



CITY OF NEW BRITAIN

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CORPORATION COUNSEL

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ELECTRONIC MAIL ONLY

March 6, 2018

Mr. Dan Barrett, Legal Director
ACLU
765 Asylum Avenue
Hartford, CT 06105


Re: FOIA Request dated March 2, 2018

Dear Mr. Barrett:

Your Freedom of Information request to Chief Wardwell dated March 2, 2018 has been forwarded to our office. The City of New Britain Police Department immediately referred the investigation related to the December 14, 2017 incident to the Connecticut Division of Criminal Justice. Section 51-277a(a) of the Connecticut General Statutes states "Whenever a peace officer, in the performance of such officer's duties, uses physical force upon another person and such person dies as a result thereof, the Division of Criminal Justice shall cause an investigation to be made and shall have the responsibility of determining whether the use of physical force by the peace officer was appropriate under section 53a-22. . ."

Pursuant to Section 51-277a(b), Chief State's Attorney Kevin Kane has directed Middletown State's Attorney Peter McShane to conduct the investigation. The Office of Corporation Counsel has consulted with Attorney McShane regarding similar requests related to the same subject matter of your Freedom of Information request and has been advised that the release of any documents related to the December 14, 2017 incident, including 911 calls, radio communications and dash cam videos would be prejudicial to his pending investigation. Section 1-210(b)(3)(D) of the Connecticut General Statutes states that these records are not required to be released to the public if they relate to "information to be used in a prospective law enforcement action if prejudicial to such action."

Please contact our office if you have any further questions.

Very truly yours,
Office of Corporation Counsel

Joseph E. Skelly, Jr.
Assistant Corporation Counsel

JES/tm
cc: Erin E. Stewart, Mayor
James Wardwell, Chief of Police
Peter McShane, Middletown State's Attorney