

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by) Report of Hearing Officer
Edward A. Peruta,)
Complainant) Docket #FIC81-72
) July 8 , 1981
against)
City and Town of Wethersfield;)
and Police Department of the City)
and Town of Wethersfield,)
Respondent

The above captioned matter was scheduled for hearing on June 12, 1981 at which time the parties appeared and presented evidence 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, G.S.

2. On October 15, 1979 the respondent police department received certain telephone calls from the police department of Vero Beach Florida to the chief of the respondent department.

3. Telephone calls received by the police dispatcher are recorded automatically on a twenty-four hour tape which is erased after thirty days.

4. The dispatcher transfers incoming calls to the appropriate telephone lines.

5. Telephone calls which are transferred to the chief are not recorded automatically, although the chief does have the equipment to make tape recordings of telephone calls.

6. The chief did not record any phone conversation he had with the Vero Beach Police department on October 15, 1979.

7. The tape recording of the dispatcher's conversations with the Vero Beach Police Department on October 15, 1979 was destroyed without being transferred to any other permanent tape record on or about thirty days after the recording was made.

8. On April 16, 1981 the complainant requested access to tape recordings made on the incoming phone lines of the respondent department on October 15, 1979.

9. On April 21, 1981 the Chief of Police of the respondent department informed the complainant that the information he sought did not exist.

10. At hearing the scope of the complainant's request was narrowed to include only the tape recordings of the conversations between the Vero Beach Florida Police Department and the respondent police department.

11. It is concluded that the substance of the aforesaid telephone calls was not ever recorded, and that the automatically recorded tape of calls received by the dispatcher was destroyed months before the complainant made his request for records.

12. It is found, therefore, that the records requested by the complainant do not exist.

13. The complainant claimed that the destruction of the automatically recorded tape of the calls of October 15, 1979 constituted a violation of §1-21k, G.S., which provides:

Any person who wilfully, knowingly and with intent to do so destroys, mutilates or otherwise disposes of any public record without the approval required under section 1-18 or unless pursuant to chapter 47, or who alters any public record, shall be guilty of a Class A misdemeanor and each such occurrence shall constitute a separate offense.

14. Section 51-277 of the General Statutes gives the Division of Criminal Justice the duty to prosecute all crimes and offenses against the laws of the state.

15. It is concluded inasmuch as violations of §1-21k, G.S., are criminal in nature they are subject to prosecution by the Division of Criminal Justice and not within the jurisdiction of this Commission.

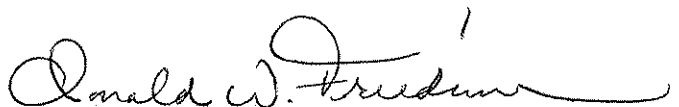
16. It is further found that the records sought by the Commission do not fall within the classes of records protected under §1-21k, G.S.

17. It is concluded that there is no basis for a finding that this matter should be referred to the Division of Criminal Justice.

The following order by 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 recommends that the respondent consult with the public records administrator of the state to determine whether their schedule for retention and destruction of the twenty-four hour dispatchers' tapes is appropriate.


Commissioner Donald Friedman
as Hearing Officer

Approved by Order of the Freedom of Information Commission
at its regular meeting of August 12, 1981.

Wendy R.B. Paradis
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Clerk of the Commission