

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

Corey Turner,

Complainant

against

Docket #FIC 2019-0025

Chief, Police Department,  
City of Hartford; and Police  
Department, City of Hartford,

Respondents

December 11, 2019

The above-captioned matter was heard as a contested case on November 7, 2019, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

The complainant, who is incarcerated, appeared via teleconference, pursuant to the January 2004 memorandum of understanding between the Commission and the Department of Correction. See Docket No. CV 03-0826293, Anthony Sinchak v. FOIC et al, Superior Court, J.D. of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.).

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. It is found that, on or about November 6, 2018, the complainant made a request to the respondents, stating:

[a] The undersigned is requesting a copy of the Hartford Police Department's General Order Policy and Procedures governing changes to the status of sworn members of the Hartford Police Department in place during the years of 1991-1996.

[b] The undersigned is requesting a copy of any internal policy of the Hartford Police Department in place between the years 1991-1996 that would have prohibited a K-9 handler from being promoted to police sergeant while maintaining his or her status as a K-9 handler.

[c] If no such policy ever existed (see para. 2[b] above) please inform the undersigned in your response. (“November 6<sup>th</sup> request”).

3. It is found that by letter dated November 14, 2018, the respondents acknowledged the complainant’s November 6<sup>th</sup> request, described in paragraph 2, above. The respondents informed the complainant that there were 50 records requests ahead of his request. The respondents also informed the complainant that once they identified the documents requested, to the extent they exist, he would be notified. In addition, they advised the complainant that under the Freedom of Information (“FOI”) Act, the respondents are not obligated to create a document that does not already exist.

4. It is found that by letter dated December 29, 2018, the complainant followed-up with the respondents regarding the status of his November 6<sup>th</sup> request.

5. By letter filed on January 16, 2019, the complainant appealed to this Commission alleging that the respondents violated the FOI Act by failing to comply with the November 6<sup>th</sup> request.

6. 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.

7. Section 1-210(a), G.S., provides in relevant part that:

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.

8. Section 1-212(a), G.S., provides in relevant part that “[a]ny person applying in writing shall receive promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

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

10. It is found that prior to the hearing in this matter, the respondents informed the complainant that there were no records responsive to the requests described in paragraphs 2[a] and 2[b], above.

11. With respect to the requests described in paragraphs 2[a] and 2[b], above, at the hearing, the respondents testified that they searched for, but did not locate any records responsive to such requests.

12. The complainant contended, however, that the respondents should have records responsive to the request described in paragraph 2[a], above. He explained that such request was for the Hartford Police Department's policy and procedure governing how "personnel orders" are used by the Chief of Police or supervising officer to make changes to the status of sworn members of the Department.<sup>1</sup> The respondents testified that they did not interpret the complainant's request in paragraph 2[a], above, as a request for a policy and procedure governing the use of "personnel orders." They further testified, however, that the respondents do not possess such policy and procedure.

13. It is found that the respondents do not maintain any records responsive to the requests described in paragraphs 2[a] and 2[b], above.

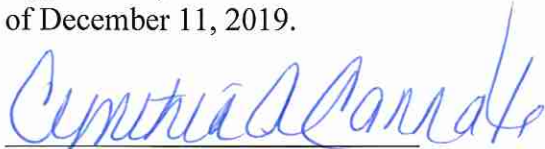
14. With respect to the request described in paragraph 2[c], above, it is found that such request was a request for an answer to a question, not a request for records. It is concluded as a matter of law that because the FOI Act does not require a public agency to provide answers to questions in response to a request, those portions of the complainant's request that sought answers to a question did not allege a violation of the Act.

15. It is therefore concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The complaint is hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of December 11, 2019.



Cynthia A. Cannata  
Acting Clerk of the Commission

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<sup>1</sup> It is found that "personnel orders" reflect any training or changes to the employment status of a sworn member of the Hartford Police Department and portions thereof may be found in the officer's personnel file.

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

**COREY TURNER, #231802**, Cheshire Correctional Institution, 900 Highland Avenue, Cheshire, CT 06410

**CHIEF, POLICE DEPARTMENT, CITY OF HARTFORD; AND POLICE DEPARTMENT, CITY OF HARTFORD**, c/o Cynthia Lauture, Esq., Office of the Corporation Counsel, 550 Main Street, Room 210, Hartford, CT 06103



Cynthia A. Cannata  
Acting Clerk of the Commission