

Jennifer Dulos case: Police refuse to release videos of trash bag dumping

By Lisa Backus



State police conducted a three-week search of a Hartford trash-to-energy plant looking for evidence in the investigation of the disappearance of New Canaan mother Jennifer Farber Dulos.

Video footage that police say shows Fotis Dulos tossing trash bags containing his estranged wife's blood is not yet ready for public consumption.

New Canaan police have denied Hearst Connecticut Media's request for the videos, which show two people matching the

descriptions of Fotis Dulos and his girlfriend, Michelle Troconis, on Albany Avenue in Hartford around the time Jennifer Dulos was reported missing on May 24, according to arrest warrants.

"After a careful review, we determined that in accordance



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with C.G.S-1-210, et seq., the records you requested are not disclosable,” New Canaan Police Chief Leon Krolkowski wrote in an email on Wednesday.

Sec. 1 -210 is a broad subsection of state Freedom of Information law that delineates which records held by public agencies can be considered exempt from public view. Only certain aspects of the section are actually prohibited from release by Connecticut state law. Government agencies can release information that would fall under the exemptions if they choose.

The subsection Krolkowski cited lists several exemptions, including records of law enforcement not otherwise available to the public, records gathered as part of an ongoing investigation, records that could be prejudicial to an ongoing investigation, videos or recordings of a murder that would be an invasion of privacy to the victim, records of juvenile arrests, and several other categories including trade secrets, ongoing negotiations in lawsuits and medical records.

Krolkowski did not specify under which exemption category the videos would fall in his denial, which was issued more than 30 days after Hearst submitted a request to see the videos.

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attorney Norm Pattis, who is representing Fotis Dulos in the criminal case. “Fotis was arrested six weeks ago. What’s the hold up?”

The police are within their rights to withhold the videos if they are claiming that the release could be prejudicial to an ongoing investigation, according to Thomas Hennick, public education officer for the state FOI Commission.

“I don’t know which exemption they are claiming. I’m presuming, but if that’s the one, that is a legitimate exemption,” Hennick said.

The question now becomes, in a case that has drawn intense public scrutiny, should the videos be withheld? Probably, said Quinnipiac law professor Brian Dunlap. After reviewing state FOI law, Dunlap said it would be impossible to tell whether the videos would be prejudicial to any law enforcement action regarding the case unless they could be reviewed.

“We don’t know what is on those videos and they do,” Dunlap said. “This is not a comment about New Canaan police, but government agencies have a tendency not to want to release information. That’s not unusual at all.”

There’s also the question of the context of the potential release, he said.

Fotis Dulos and Troconis have been charged with tampering with evidence and hindering prosecution. The release of the videos, depending on what they contain, may not interfere with the pending prosecution of those charges.

But the release may conflict with the larger investigation to find Jennifer Dulos and any further charges filed in the case.

“There is a compelling interest on both sides,” Dunlap said. “There is a battle between protecting freedom of information, which is extremely important, and protecting the integrity of a criminal investigation, which is also extremely important.”

The videos were culled from the Hartford police surveillance system after a forensic review determined that Fotis Dulos’ cellphone traveled to Albany Avenue in Hartford the night of the disappearance, arrest warrants said.

The images show Fotis Dulos and Troconis stopping about 30 times along a four-mile stretch around 7 p.m. on May 24, according to arrest warrants.

The videos, discovered a week later, touched off a frantic search of trash bins along the busy street. Investigators retrieved at least two garbage bags believed to have been dumped by Fotis Dulos, according to arrest warrants.

The footage also shows Fotis Dulos placing a FedEx box in a storm drain at the intersection of Albany Avenue and Garden Street, the warrants said. The box contained license plates that were once registered to Fotis Dulos, arrest warrants said.

By the time authorities discovered the videos, most of the garbage had already been hauled away. It set off a three-week search of a Hartford trash plant. While authorities did not reveal if any evidence was found at the facility, Brian Foley, the executive aide to James Rovella, who heads the Department of Emergency Services and Public Protection, said the efforts were “worth it.” ■