

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Earl Thompson,

Complainant

against

Docket #FIC 2019-0688

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

Respondents

November 18, 2020

The above-captioned matter was heard as a contested case on February 28, 2020, 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, by written request dated October 22, 2019, the complainant requested copies of several records related to his arrest, file #s 04-21377 and 08-4341.
3. By letter dated November 5, 2019, and filed November 14, 2019,<sup>1</sup> the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by not complying with the request described in paragraph 2, above.:

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<sup>1</sup> On March 25, 2020, the Governor issued Executive Order 7M, thereby suspending the provisions of Conn. Gen. Stat. Sec. 1-206(b)(1), which requires the Freedom of Information Commission to hear and decide an appeal within one year after the filing of such appeal. Executive Order 7M is applicable to any appeal pending with the Commission on the issuance date and to any appeal filed on or after such date, for the duration of the current public health and civil preparedness emergency. Consequently, the Commission retains jurisdiction.

4. Section 1-200(5), G.S., provides:

“[p]ublic 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:

[e]xcept 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 . . . (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 records described in paragraph 2, above, 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 respondents delivered all responsive records which they maintain or keep on file to the complainant’s correctional counselor on November 15, 2019, with the exception of signed statements of witnesses, pursuant to §1-210(b)(3)(C), G.S. It is also found that the respondents have provided duplicates of such records to the complainant in response to an earlier request, in 2018.

9. At the hearing in this matter, the complainant did not contest the withholding of signed witness statements. Rather, he testified that he had received many records from the respondents in compliance with his request, except for photographs of the crime scene, chain of custody records, and police officer notes and reports related to the arrest.

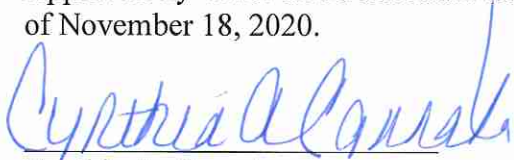
10. It is found that the respondents do not maintain crime scene photographs, and that such photographs were destroyed pursuant to a 2017 court order. It is also found that the respondents do not maintain records headed “chain of custody” but that they have provided the complainant with copies of all records that they do maintain related to the movement and status of evidence. Finally, it is found that the respondents have provided the complainant with copies of all records of police reports and notes that they maintain responsive to the request described in paragraph 2, above.

11. Based upon the record in this matter, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., as alleged in the complaint.

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 November 18, 2020.



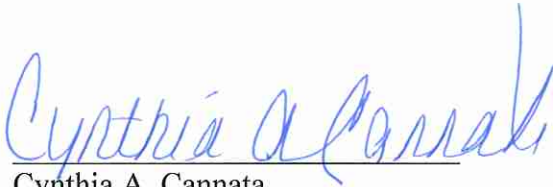
Cynthia A. Cannata  
Acting Clerk of the Commission

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:

**EARL THOMPSON, #305523**, Corrigan/Radgowski Correctional Center, 986 Norwich-New London Turnpike, Uncasville, CT 06382

**CHIEF, POLICE DEPARTMENT, TOWN OF BLOOMFIELD; POLICE DEPARTMENT, TOWN OF BLOOMFIELD; AND TOWN OF BLOOMFIELD**, c/o Attorney Marc N. Needelman, Law Offices of Marc N. Needelman, 800 Cottage Grove Road, Suite 313, Bloomfield, CT 06002



Cynthia A. Cannata  
Acting Clerk of the Commission