

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Mrs. Diane Handley, Mrs. Ann)
Hutchason and Rev. James H. Davis,) Report of Hearing Officer
Complainants)
against) Docket #FIC78-99
Governor of the State of)
Connecticut, Respondent) June 29, 1978
)

The above captioned matter was heard as a contested case on June 23, 1978, at which time the parties appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

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

1. The respondent governor is a public agency as defined by §1-18a(a), G.S.
2. By letter dated May 17, 1978, the complainants requested from the respondent governor copies of all records in her files relating to a certain state police investigation into the Stamford Police Department.
3. By same letter, the complainants further requested a copy of the last two annual reports submitted to the respondent governor by the state police commissioner.
4. By letter filed on May 31, 1978, the complainants appealed to this Commission for a hearing alleging that they had been denied copies of all of the requested records.
5. The two requested annual reports were provided to the complainants prior to hearing and are therefore not in issue.
6. The requested records relating to the aforesaid investigation were sent to the respondent governor, pursuant to her request, by the state police commissioner.
7. All such records have been forwarded by the governor to a Grand Juror appointed to inquire into certain allegations of illegality that are the subject thereof.
8. At the time of hearing, the Grand Juror was deliberating on such matters.

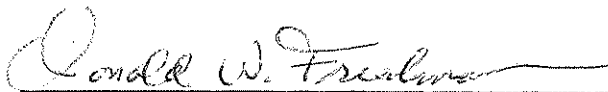
9. The respondent governor is a law enforcement agency within the meaning of §3-1, G.S.

10. Such records are therefore found to fall within the exemption to disclosure provided under §1-19(b)(3)(B), G.S.

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

1. The complaint is hereby dismissed.

2. The Commission notes that in many instances public agencies fail to distinguish between that portion of a request for public records that is exempt and that portion that is not. Consequently, all too often persons who request such records are unduly delayed in obtaining access to those records for which there is no valid claim of exemption. The Commission commends the governor for making such a distinction and complying voluntarily with that portion of the request herein for which there is no exemption to disclosure.



Commissioner Donald Friedman

as Hearing Officer

Approved by order of the Freedom of Information Commission on July 26, 1978.



Charlene G. Arnold
Clerk of the Commission