

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Michael Bracken, Jr,

Complainant

against

Docket #FIC 2019-0138

Eric Osanitsch, Chief, Police  
Department, Town of Windsor Locks;  
Police Department, Town of Windsor  
Locks; and Town of Windsor Locks,

Respondents

September 25, 2019

The above-captioned matter was heard as a contested case on May 15, 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 on March 6, 2019, the complainant appealed to the Commission alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide him with certain public records. The complainant requested the imposition of civil penalties against the respondents.
3. It is found that, on January 21, 2019, the complainant made a written request for the following records regarding an incident that occurred at 68 King Spring Road, Windsor Locks, on September 13, 2018. The complainant requested a copy of the complete, unredacted case file regarding the referenced incident, including all statements, field notes, arrest warrant applications filed, and infraction tickets that were written.
4. Section 1-200(5), G.S., defines “public records or files” as follows:

Any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, ...whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or

recorded by any other method.

5. 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.

6. 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.”

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

8. It is found that the complainant was directed to prepay \$19.50 for 39 pages of records. The complainant went to the police station and paid the fee in person on February 27, 2019.

9. It is found that on March 1, 2019, the complainant returned to the police station and picked up a packet of documents. However, when the complainant returned to his home he reviewed the documents and found that there were only 24 pages of documents and not the 39 pages that he paid for. Later on March 1, 2019, the complainant wrote and faxed a letter to the respondents informing them that he did not receive all of the requested documents.

10. It is further found that in a letter dated March 4, 2019, the respondents replied to the complainant’s March 1, 2019 letter acknowledging that 13 pages did not copy properly and additionally, that the total number of pages was actually 37 as opposed to 39 and therefore the complainant had overpaid by \$1.00. The respondent placed the response letter and a \$1.00 bill in an envelope for the complainant to pick up. On March 6, 2019, the respondents sent an email to the complainant informing him that the missing pages were ready for pickup at the records department at the police station.

11. At the hearing, the complainant stated that he received the email about two weeks later, but argued the email was from a particular clerk at the Windsor Locks police department and not from the Windsor Locks police department. Therefore, the complainant did not respond to the email message nor did he return to the police department to pick up the additional documents. Instead, he filed this complaint with the Commission.

12. At the hearing, the respondents provided the complainant with the envelope containing his refund of \$1.00 and the remaining pages of requested records. The complainant

took some time to review the records and determined that the investigating officer's field notes and the computer aided dispatch (CAD) printout was not included. The respondents agreed to search for the officer's field notes and the CAD printout after the hearing.

13. After the hearing on this matter, two letters were received from the respondents. The first was received May 29, 2019 and the second was received June 4, 2019. The letters included the records described in paragraph 12, above. Such letters and records were marked as respondents' after-filed exhibits 4 and 5. Item 4 consisted of 2 pages of CAD records and 4 pages of the officer's field notes. Item 5 consisted of 4 additional pages of CAD records entitled, Windsor Locks Police Department Press Report. The letters received by the Commission indicate that the complainant was sent the same documents.

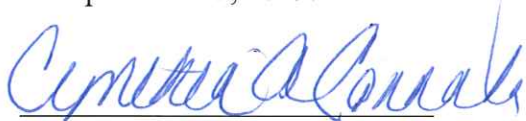
14. Based on all of the foregoing, it is concluded that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by failing to provide copies of the computer aided dispatch (CAD) record and the officer's field notes promptly. However, the Commission notes that the CAD record was not specifically mentioned in the complainant's original request and the respondents acted in good faith in immediately providing the requested records post-hearing.

15. The Commission declines to impose civil penalties in this matter.

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

1. Henceforth, the respondents shall strictly comply with the disclosure provisions pursuant to §§1-210(a) and 1-212(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of September 25, 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:

**MICHAEL BRACKEN, JR.**, 12 Tinker Drive, Windsor Locks, CT 06096-2656

**ERIC OSANITSCH, CHIEF, POLICE DEPARTMENT, TOWN OF WINDSOR LOCKS; POLICE DEPARTMENT, TOWN OF WINDSOR LOCKS; AND TOWN OF WINDSOR LOCKS**, c/o Attorney Carl T. Landolina, 487 Spring Street, Windsor Locks, CT 06096



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Cynthia A. Cannata  
Acting Clerk of the Commission