

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Harriet B. Rosen,  
Complainant

Report of Hearing Officer

against

Docket #FIC79-178

City and Town of New Britain;  
and New Britain Police Depart-  
ment; and Deputy Chief, New  
Britain Police Department,  
Respondents

December 4, 1979

The above captioned matter was heard as a contested case on October 23, 1979, at which time the complainant and 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), G.S.

2. By letters dated August 1, 1979 and August 15, 1979, the complainant requested copies of certain records pertaining to certain police officers from the date said officers joined the police department up to and including August 1, 1979.

3. The copies of records requested by the complainant were;

a. The records of written or transcribed oral complaints of civilian citizens against each above mentioned officer and records showing the investigations and dispositions of those complaints.

b. The records of disciplinary actions taken by the police department against any above named officer regarding his treatment of another person, whether the officer has been either disciplined or exonerated.

4. The records requested by the complainant are maintained by the respondent in both the internal investigation files and personnel files.

5. The respondents claimed that the documents maintained in personnel files were exempt from disclosure under §1-19(b)(2), G.S.

6. §1-19(b)(2), G.S. exempts from disclosure documents maintained in personnel files where such disclosure would constitute an invasion of personal privacy.

7. It is found that the disciplinary records and records of citizen complaints which are sought by the complainants serve a function which is distinct from the recording of data for personnel or similar purposes. In this regard they constitute records of non-criminal, police internal affairs investigations and the administrative disposition thereof that relate directly to the conduct of the public's business.

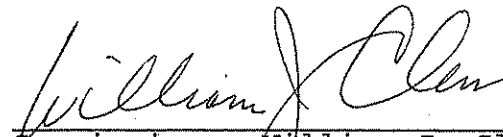
8. It is found that the police officers who are the subject of the aforesaid records have no privacy rights with respect to the subject matter of the internal affairs investigations because these proceedings relate to the conduct of the public's business.

9. It is further found that the respondents failed to prove that any privacy rights of the police officers who were subject of the aforesaid records of internal affairs investigations would be invaded by disclosure of the requested records.

10. It is therefore concluded that the records in question are not exempt from disclosure under §1-19(b)(2), G.S.

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

1. The respondents shall disclose to the complainant copies of the records requested in her letters of August 1 and August 15, 1979 within one week of the issuance of final decision in this matter.

  
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Commissioner William J. Clew  
as Hearing Officer

Approved by Order of the Freedom of Information Commission at its special meeting of December 19, 1979.

  
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Leslie Ann McGuire,  
Clerk of the Commission