FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Kathy London — FINAL DECISION

Complainant — Docket #FIC 85-149

against

Derby Police Department — December 11, 1985

Respondent

The above captioned matter was heard as a contested case on October 16, 1985 at which time the complainant appeared, stipulated to certain facts and presented exhibits on the complaint.

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

1. The respondent is a public agency within the meaning of section 1-18a(a), G.S.

2. On June 25, 1985, the complainant requested from the respondent witness statements made in connection with an automobile - pedestrian accident in case #85-778930.

2. The respondent denied this request on June 27, 1985.

3. From that denial, the complainant filed a complaint with the Commission on July 9, 1985.

4. The respondent claims that there is a pending arrest warrant in the incident giving rise to this complaint and that therefore the requested statements are exempt from public disclosure under §1-19(b)(3)(B), G.S.

5. It is found that the records requested in this case constitute records of a law enforcement agency not otherwise available to the public, which records were compiled in connection with the investigation of crime, and information which might be used in a prospective law enforcement action, within the meaning of §1-19(b)(3)(B), G.S.

6. It is further found, however, that the respondent failed to prove that disclosure would not be in the public interest because it would be prejudicial to any prospective law enforcement action, as required by §1-19(b)(3)(B), G.S.

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

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

1. The respondent shall forthwith provide the complainant with a copy of all witness statements in the matter more fully described in paragraph 2 of the findings above, except that it need not provide a copy of the statement of one Francis B. Dyer, which has already been obtained by the complainant.

Approved by order of the Freedom of Information Commission at its regular meeting of December 11, 1985.

Mary Jo Jolicoeur
Clerk of the Commission