

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Kenneth Elyosius,

FINAL DECISION

Complainant

Docket #FIC85-156

against

January 3, 1986

Hartford Police Department
of the City and Town of
Hartford

Respondents

The above captioned matter was heard as a contested case on October 25, 1985 at which time the complainant and the respondent 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 letter of complaint filed with the Commission on July 17, 1985 the complainant alleged that three weeks earlier he had been denied access by the respondents to two files, known as investigative or "I" files, numbered 84-20 and 85-20.
3. The complainant is a patrolman in the respondent department. "I" files concern investigations ordered by the respondent chief regarding possible police misconduct.
4. The respondents claim that the files in question are exempted from disclosure by §4-193(g), G.S.
5. It is found that the language of §4-193(g), G.S. does not prohibit disclosure of records under the Freedom of Information Act.
6. The respondents also claim that the files are "security files" within the meaning of §31-128a, G.S. and are therefore not disclosable.

7. It is found that the respondents are not "employers" within the meaning of §31-128a, G.S. and that the provisions of §31-128a, et seq, are not applicable.

8. The respondents also claim that the files are exempted from disclosure by §§1-19(b)(3)(A), (B) and (C), G.S. In addition, the respondents claim that third parties who cooperated in the investigations were promised that their statements would be kept confidential, and that disclosure of the statements would discourage future cooperation.

9. With respect to such third parties, the respondents also claim that the files are exempted from disclosure by §1-19(b)(2), G.S. as information the disclosure of which would constitute an invasion of personal privacy.

10. It is found that to the extent that the files include the names of informants not otherwise known to the public, information to be used in a prospective law enforcement action, the disclosure of which would be prejudicial to such action or describe law enforcement techniques not otherwise known to the public, portions of the files are exempt from disclosure pursuant to §§1-19(b)(3)(A), (B)(C), G.S.

11. It is found that witness statements and other materials compiled in the "I" files in question may contain information about the non-criminal conduct of civilians and that disclosure of such information might, if personally identifiable, constitute an invasion of personal privacy.

12. It is found that to the extent that "I" files 84-20 and 85-20 record civilians' non-criminal conduct, the disclosure of which would constitute an invasion of personal privacy, the personally identifiable portions of such files are exempted from disclosure pursuant to §1-19(b)(2), G.S.

13. Based upon the finding in the above paragraph the Commission need not address the respondent's claim that third parties who may be mentioned in the files are entitled to notice the following and an opportunity to be heard before the Commission on the matter of this complaint.

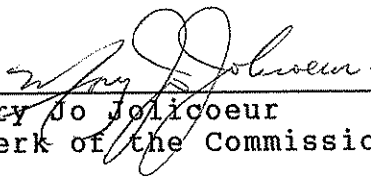
The following order by the Commission is hereby recommended on the basis of the entire record concerning the above captioned complaint:

1. The respondent shall provide the complainant access to inspect and copy "I" files 84-20 and 85-20.

2. The respondent may mask the records provided to the complainant, pursuant to §§1-19(b)(3)(A), (B), or (C), G.S., so as to prevent the disclosure of information which would lead to the discovery of the names of informants, law enforcement techniques not otherwise known to the general public, or information to be used in a prospective law enforcement action, the disclosure of which would be prejudicial to such action.

3. The respondent may also mask the records provided to the complainant so as to prevent disclosure of the names of civilians or other identifying material to the extent that disclosure of such information would constitute an invasion of such civilians' personal privacy within the meaning of §1-19(b)(2), G.S.

Approved by order of the Freedom of Information Commission at its special meeting of January 3, 1986.



Mary Jo Jolicœur
Clerk of the Commission