

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)	
Chester Orsini,)	Report of Hearing Officer
)	
Complainant)	Docket #FIC79-238
)	
against)	February 11, 1981
)	
Division of State Police of the)	
Department of Public Safety of)	
the State of Connecticut,)	
)	
Respondent)	

The above-captioned matter was heard as a contested case on May 5, 1980 at which time the complainant 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 as defined by §1-18a(a), G.S.

2. By letter filed with this Commission on December 12, 1979, the complainant alleged that the respondent violated the Freedom of Information Act by refusing to provide him with copies of records pertaining to certain individuals.

3. By letter dated November 29, 1979, the complainant requested the commander of the Westbrook Barracks of the Connecticut State Police to provide him with copies of all arrest records and records of investigation of seven individuals:

1. Morris Ashcroft
2. Walter Hazuka
3. Lennard Carpentier
4. Michael Lunt
5. James Hurst
6. Albert Bassett
7. William Grosso

4. At the hearing on the above-captioned matter, the respondent contended that the records sought by the complainant were exempt from disclosure under §1-19(b)(3), G.S., and barred from disclosure under §29-16, G.S.

5. §1-19(a), G.S. provides that public records need not be disclosed where state statute otherwise provides.

6. §29-16, G.S. provides, "Information contained in the files of the state police bureau of identification relative to the commission of crime by any person shall be considered privileged and shall not be disclosed for any personal purpose or in any civil court proceedings except upon a written order of the judge of an established court wherein such civil proceedings are had."

7. It is found that §29-16, G.S. bars disclosure only of information contained in the files of the state police bureau of identification, and does not bar disclosure of information in other state police files.

8. §1-19(b) (3), G.S. exempts from disclosure:

"....records of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of said records would not be in the public interest because it would result in the disclosure of (A) the identity of informants not otherwise known, (B) information to be used in a prospective law enforcement action if prejudicial to such action, (C) investigatory techniques not otherwise known to the general public, or (D) arrest records of a juvenile, which shall also include any investigatory files, concerning the arrest of such juvenile, compiled for law enforcement purposes..."

9. It is found that the respondent has provided no evidence to indicate that the disclosure of any records sought by the complainant would not be in the public interest as contemplated by §1-19(b) (3), G.S.

10. §54-142k, G.S. provides for the inspection of criminal history records but bars inspection of non-conviction information.

11. §54-142g(a), G.S. defines "criminal history record information" as:

"information compiled by criminal justice agencies for purposes of identifying criminal offenders and of maintaining as to such offender notations of arrests, releases,

detentions, indictments, informations, or other formal criminal charges or any events and outcomes arising from those arrests, releases, detentions, including pleas, trials, sentences, appeals, incarcerations, correctional supervision, paroles and releases; but does not include intelligence, presentence investigation or investigative information."

12. It is found that any arrest records of the seven individuals listed in paragraph 3 above, which are filed in places other than the state bureau of investigation, are subject to disclosure.

13. It is found that any records of investigation involving the seven individuals listed in paragraph 3 above are barred from disclosure.

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 arrest records of the seven individuals listed in paragraph 3 which are filed in places other than the state police bureau of investigation.

Judith A Lahey

Commissioner Judith Lahey
as Hearing Officer

Approved by order of the Freedom of Information Commission at its regular meeting of June 10, 1981.

Wendy Rae Briggs

Wendy Rae Briggs
Clerk of the Commission