

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

Tanisha Laurel-Moorer,

Complainant

against

Docket #FIC 2019-0417

Chief, Police Department,  
Town of Bethel; Police  
Department, Town of Bethel;  
and Town of Bethel,

Respondents

March 11, 2020

The above-captioned matter was heard as a contested case on September 27, 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. It is found that, by email dated June 10, 2019, the complainant requested that the respondents provide her with copies of the following records: “All booking information from April 30, 2019, any interactions with any police officers, and booking video.”
3. It is found that, by email dated June 11, 2019, the respondents denied the complainant’s request, stating, in relevant part, as follows:

Per the Freedom of Information Act (FOIA), State of Connecticut General Statutes Section 1-215(e), the State’s Attorney must be informed of any FOIA request for cases that are currently pending in Court. They have been notified and stated that your attorney may request this specific information during the discovery process; however, we are not allowed to release it *directly* to you.

(Emphasis in original).

4. By email dated July 5, 2019, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide her with the requested records.

5. 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.

6. 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.

7. 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.”

8. It is found that the requested records are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S., to the extent that such records are maintained by the respondents.

9. Section 1-215, G.S., provides, in relevant part, as follows:

(a) For the purposes of this section, "record of the arrest" means (1) the name, race and address of the person arrested, the date, time and place of the arrest and the offense for which the person was arrested, and (2) in addition, in a case in which (A) the arrest has been by warrant, the arrest warrant application, including any affidavit in support of such warrant, or (B) the arrest has been made without a warrant, the official arrest, incident or similar report. . . .

(b) Notwithstanding any provision of the general statutes, and except as otherwise provided in this section, any record of the

arrest of any person shall be a public record from the time of such arrest and shall be disclosed in accordance with the provisions of section 1-212 and subsection (a) of section 1-210. No law enforcement agency shall redact any record of the arrest of any person, except for (1) the identity of witnesses, (2) specific information about the commission of a crime, the disclosure of which the law enforcement agency reasonably believes may prejudice a pending prosecution or a prospective law enforcement action, or (3) any information that a judicial authority has ordered to be sealed from public inspection or disclosure. Any personal possessions or effects found on a person at the time of such person's arrest shall not be disclosed unless such possessions or effects are relevant to the crime for which such person was arrested.

(c) In addition, any other public record of a law enforcement agency that documents or depicts the arrest or custody of a person during the period in which the prosecution of such person is pending shall be disclosed in accordance with the provisions of subsection (a) of section 1-210 and section 1-212, unless such record is subject to any applicable exemption from disclosure contained in any provision of the general statutes.

(d) Any law enforcement agency receiving a request for a record described in subsection (c) of this section shall promptly provide written notice of such request to the office of the state's attorney for the appropriate judicial district where the arrest occurred. The state's attorney for such district shall be afforded the opportunity to intervene in any proceeding before the Freedom of Information Commission concerning such request.

(Emphasis supplied).

10. It is found that the complainant was arrested on April 30, 2019. It is found that, on June 10, 2019 (or 41 days following her arrest), the complainant made the FOI request at issue in this case. See ¶ 2, above.

11. It is found that the complainant's request for records was initially denied in its entirety. See ¶ 3, above.

12. It is found that, approximately two weeks after filing a complaint with this Commission, the respondents realized that they should have provided the complainant with the requested records. It is found that, at such time, the respondents provided the complainant with 2 CDs and a police report. It is found that the CDs contained audio

and a video recording pertaining to the complainant's August 30<sup>th</sup> arrest<sup>1</sup> and audio that pertained to the subsequent booking procedure at the station.

13. It is found, however, that the booking video could no longer be provided to the complainant because it had been overwritten by the respondent police department's electronic records system approximately 45-60 days after it was created. In this regard, it is found that the respondents' electronic video retention system is set to retain all video that takes place inside the police department for a minimum of 45 days. It is found that, if the video storage system is at capacity, such video is overridden in 45 days. It is found that, if the video storage system is not at capacity, videos, in general, and booking videos, specifically, are retained for 60 days.

14. In sum, it is found that, when the complainant made a request for her booking video, the respondents continued to maintain this video record.

15. It is found that the respondents' stated reason for initially denying the complainant's request in its entirety was a complete misstatement of law, as the complainant has the right to any records depicting or documenting her arrest from the time of such arrest. It is further found that the state's attorney is entitled to notice that such records have been requested, and, if the state's attorney wishes to express an opinion about the disclosure, he or she is required to *intervene* in the FOI contested case process.

16. It is found that the state's attorney did not intervene in the instant matter.

17. It is found that, when the respondents realized that the complainant was, in fact, entitled to a copy of her booking video, the video had been overwritten (and the respondents had failed to preserve a copy of the video at the time it was requested).

18. It is concluded that the respondents wrongfully denied the complainant's request for a copy of her booking video. It is further concluded that, in doing so, the respondents violated the disclosure provisions of the FOI Act.

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

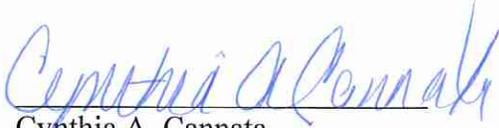
1. Henceforth, the respondents shall strictly comply with the disclosure provisions of §§1-210(a) and 1-212(a), G.S.

2. Forthwith, the respondents, or their designee, shall arrange for an FOI Act training session to be conducted by the staff of the FOI Commission. The respondents, or their designee, shall forthwith contact the FOI Commission to schedule such training session.

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<sup>1</sup> For purposes of clarity, it is found that the audio and video disclosed to the complainant on one of the CDs pertained to complainant being arrested in the field and her subsequent transport to the police department. It is found that, once the complainant arrived at the police department, a separate video system inside the police department took over and videotaped the booking process.

Approved by Order of the Freedom of Information Commission at its regular meeting of March 11, 2020.



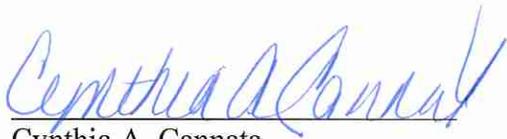
Cynthia A. Cannata  
Acting Clerk of the Commission

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:

**TANISHA LAUREL-MOORER**, 100 Coalpit Hill Road, Apt G, Danbury, CT 06810

**CHIEF, POLICE DEPARTMENT, TOWN OF BETHEL; POLICE DEPARTMENT, TOWN OF BETHEL; AND TOWN OF BETHEL**, c/o Attorney Martin J. Lawlor, Jr., 99 Greenwood Avenue, Bethel, CT 06801



Cynthia A. Cannata  
Acting Clerk of the Commission