

Since 1975



# 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.ct.gov/foi • email: foi@ct.gov

Mark Graves

Complainant(s)

against

Roberto Rosado, Chief, Police Department,  
Town of Willimantic; Police Department,  
Town of Willimantic; and Town of Willimantic

Respondent(s)

Notice of Meeting

Docket #FIC 2019-0497

September 3, 2020

## 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 at **2:00 p.m. on Wednesday, September 23, 2020.**

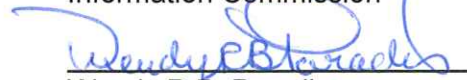
At the meeting you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE September 11, 2020.** 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.**

**NOTICE: Due to public health concerns surrounding the COVID-19 pandemic as well as the Governor's reopening guidelines, the September 23, 2020 meeting will be conducted telephonically. Further guidance is included regarding the dial-in procedure to follow in the event that you wish to attend, or to present oral argument at, the September 23, 2020 meeting.**

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 September 11, 2020.** 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 September 11, 2020*** 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



Wendy R.B. Paradis  
Acting Clerk of the Commission

Notice to: Mark Graves  
Attorney Richard S. Cody

FIC# 2019-0497/ITRA/VRP//MDR/WRBP/9/3/20

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Mark Graves

Complainant(s)

Against

Docket # 2019-0497

Roberto Rosado, Chief, Police  
Department, Town of Willimantic; Police  
Department, Town of Willimantic; and  
Town of Willimantic

Respondent(s)

September 3, 2020

## NOTICE OF DIAL IN INFORMATION

Due to public health concerns surrounding the Covid 19 pandemic, the Commission Meeting of September 23, 2020 will be conducted telephonically at 2:00 p.m.

Should you wish to attend the meeting telephonically, please dial in at 1:50 p.m.

+1 860-840-2075

Conference ID: 782 781 454#

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Mark Graves,

Report of Hearing Officer

Complainant

against

Docket #FIC 2019-0497

Roberto Rosado, Chief, Police Department,  
Town of Willimantic; Police Department,  
Town of Willimantic; and Town of Willimantic,

Respondents

August 28, 2020

The above-captioned matter was heard as a contested case on October 18, 2019, 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. By letter of complaint filed August 12, 2019, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to comply with his request for certain public records.
3. It is found that the complainant made a request dated July 19, 2019 to the respondents for records pertaining to the investigation of a civilian complaint he had made, which complaint related to an arrest of the complainant in 2015.
4. It is found that the respondents acknowledged the request on July 23, 2019.
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:

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: “Any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

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

9. It is found that the complainant made numerous requests for the civilian complaint he sought, which he himself had made against the respondent chief and another employee, but was not notified of the outcome by the respondents.

10. It is found that the respondent chief referred the civilian complaint to the Office of the State’s Attorney, Judicial District of Windham, but did not notify the complainant that he had done so. The chief made that referral so that he would not be investigating his own conduct, or assigning the investigation of his conduct to a subordinate who would then have to investigate the chief.

11. It is found that the respondents conducted a thorough search for any records pertaining to the civilian complaint, which they themselves did not investigate.

12. It is found that the respondents provided all the records they had to the complainant.

13. It is concluded that the respondents did not violate the FOI Act as alleged.

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.

/s/ Victor Perpetua  
Victor R. Perpetua  
As Hearing Officer