

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

Samuel Lopez,

Complainant

against

Docket #FIC 2019-0473

Vernon Riddick, Jr., Chief, Police
Department, Town of West Hartford;
Police Department, Town of West Hartford;
and Town of West Hartford,

Respondents

February 26, 2020

The above-captioned matter was heard as a contested case on October 4, 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 July 19, 2019, the complainant made a request to the respondents for copies of the following records:

Case No. N/A¹

[a] Any and all pictures of the investigation[;]

[b] Dispatchers transcripts and recordings[;]

[c] Audio and video dash cams[; and]

[d] Any and all firearm photos, examinations and results.

("July 19th request").

3. By letter received on August 5, 2019, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to comply with the July 19th request, described in paragraph 2, above. The complainant also

¹ The complainant did not provide the respondents with a case number.

requested that a civil penalty be imposed against the respondents.

4. 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.

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, (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 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 concluded that the requested records 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 July 19th request pertains to a February 2016 incident involving the complainant, for which the complainant pleaded guilty in September 2016.

9. At the hearing, the complainant testified that he had been provided with records responsive to the requests described in paragraphs 2[a] and [d], above, and that such requests were no longer at issue.

10. With respect to the request for dispatch "transcripts" as described in paragraph 2[b], above, the respondents' Records Supervisor testified that she understood such request to be for dispatch "logs", which the respondents do not maintain. Upon further questioning by the hearing officer, the Records Supervisor also testified that the respondents do not maintain written transcripts.

11. With respect to the request for dispatch "recordings" as described in paragraph 2[b], above, the Records Supervisor testified that the respondents do not have dispatch recordings for cases as "old" as the complainant's 2016 case, described in paragraph 8, above. She testified

that the respondents normally maintain dispatch recordings for a few months (up to a year). In addition, based on the records retention schedule, the respondents are only required to keep such recordings for 30 days unless there has been notice of a pending action filed with the Town Clerk. As of the hearing in this matter, there was no notice of a civil action filed by the complainant against the respondents. The Records Supervisor also testified that she checked whether any dispatch recordings were saved as part of the case record for the complainant's 2016 case, but did not locate any recordings.

12. With respect to the request for dash camera audio and video recordings as described in paragraph 2[c], above, the Records Supervisor testified that she conducted a search but was unable to locate any dash camera audio and video recordings. She also testified that pursuant to the records retention schedule, the respondents are only required to hold dash camera recordings for 30 days unless notice of a pending action has been filed. As of the hearing in this matter, there was no notice of a civil action filed by the complainant against the respondents.

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

14. It is found that the respondents provided the complainant with all records responsive to his July 19th request that they maintained at the time of such request.

15. It is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., as alleged in the complaint. Therefore, the Commission will not further address the complainant's request for the imposition of 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. The complaint is hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 26, 2020.



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:

SAMUEL LOPEZ, #413765, Garner Correctional Institution, 50 Nunnawauk Road, Newtown, CT 06470

VERNON RIDDICK, JR., CHIEF, POLICE DEPARTMENT, TOWN OF WEST HARTFORD; POLICE DEPARTMENT, TOWN OF WEST HARTFORD; AND TOWN OF WEST HARTFORD, c/o Attorney Garmon Newsom , II, 50 South Main Street, West Hartford, CT 06107



Cynthia A. Cannata
Acting Clerk of the Commission