

FOI COMMISSION COMPELS WATERBURY PD TO PRODUCE SMOLINSKI MISSING PERSON LOVE TRIANGLE FILE

Breaking News

**FOI COMMISSION COMPELS WATERBURY PD TO PRODUCE SMOLINSKI MISSING PERSON LOVE TRIANGLE FILE
Department Says It Is Reaching Out To the FBI For Help**

By ANDY THIBAUTL
The Cool Justice Report
www.cooljustice.blogspot.com
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[For background,
see posts in archives:

**Upside Down Investigation In Billy Smolinski Case
Waterbury PD FOI request re- Missing Person Billy Smolinski
Complaint / Request for hearing re- Denial of public records request by Waterbury PD
Does Missing Person / Love Triangle Case Add Up To Homicide?]**

EDITOR'S NOTE: This story is available for reprint or citation courtesy of The Cool Justice Report, <http://cooljustice.blogspot.com>

The state Freedom of Information Commission has compelled the Waterbury Police Department to hand-deliver its file on the Billy Smolinski case to the FOI office in Hartford for an in-camera review.

During a hearing on Tuesday, Sept. 26, Waterbury Police legal advisor Gary Roosa said he could deliver the file and an index within one week.

Smolinski, 33, has been missing for more than two years. Foul play is suspected. Smolinski's family complained police did not initially take them seriously and failed to perform basic investigative tasks in a timely manner. Central to the case is a love triangle involving a politician who recently resigned from office.

The in-camera or secret review by FOI Commission staff would lead to a determination of what records can be released to the public.

The Sept. 26 hearing followed a complaint filed Aug. 4, Docket # FIC 2006-389, Andy Thibault v. Chief, Police Department, City of Waterbury. The first formal request was made July 28. It was denied Aug. 4, resulting in the complaint.

Such documents are public records unless police can demonstrate they are taking substantive action to pursue the case. Police must also show that release of the records would harm an ongoing investigation.

Waterbury Police Lt. Chris Corbett, testifying at the Sept. 26 hearing, could not cite any recent investigative activity by his department in the Smolinski matter.

Roosa and Corbett pointed to a letter written by Deputy Police Chief James Nardozzi on Aug. 4, the same day the FOI complaint was filed.

In the letter, written to the agent in charge of the New Haven FBI office, Kimberly Mertz, Nardozzi said the Waterbury PD had “exhausted all avenues of investigation available to us.”

“Thus,” Nardozzi said, “We are requesting the assistance of the Federal Bureau of Investigation in conducting a joint FBI-WPD investigation into the disappearance of Mr. Smolinski.”

Corbett testified that at least one FBI agent has been looking at the file. But, he could not say whether any interviews had been conducted.

Based on the letter to the FBI, Roosa sought a continuance of the FOI hearing. The request was denied by the hearing officer, Atty. Mary Schwind, after argument that the mere writing of a letter did not constitute an ongoing investigation.

Andy Thibault, author of *Law & Justice In Everyday Life* and a private investigator, is an adjunct lecturer of English and a mentor in the MFA writing program at Western Connecticut State University. He also serves as a consulting editor for the literary journal *Connecticut Review*. Website, www.andythibault.com and Blog, <http://cooljustice.blogspot.com>

Posted by andythibault at 5:40 AM