detection or investigation of a crime within the meaning of §1-19(b)(3), G.S.

10. It is concluded, therefore, that the investigative report requested by the complainant is a public record within the meaning of §1-18a(d).

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

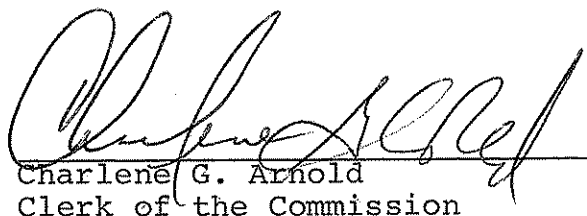
1. The respondent chief shall forthwith provide the complainant with a copy of the investigative report described in paragraphs 2 and 6, above.



Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on December 28, 1977.



Charlene G. Arnold
Clerk of the Commission