

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

GerJuan Tyus,

Complainant

against

Docket #FIC 2019-0257

Peter Reichard, Chief, Police
Department, City of New London;
Police Department, City of New
London; City of New London,

Respondents

September 25, 2019

The above-captioned matter was heard as a contested case on July 3, 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, 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 by letter dated April 3, 2019, the complainant requested that the respondents provide him with copies of any and all documents, reports, incident reports, police reports and audio of the dispatch call regarding the Acura 35RL, license number 822CKK that was stopped in Waterford, CT on December 23, 2006. Additionally, any and all documents and statements relevant or not relevant regarding Mike Balidemaj, Michael Marchany and Michael Rock pertaining to the investigation of the Todd Thomas Murder.
3. By letter of complaint filed April 30, 2019, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information ("FOI") Act by denying him copies of the requested records. Additionally, the complainant requested that the Commission consider the imposition of civil penalties against the respondents.
4. Section 1-200(5), G.S., provides that:

"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. (Emphasis added).

5. 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 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 that “[a]ny 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 requested records, to the extent such records exist, are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

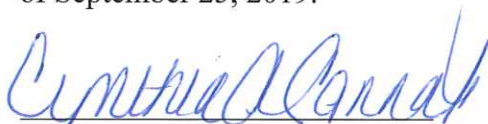
8. At the hearing on this matter, the complainant testified that his request had been fulfilled, however, he was seeking testimony from the respondents that the transcription of the 9-1-1 call he received was complete. The respondents’ witness subsequently testified to the accuracy and completeness of the record received by the complainant.

9. It is concluded, therefore, that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a) as alleged in the complaint. Accordingly, the Commission declines to consider the imposition of civil penalties against the respondents.

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 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:

GERJUAN TYUS, #300985, Corrigan-Radgowski Correctional Center, 986 Norwich-New London Turnpike, Uncasville, CT 06382

PETER REICHARD, CHIEF, POLICE DEPARTMENT, CITY OF NEW LONDON; POLICE DEPARTMENT, CITY OF NEW LONDON; AND CITY OF NEW LONDON, c/o Attorney Brian K. Estep, Conway, Londregan, Sheehan & Monaco, P.C., 38 Huntington Street, PO Box 1351, New London, CT 06320



Cynthia A. Cannata
Acting Clerk of the Commission