

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by                      FINAL DECISION  
David McKay Wilson and the  
New Haven Advocate,

Complainants

against

Docket #FIC 85-244

Office of the High Sheriff of  
the City of New Haven,

Respondent

August 13, 1986

The above captioned matter was heard as a contested case on April 23, 1986, at which time the complainants and the respondent appeared, stipulated to certain facts and presented testimony, exhibits and argument 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 §1-18a(a), G.S.
2. On or about December 3, 1985 the complainant Wilson made a written request of the respondent to inspect the monthly reports submitted by the deputy sheriffs. The complainant Wilson's request was denied by the respondent.
3. By letter of complaint filed with the Commission on December 6, 1985 the complainant appealed the denial of his request.
4. At the hearing before the Commission, the respondent made a motion to dismiss the complaint pursuant to §1-21i(b), G.S., claiming the appeal was not heard within the statutory time period.
5. This case has been validated pursuant to P.A. 86-408, so that the failure of the Commission to comply with the time periods set forth at §1-21i(b), G.S., does not deprive the Commission of jurisdiction.

6. The respondent claims that the documents in question are "preliminary monthly reports" submitted by the deputy sheriffs to the respondent in preparation for their annual filings pursuant to §1-83, G.S.

7. The respondent further claims that the complainant can get a copy of the annual reports from the State Ethics Commission.

8. It is found that the reports in question are monthly itemizations of the deputy sheriffs' earnings and expenses submitted to the respondent in connection with filing their annual statements pursuant to §1-83, G.S.

9. It is further found that although the reports are on occasion revised, such reports were not at the time of the complainant's request preliminary drafts or notes within the meaning of §1-19(b)(1), G.S. Instead, the monthly reports were completed itemizations of the deputy sheriffs' earnings and expenses submitted to the respondent for his review.

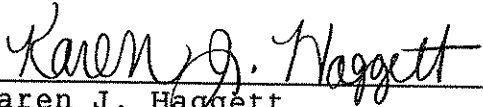
10. It is concluded that the reports in question are not exempt from disclosure within the meaning of §§1-19(b)(1) and 1-19(c), G.S., and are subject to disclosure pursuant to §§1-15 and 1-19(a), G.S.

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 Wilson with a copy of the monthly reports set forth in paragraph 2 of the findings of fact, above.

2. The Commission notes that the respondent's policy of requiring its deputy sheriffs to submit monthly reports was motivated by good faith and an ardent desire to comply with the statutory filing requirements of §1-83, G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of August 13, 1986.

  
\_\_\_\_\_  
Karen J. Haggett  
Clerk of the Commission