

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
C.J. Mozzochi,

Report of Hearing Officer

Complainant

Docket #FIC81-128

against

December 4, 1981

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

Respondents

The above captioned matter was heard as a contested case on November 2, 1981, at which time the complainant and the respondents 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 police department is a public agency as defined by §1-18a(a), G.S.

2. By letter dated January 1, 1981, the complainant made a request of the respondent police department for copies of any and all complaints filed against the police department or any of its personnel from May 1, 1980 to January 1, 1981 including complaints in open files.

3. By letter dated June 15, 1981, the complainant made a request of the respondent police department for copies of any and all complaints filed against the police department from January 1, 1981 through June 15, 1981, including complaints in open files.

4. On June 24, 1981, the complainant received a complaint file from the respondent police department, which file had been opened on December 23, 1980 and closed on January 15, 1981.

5. By letter filed with the Commission on June 29, 1981, the complainant alleged that the respondent police department had violated the Freedom of Information Act by failing to make the complainant aware of the existence of the file referred to in paragraph 4, above, at the time of the complainant's January 1, 1981, request for documents.

6. It is found that the respondent police department failed to notify the complainant of the existence of the open complaint file referred to in paragraph 4, above, within 4 business days of the complainant's January 1, 1981 request for documents.

7. It is also found that the respondent police department failed to provide the complainant with a copy of the complaint file referred to in paragraph 4, above, or in any way notify the complainant of the existence of such file within 4 business days of the closing of such file on January 15, 1981.

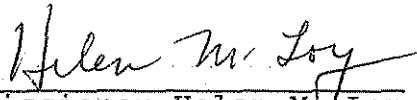
8. It is found that the complaint file received by the complainant on June 24, 1981 was sent by the respondent police department in response to the complainant's request letter dated June 15, 1981.

9. It is therefore concluded that the actions constituting the denial of the complainant's rights under the Freedom of Information Act alleged in the complainant's letter to the Commission occurred more than 30 days prior to the filing of such letter of complaint.


10. Consequently, it is concluded that the Commission lacks jurisdiction to consider the complainant's allegations.

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

1. The complaint is hereby dismissed.

  
Commissioner Helen M. Loy  
as Hearing Officer

Approved by order of the Freedom of Information Commission  
at its special meeting of January 4, 1982.

  
Mary Jo Jolicœur  
Clerk of the Commission