

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Frank Gennarini,

Complainant

Final Decision

against

Docket #FIC80-79

Division of State Police; Depart-
ment of Public Safety of the State
of Connecticut; and Executive
Officer of the Division of State
Police

May 22, 1981

Respondents

The above-captioned matter was heard as a contested case on December 2, 1980, at which time the complainant 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 as defined by § 1-18a(a), G.S.
2. By letter dated February 13, 1980, the complainant requested, inter alia, copies of the following public records:
 - a. All federal mandates and orders regarding the monitoring and enforcement of motor vehicle speed in Connecticut, from January 1, 1977 to the present.
 - b. All State mandates and orders regarding the monitoring and enforcement of motor vehicle speed in Connecticut, from January 1, 1977 to the present.
 - c. All State Police internal memos regarding the use of radar speed measuring devices from January 1, 1977 to the present.
 - d. The number, cost, type (X or K band) and the manufacturer's name and address of all radar speed measuring devices and digital read out displays currently in actual or constructive possession of the State Police.
 - e. All manufacturer's technical data, specifications and instructions for the use of radar speed measuring devices and associated digital read out displays mentioned in paragraph (d) above.

f. All State Police rules, regulations, policies and procedures for the use of said radar speed measuring equipment in Connecticut.

g. The name, job title and qualifications of the state employees in charge of selecting and purchasing radar speed measuring devices and associated equipment for the State Police.

h. The name, job title, location and specific qualifications of persons used as consultants or technical experts regarding radar speed measuring devices by the State Police.

i. All technical or scientific studies, research and experiments conducted by the state and radar speed measuring device manufacturers on the effects of intervening variables which affect the accuracy of such radar devices.

j. All training materials for training State Police on the use of radar speed measuring devices conducted since January 1, 1977 to the present.

k. The names, job titles, locations and specific technical qualifications of all persons who conduct training programs for the State Police on the use of radar speed measuring devices.

l. All State Police rules, regulations, policies and procedures for target vehicle identification when radar speed measuring devices are used.

m. All State Police policies, procedures, rules and regulations regarding the parameters, content, frequency and duration of training for State Police officers who operate radar speed measuring devices.

n. All State Police rules, regulations, policies, procedures, custom or usage relating to the discretion of the State Police in deciding whether § 14-218 or § 14-219, G.S., shall be cited when a motorist exceeds the posted speed limit in Connecticut.

o. The names, locations, and technical qualifications of the persons, calibrating radar speed measuring equipment, how the devices are calibrated and the frequency of calibration.

p. All rules, regulations, policies, procedures, customs, usages and General Statutes which require that a Connecticut resident appear in Court when charged with § 14-219, G.S., and a non-resident of the State does not have to appear in Court when charged with the same offense.

q. All records and documents pertaining to the Kal. Kustoms MR-7 no. KC 3537 radar speed measuring device and associated digital read out display, from date of purchase to the present, including dates of use, dates and method of calibration, and repairs of said radar unit.

3. By letter from the office of the Attorney General dated March 24, 1980, the respondents denied the complainant's request.

4. By letter dated March 26, 1980, the complainant appealed to this Commission from said denial.

5. The respondents indicated in various correspondence to the complainant that they denied his request on the basis that the records he sought are exempt from disclosure pursuant to §§ 1-19(b) (3) (B) and 1-19 (b) (3) (C), G.S.

6. With respect to § 1-19(b) (3) (B), G.S. the respondents contended that disclosure of the records at issue would be prejudicial to a certain criminal action then pending, but subsequently closed.

7. It is concluded that the records at issue are not exempt from disclosure pursuant to § 1-19(b) (3) (B), G.S.

8. With respect to § 1-19(b) (3) (C), G.S., the respondents failed to establish that disclosure of any of the public records sought by the complainant would result in the disclosure of investigatory techniques not otherwise known to the general public.

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

1. The respondents shall forthwith provide the complainant with copies of the public records described above in paragraphs 2a - 2g in accordance with the provisions of § 1-15, G.S.

Approved by Order of the Freedom
of Information Commission at its
special meeting of May 4, 1981

Wendy Rae Briggs
Wendy Rae Briggs
Clerk of the Commission