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# FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106  
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Maggie Gordon and Hearst Connecticut Newspapers,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2013-489

Director, Department of Human Resources, Town of Greenwich; Town of Greenwich; Office of the Controller, City of Stamford; City of Stamford; Office of Corporation Counsel, City of Danbury; Director, Human Resources Department, City of Danbury; City of Danbury; Office of the Corporation Counsel, City of Bridgeport; Director, Human Resources Department, City of Bridgeport; City of Bridgeport; Commissioner, State of Connecticut, Department of Emergency Services and Public Protection; State of Connecticut, Department of Emergency Services and Public Protection; Bridgeport Police Union, Local 1159, American Federation of State, County and Municipal Employees, AFL-CIO; Danbury Police Union, Local 891, American Federation of State, County and Municipal Employees, AFL-CIO; and the Silver Shield Association,  
Respondent(s)

June 18, 2014

## Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, July 9, 2014**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE June 27, 2014**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE June 27, 2014**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fourteen (14) copies** be filed **ON OR BEFORE June 27, 2014**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of  
Information Commission

A handwritten signature in black ink, appearing to read "Wendy Paradis", written over a horizontal line.

Wendy Paradis  
Acting Clerk of the Commission

Notice to: Diego Ibarguen, Esq.; Valerie Maze Keeney, Esq.; Chris Dellaselva, Esq.;  
Laszlo L. Pinter, Esq; Gregory M. Conte, Esq.; Terrence M. O'Neill, Esq.;  
Daniel C. Ford; Esq.; Kevin M. Greco, Esq.

2014-06-18/FIC# 2013-489/Trans/wrbp/VDH//PSP

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

Report of Hearing Officer

Maggie Gordon and  
Hearst Connecticut Newspapers,

Complainants

against

Docket #FIC 2013-489

Director, Department of Human Resources,  
Town of Greenwich; Town of Greenwich;  
Office of the Controller, City of Stamford;  
City of Stamford; Office of the Corporation  
Counsel, City of Danbury; Director, Human  
Resources Department, City of Danbury;  
City of Danbury; Office of the Corporation  
Counsel, City of Bridgeport; Director, Human  
Resources Department, City of Bridgeport;  
City of Bridgeport; Commissioner, State of  
Connecticut, Department of Emergency Services  
and Public Protection; State of Connecticut,  
Department of Emergency Services and Public  
Protection; Bridgeport Police Union, Local 1159,  
American Federation of State, County and  
Municipal Employees, AFL-CIO; Danbury Police  
Union, Local 891, American Federation of State,  
County and Municipal Employees, AFL-CIO;  
and the Silver Shield Association,

Respondents

June 18, 2014

The above-captioned matter was heard as a contested case on January 31, 2014, at which time the complainants and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. Prior to the January 31, 2014 contested case hearing, the Bridgeport Police Union, Local 1159, American Federation of State, County and Municipal Employees, AFL-CIO ("Bridgeport Police Union"); the Danbury Police Union, Local 891, American Federation of State, County and Municipal Employees, AFL-CIO ("Danbury Police Union"); and the Silver Shield Association ("Silver Shield") moved to intervene as party respondents. Pursuant to §1-21j-31(a) of the Regulations of Connecticut State Agencies, all three unions were granted party

status in this case, without objection. The case caption has been amended to reflect the addition of the union interveners in this case.

In addition, at the January 31, 2014 contested case hearing, evidence was introduced that established that the public agency respondents had sought and received advice from the Commissioner of the Department of Emergency Services and Public Protection (“DESPP”) concerning the safety risk aspect of disclosing various police officers’ residential ZIP codes. Thereafter, the Commission issued a corrected notice and order to show case, thereby adding the Commissioner of DESPP as well as the agency itself as party respondents, and, thereafter, continued the contested case hearing to February 28, 2014. The case caption has also been amended to reflect the addition of both of these agency respondents. All of the parties appeared at the continued contested case hearing, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondent governmental parties are public agencies within the meaning of §1-200(1), G.S.

2. It is found that, by four separate letters each dated July 30, 2013, the complainants requested that the public agency respondents provide them with the copies of the following records in an electronic format: “payroll record for the city teachers and police officers, including the employees’ names, titles, salary and home ZIP code for currently employed police officers and names, titles, salary and complete home addresses for currently employed teachers.”

