

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Audrey Willametz,

FINAL DECISION

Complainant

Docket #FIC81-16

against

April 22, 1983

City and Town of Wallingford;
Police Department of the City
and Town of Wallingford,

Respondents

The above captioned matter was originally heard as a contested case on March 17, 1981, at which time the complainant and the respondent police department appeared and presented testimony, exhibits and argument on the complaint. Subsequent to the March 17, 1981 hearing the taped record of the proceedings was lost. Consequently, the matter was reheard on March 15, 1983, at which time only the complainant appeared and presented testimony, evidence and argument on the complaint.

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

1. The respondent police department is a public agency within the meaning of Section 1-18a(a), G.S.
2. On August 26, 1978 the complainant's husband apprehended two youths and turned them over to police custody in connection with vandalism at 1145 South Curtiss Street, Wallingford. The property vandalized on August 26, 1978 was owned, at least in part, by the complainant.
3. By letter dated December 27, 1980 the complainant made a request of the respondent police department for "the police report and statements of ... vandals who broke into [1145 South Curtiss Street, Wallingford] and destroyed and stole from [those premises]" on August 26, 1978.
4. By letter dated January 21, 1981 the respondent police department denied the complainant's request.
5. By letter of complaint filed with the Commission on January 21, 1981 the complainant appealed the denial of her December 27, 1980 request.
6. To the best of the complainant's knowledge, ten individuals under the age of 16 were interviewed in connection with vandalism at 1145 South Curtiss Street.

7. Section 1-19(b)(3)(D) exempts from mandatory disclosure "arrest records of a juvenile, which shall also include any investigatory files, concerning the arrest of such juvenile, compiled for law enforcement purposes.

8. To the best of the complainant's knowledge, no arrests have been made in connection with the vandalism.

9. It is therefore found that the records in question are not exempted from disclosure by Section 1-19(b)(3)(D), G.S.

10. Although not raised by the respondent, the complainant claims that she has been denied access to the requested records based upon Section 46b-124, G.S., which provides as follows:

All records of cases of juvenile matters as defined in section 46b-121, or any part thereof, including studies and reports by probation officers, social agencies and clinics, shall be confidential and for the use of the court in juvenile matters, and open to inspection or disclosure to any third party, including bona fide researchers commissioned by a state agency, only upon order of the superior court,

11. At all times pertinent to the complaint "juvenile matters" were defined in Section 46b-121, G.S. as including:

all proceedings concerning uncared-for, neglected or dependent children and youth and delinquent children within this state, termination of parental rights of children committed to a state agency, and contested termination of parental rights transferred from the probate court, but does not include matters of guardianship and adoption or matters affecting property rights of any child or youth over which the probate court has jurisdiction.


12. There was no evidence produced at hearing that the records in question were of a "juvenile matter" as defined in Section 46b-121, G.S.

13. It is therefore concluded that Section 46b-124, G.S. does not exempt the requested records 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 police department shall forthwith provide the complainant with copies of the documents referred to at paragraph 3, above.

Approved by order of the Freedom of Information Commission at its regular meeting of April 13, 1983.



Mary Jo Jolicœur
Clerk of the Commission