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# FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106  
Toll free (CT only): (866)374-3617 Tel: (860)566-5682 Fax: (860)566-6474 • www.state.ct.us/foi/ • email: foi@po.state.ct.us

Daniel Golodner,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2014-815

Chief, Police Department, City of New London;  
Police Department, City of New London; and  
City of New London,

Respondent(s)

June 30, 2015

### 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 22, 2015**. 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 July 10, 2015**. 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 July 10, 2015**. **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 **fifteen (15) copies** be filed **ON OR BEFORE July 10, 2015**, 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

W. Paradis

Acting Clerk of the Commission

Notice to: Daniel Golodner  
Brian K. Estep, Esq.

2015-06-30/FIC# 2014-815/Trans/wrbp/VDH//TCB

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Daniel Golodner,

Complainant

against

Docket #FIC 2014-815

Chief, Police Department,  
City of New London;  
Police Department, City  
of New London; and  
City of New London,

Respondents

June 3, 2015

The above-captioned matter was heard as a contested case on May 15, 2015, 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 and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. It is found that, by letter dated October 28, 2014, the complainant requested that the respondents provide him with a copy of the following records: “an incident report #14-3736 and the associated CAD report.”
3. It is found that, by letter dated October 29, 2014, the respondents acknowledged the request. It is further found that the respondents provided the complainant with a redacted CAD report (also known as a “Computer Aided Dispatch” report). However, it is found that the respondents informed the complainant that the requested incident report was exempt from disclosure because the report, in its entirety, constituted an uncorroborated allegation. It is found that the respondents also informed the complainant that the incident report was accompanied by witness statements, but that such statements were also exempt from disclosure.
4. By letter dated and filed November 7, 2014, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide him with copies of the requested records described in paragraph 2, above.

5. 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.

6. 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.

7. 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.”

8. It is found that the requested records are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

9. At the contested case hearing, Mr. Golodner testified that, in September 2014, he called the New London Police Department to report that an individual was yelling in his front yard and had broken the door to his house. Mr. Golodner further testified that two officers were dispatched to his house and that one of the officers told Mr. Golodner that the perpetrator was going to be charged with disorderly conduct. Mr. Golodner testified that, ultimately, no one was charged in this matter. Finally, Mr. Golodner testified that he believed his allegations concerning the September 2014 events were corroborated days later, when an officer returned and spoke to his neighbor.

10. The respondents testified that they were able to disclose a redacted CAD report to the complainant. The respondents were also able to disclose a motor vehicle crash report, which, while not requested in the instant matter, was a record that the complainant had indicated he did desire. However, the respondents contended that the remaining records were exempt from public disclosure pursuant to §1-210(b)(3)(C), G.S., (signed witness statements), §1-210(b)(3)(H), G.S., (uncorroborated allegations subject to destruction) and §1-216, G.S., (provisions providing for review and destruction of

records containing uncorroborated allegations).<sup>1</sup>

11. In addition, the respondents indicated in their index to the in camera records that some of the records were also exempt pursuant to §1-210(b)(3)(A), G.S., (records containing the identity of informants). Because the Commission finds that the issues in this case are disposed of by addressing the claims raised pursuant to §§1-210(b)(3)(C) and (H), G.S., it need not address the §1-210(b)(3)(A), G.S., exemption.

12. Section 1-210(b)(3)(C) and (H), G.S., provides, in relevant part, that nothing in the FOI Act shall be construed to require the disclosure of:

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 . . . (C) signed statements of witnesses, . . . or (H) uncorroborated allegations subject to destruction pursuant to section 1-216.

13. Section 1-216, G.S., provides in relevant part that:

Except for records the retention of which is otherwise controlled by law or regulation, records of law enforcement agencies consisting of uncorroborated allegations that an individual has engaged in criminal activity shall be reviewed by the law enforcement agency one year after the creation of such records. If the existence of the alleged criminal activity cannot be corroborated within ninety days of the commencement of such review, the law enforcement agency shall destroy such records.

14. After the contested case hearing, the respondents submitted the records described in paragraph 2, above, to the Commission for an in camera inspection (hereinafter the “in camera records”). The in camera records consist of a six page incident report (IC-2014-815-1 through 6) and 4 pages of signed witness statements (IC-2014-815-7 through 10).

15. After a careful in camera review, it is found that all of the records at issue are records of a law enforcement agency that are not otherwise available to the public. It is further found that all of the records were compiled in connection with the detection or investigation of crime, or alleged crime.

16. It is found that IC-2014-815-7 through 10 are signed witness statements.

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<sup>1</sup> The Commission notes that, while the index to the in camera records indicates that the exemptions being claimed are §1-210(b)(3)(B), G.S., as the exemption pertaining to signed witness statements, and §1-210(b)(3)(G), G.S., as the exemption pertaining to uncorroborated allegations, it is clear in the description section of the index as well as in the testimony provided at the contested case hearing, that the respondents intended to cite to §§1-210(b)(3)(C) and (H), G.S., respectively.

17. It is concluded that IC-2014-815-7 through 10 are permissibly exempt from mandatory disclosure pursuant to §1-210(b)(3)(C), G.S.

18. Next, the respondents contend that the incident report contained in IC-2014-815-1 through 6 is not subject to mandatory disclosure because it contains uncorroborated allegations.

19. In contested case Docket #FIC 94-219, Rachel Gottlieb and The Hartford Courant v. State of Connecticut, Department of Public Safety, Division of State Police, (hereinafter "Gottlieb"), the Commission found that Black's Law Dictionary, Sixth Edition (1990), defines "corroborate" as "to strengthen, to add weight or credibility to a thing by additional and confirming facts or evidence." Ballentines Law Dictionary, Third Edition (1969) defines corroborate as "to state facts tending to produce confidence in the truth of a statement made by another." Funk & Wagnall New Standard Dictionary of the English Language (1946) defines corroborate as "to give increased support to; make more sure or evident."

20. In Gottlieb, the Commission found that "the reports contain similar accounts relayed to the interviewees concerning allegation under investigation." The Commission went on to find that "the requested reports contain allegations which were corroborated."

21. It is found that the in-camera records in this case contain no similar accounts of the events as those set forth by the complainant in paragraph 9, above, nor do they contain any information that tends to strengthen, add weight or support the allegations made by the complainant.

22. It is further found that the disclosure of IC-2014-815-1 through 7 would result in the disclosure of uncorroborated allegations within the meaning of §1-210(b)(3)(H), G.S.

23. It is therefore concluded that IC-2014-815-1 through 6 are permissibly exempt from mandatory disclosure pursuant to §§1-210(b)(3)(H) and 1-216, G.S.

24. It is further concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., as alleged in the complaint.

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  
as Hearing Officer