3. It is found that, by letter dated July 31, 2013, the Bridgeport respondents acknowledged the complainants’ request, indicating that they would compile and review the requested records and, thereafter, contact the complainants. In addition, the Bridgeport respondents indicated that, pursuant to §1-217(a), G.S., they were not permitted to disclose the residential addresses of any sworn member of a municipal police department.

4. It is found that, by email dated July 31, 2014, the Danbury respondents acknowledged the complainants’ request, indicating that they did not have the requested information with regard to teachers, and that the complainants should contact the City’s Board of Education for such information. With regard to the request as it pertained to police officers, it is found that the Danbury respondents inquired into the timeframe of the request, specifically whether the complainants sought records for the current fiscal or calendar year, and whether they wanted base salary or all benefit information. It is further found that the Danbury respondents indicated that, pursuant to Conn. Gen. §1-217(a), G.S., they believed that they were prohibited from disclosing their police officers’ residential addresses and they saw no exception in the exemption for disclosing the residential ZIP codes. Finally, it is found that, by email dated August 7, 2013, the Danbury respondents reiterated that “[t]he City takes the position that a zip code is part of a residential address, and there is no exemption written in the statute for disclosing ‘part’ of the residential address,” and, at this time, the Danbury respondents again sought clarification with regard to certain parameters of the request so that they could provide direction to their payroll

department.

5. It is found that, by email dated August 5, 2013, the Stamford respondents acknowledged the complainants' request, and indicated that they would further respond once the records had been gathered by their payroll department staff.

6. It is found that, by letter dated August 8, 2013, the Greenwich respondents acknowledged the complainants' request, and indicated that, based on §1-217, G.S., the Town would not be releasing the residential addresses or any part thereof as to sworn police officers. It is further found that the Greenwich respondents did inform the complainants that there were currently 153 Greenwich police officers (including command and non-command staff) and that 22 of them lived in the Town of Greenwich, while 131 did not.

7. By email dated and filed August 29, 2013, the complainants appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying their request for copies of the records described in paragraph 2, above. Specifically, in their appeal, the complainants indicated that they were appealing the "denials by the town of Greenwich and the cities of Bridgeport, Danbury and Stamford (collectively the "Municipalities") of access to the home ZIP codes for police officer currently employed by the Municipalities." Accordingly, the request for the other records that concerned payroll information for teachers and police officers is not at issue in this case.

8. Section 1-200(5), G.S., provides:

"Public records or files" means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

9. Section 1-210(a), G.S., provides in relevant part that:

Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212.

10. Section 1-212(a), G.S., provides in relevant part that “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

11. It is found that the records described in paragraph 2, above, are “public records” and must be disclosed in accordance with §§1-200(5), 1-210(a), and 1-212(a), G.S., unless they are exempt from disclosure.

12. Section 1-217, G.S., entitled “Nondisclosure of residential addresses of certain individuals,” provides, in relevant part, as follows:

(a) No public agency may disclose, under the Freedom of Information Act, from its personnel, medical or similar files, the residential address of any of the following persons employed by such public agency: . . . (2) A sworn member of a municipal police department, a sworn member of the Division of State Police within the Department of Emergency Services and Public Protection or a sworn law enforcement officer within the Department of Environmental Protection;

13. It is the complainants’ position in this case that the release of police officers’ residential ZIP codes would not frustrate the safety concerns embodied in §1-217, G.S., because, while a 5-digit residential ZIP code would identify the general area in which an individual resides, the ZIP code alone, by its nature, encompasses a sufficiently broad area that such concerns of “narrowing down the location”--a concern raised by the respondents--of a specific residence are unfounded. In addition, the complainants raise the very well established principle that the burden of proving an exemption to disclosure rests squarely on the party resisting disclosure. In sum, the complainants contend that a ZIP code is geographic designator whose primary purpose is to assist the United States Postal Service with the sorting of mail, and should not be considered part of a residential address for purposes of §1-217, G.S. It is noted that, during the January 31, 2014 contested case hearing, the complainants requested that the Commission find in their favor, order the disclosure of the requested residential ZIP codes, and impose a civil penalty against the agency respondents.

