

FREEDOM OF INFORMATION COMMISSION

Allegations Were Corroborated Despite Lack Of Probable Cause

CASE: Cerritelli v. Chief, Police Department, City of Derby

COURT: Freedom of Information Commission

DOC. NO.: FIC 2008-747

COURT OPINION BY: Freedom of Information Commission

DATE: Sept. 23, 2009 • **PAGES:** 5

Allegations may be corroborated without rising to the level of probable cause that a crime has been committed and therefore not meet the Freedom of Information Act exemption for uncorroborated allegations found in C.G.S. §1-210(b)(3)(G). E. Gregory Cerritelli requested a copy of the police reports, affidavits, correspondence and dispatch cards related to a certain complaint from the City of Derby Police Department and its chief. The request was denied on the grounds that the records consisted of uncorroborated allegations that an individual had engaged in criminal activity that would be subject to destruction pursuant to C.G.S. §1-216. Cerritelli appealed to the Freedom of Information Commission which reviewed the contested records *in camera*. The FOIC found that the respondents prepared an arrest warrant based on the allegations set forth in the records but that the State's Attorney found a lack of probable cause. The respondents now consider the case to be closed. Looking to dictionary definitions of "corroborate" and a prior Freedom of Information Act decision, the FOIC found that the *in camera* records contain accounts of incidents told to the respondents by different individuals and information that tends to strengthen, add weight and support the allegations made. Allegations may be corroborated without rising to the level of probable cause that a crime has been committed. The FOIC concluded that the records at issue did not contain uncorroborated allegations within the meaning of C.G.S. §1-210(b)(3)(G) and were not permissibly exempt from disclosure under that provision. The respondents violated the disclosure provisions of C.G.S. §1-210(a) and §1-212(a) by denying the complainant's request and were directed to provide a free copy to the complainant.