

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

James Torlai,

Complainant

Docket #FIC 2018-0671

against

Chief, Police Department,
City of New Haven; Police
Department, City of New
Haven; and City of New Haven,

Respondents

November 13, 2019

The above-captioned matter was heard as a contested case on October 16, 2019, at which time the complainant appeared and presented testimony, exhibits and argument on the complaint. Counsel for the respondents also appeared and presented exhibits and argument. The respondents did not bring a witness to the October 16th hearing.

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 dated November 21, 2018, the complainant appealed to this Commission, alleging that the respondents failed to comply with the Commission's order in Docket #FIC 2017-0748; James Torlai v. Chief, Police Department, City of New Haven; Police Department, City of New Haven, and City of New Haven (October 24, 2018).
3. The Commission takes administrative notice of its record and final decision in Docket #FIC 2017-0748. In particular, the Commission takes administrative notice of paragraphs 1 and 2 of its order, which provide:

1. The respondents shall forthwith provide the complainant with unredacted copies of the in camera records at issue herein, at no cost.
2. The respondents shall forthwith continue to search for a copy of the warrant application/affidavit. If the search yields a copy

of such record, the respondents shall forthwith provide the complainant with a copy thereof, at no cost.

4. It is found that at the Commission's October 24, 2018 regular meeting, the Commissioners unanimously voted to adopt the Proposed Final Decision in Docket #FIC 2017-0748. The Notice of Final Decision in Docket #FIC 2017-0748 was issued on October 30, 2018.

5. It is found that by letter dated November 13, 2018, the complainant informed the respondents that as of November 13th he had not received any records in response to the Commission's order, described in paragraph 3, above, and enclosed a copy of the final decision.

6. It is found that on or about November 21, 2018, the complainant mailed to the respondents a copy of the complaint that he filed with the Commission, as described in paragraph 1, above.

7. On December 24, 2018, the docketing letters in this matter, which included a copy of the complainant's complaint, were sent by the Commission to all parties.

8. It is found that by letter dated January 3, 2019, respondents' counsel informed the complainant that she was in receipt of the Commission's docketing letter, described in paragraph 7, above, and enclosed unredacted copies of certain records ordered to be released in Docket #FIC 2017-0748. Counsel also informed the complainant that a search for the ordered arrest warrant application/affidavit was assigned to a Public Liability Investigator from the City of New Haven's Office of the Corporation Counsel.¹ It is found that by letter dated January 10, 2019, the respondents provided the complainant with a copy of the arrest warrant application/affidavit.

9. At the hearing, the complainant testified that all of the records at issue have been provided to him by the respondents. He contended, however, that the respondents "ignored" the Commission's order in Docket #FIC 2017-0748 until early January 2019, and failed to provide the records at issue "forthwith".

10. It is found that there is no evidence in the record that the respondents began to take steps to comply with the Commission's order in Docket #FIC 2017-0748 *prior to* early January 2019, approximately two months after the issuance of the final decision.

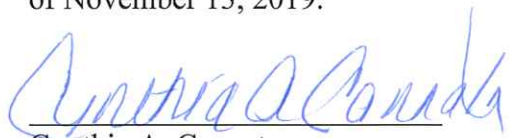
11. It is concluded that the respondents did not comply with the order "forthwith," as directed by the Commission in Docket #FIC 2017-0748.

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

¹ The complainant did not object to the January 3, 2019 letter being marked as an exhibit. It is unclear from the record, however, whether the complainant received a copy of such January 3rd letter.

1. Henceforth, the respondents shall strictly comply with the orders of the Commission.

Approved by Order of the Freedom of Information Commission at its regular meeting of November 13, 2019.



Cynthia A. Cannata
Acting Clerk of the Commission

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:

JAMES TORLAI, 127 Barton Street, Torrington, CT 06790

CHIEF, POLICE DEPARTMENT, CITY OF NEW HAVEN; POLICE DEPARTMENT, CITY OF NEW HAVEN; AND CITY OF NEW HAVEN, c/o Attorney Catherine E. LaMarr, Office of the Corporation Counsel, City Hall, 165 Church Street, 4th Floor, New Haven, CT 06510



Cynthia A. Cannata
Acting Clerk of the Commission