14. It is the respondents’ position that the exemption contained in §1-217(a), G.S., prohibits the disclosure of the residential addresses of those individuals listed in such section, that a ZIP Code is part of residential address, and that nowhere does the statute explicitly or implicitly contain an exception for disclosing part of a residential address. Furthermore, it is the respondents’ position that disclosing the residential ZIP codes could pose a safety risk to the police officers, a result that would be antithetical to the purpose for which the statute was enacted.

15. It is found that, in connection with the request for records as it pertained to police officers’ residential addresses, the public agency respondents provided notice of the request to the Bridgeport and the Danbury Police Unions, the Stamford Police Association, as well as various individual police officers, and an opportunity to object to disclosure. It

is found that both police unions and the police association objected to disclosure, as did various individual police officers. In addition, Sergeant Brent Reeves, the President of the Silver Shield Association, objected to disclosure at the January 31, 2014 contested case hearing on behalf of his members.<sup>1</sup>

16. In connection with its case-in-chief, the Greenwich respondents called Sergeant Reeves to testify in this case. Based on Sergeant Reeves' testimony, the following facts are found.

17. It is found that one of the functions of police officers is to arrest and detain suspected criminals. It is found that, in connection with this function, police officers are keenly aware of the inherent risk that an arrestee may seek to retaliate against arresting officers or their families. In order to protect their families from retaliation, it is found that many officers take significant prophylactic measures to separate (and thereby protect) their residential addresses generally, and their families specifically, from the risks associated with their employment. It is found that these measures include refraining from speaking about their spouses or their children while at work, registering their motor vehicles to their respective police departments, using their police department addresses, rather than home addresses, on their drivers' licenses, placing their bank accounts and household utilities in their spouses' names, and removing their wedding rings while on the job, amongst others. It is further found that, with regard to the Town of Greenwich, there are five separate ZIP codes, each of which references a distinct geographical area, one of which is very small.

18. It is found that much of the testimony provided by Sergeant Reeves, including the potential for retaliation by arrestees and the steps that officers take to conceal their residential addresses, was further substantiated by the affidavit of Captain James Viadero. It is further found that Captain Viadero's affidavit also provided specific examples of arresting officers that had been threatened by arrestees, and the subsequent police protection that was required at such officers' homes.

19. It is found that the FOI Act does not define the term "residential address."

20. It is also found that no party in this case disputes the fact that the purpose of §1-217, G.S., is to protect the safety of those individuals who work in areas of employment that subject them to extraordinary risks.

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<sup>1</sup> The Commission mentions the objections that were filed and orally presented in this case as a way to take note of the coalition of individuals and organizations that objected to the disclosure of police officers' residential ZIP codes. The Commission also notes that, at the January 31, 2014 contested case hearing, the municipal and intervening respondents indicated that they were also objecting to disclosure pursuant to §1-210(b)(2) (exemption concerning the invasion of personal privacy) and §1-210(b)(19) (exemption concerning a safety risk to governmental structures, and persons). In addition, as noted in the second introductory paragraph of this decision, the Commissioner of DESPP and the agency itself were added as party respondents, and this case was continued to February 28, 2014 so that the Commission could hear from the Commissioner and the agency, as well as to permit the municipal and intervening respondents an opportunity to complete the presentation of their cases. Because the Commission finds that §1-217, G.S., is dispositive of the issue presented in this case, it does not address the respondents' objections pursuant to §§1-210(b)(2) and 1-210(b)(19), G.S. Nonetheless, the Commission appreciates the appearance and participation of the Commissioner of DESPP and DESPP itself in this case.

21. It is further found that, while §1-217, G.S., does not specifically state that a public agency may not disclose the residential address, “or any part thereof, including the ZIP code,” it would yield an absurd result to parcel out various individual components of a protected individual’s residential address, such as a house number or a ZIP code, while claiming to be abiding by the spirit of the exemption.

22. Therefore, it is concluded that, for purposes of §1-217, G.S., a residential ZIP code is part of a residential address, and is therefore exempt from disclosure by the public agency respondents in this case.

23. Consequently, it is further concluded that the public agency respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by failing to provide the complainants with access to police officers’ residential ZIP codes.

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

1. The complaint is dismissed.



Valicia Dee Harmon  
Valicia Dee Harmon  
as Hearing Officer