

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Mark Graves,

Complainant

against

Docket #FIC 2019-0497

Roberto Rosado, Chief, Police Department,
Town of Willimantic; Police Department,
Town of Willimantic; and Town of Willimantic,

Respondents

September 23, 2020

The above-captioned matter was heard as a contested case on October 18, 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 August 12, 2019, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to comply with his request for certain public records.
3. It is found that the complainant made a request dated July 19, 2019 to the respondents for records pertaining to the investigation of a civilian complaint he had made, which complaint related to an arrest of the complainant in 2015.
4. It is found that the respondents acknowledged the request on July 23, 2019.
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:

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: “Any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

8. 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.

9. It is found that the complainant made numerous requests for the civilian complaint he sought, which he himself had made against the respondent chief and another employee, but was not notified of the outcome by the respondents.

10. It is found that the respondent chief referred the civilian complaint to the Office of the State’s Attorney, Judicial District of Windham, but did not notify the complainant that he had done so. The chief made that referral so that he would not be investigating his own conduct, or assigning the investigation of his conduct to a subordinate who would then have to investigate the chief.

11. It is found that the respondents conducted a thorough search for any records pertaining to the civilian complaint, which they themselves did not investigate.

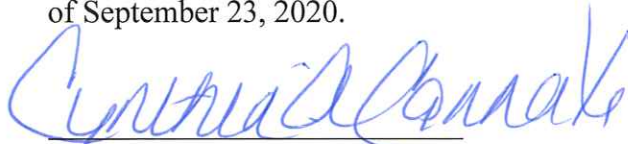
12. It is found that the respondents provided all the records they had to the complainant.

13. It is concluded that the respondents did not violate the FOI Act as alleged.

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

1. The complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of September 23, 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:

MARK GRAVES, 17 Vernon Avenue, Apt. D, Vernon, CT 06066

ROBERTO ROSADO, CHIEF, POLICE DEPARTMENT, TOWN OF WILLIMANTIC; POLICE DEPARTMENT, TOWN OF WILLIMANTIC; AND TOWN OF WILLIMANTIC, c/o Attorney Richard S. Cody, Suisman Shapiro Wool Brennan Gray & Greenberg, PC, P.O. Box 1591, New London, CT 06320



Cynthia A. Cannata
Acting Clerk of the Commission