

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Louise Czar,

Complainant

against

Docket #FIC 2019-0591

Commissioner, State of Connecticut,
Department of Emergency Services and
Public Protection; and State of Connecticut,
Department of Emergency Services and
Public Protection

Respondents

September 23, 2020

The above-captioned matter was heard as a contested case on December 10, 2019, at which time the complainant, the respondents, and the intervenor Office of the State's Attorney for the Judicial District of Litchfield and Geographical Area 18 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 September 24, 2019, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying her request for copies of certain public records.
3. It is found that the complainant made an August 23, 2019 request to the respondents for the following:
 - a. "Copies of all 911 calls into Troop L for Sunday August 18, 2019 from 17:30 hrs. to 21:00 hrs.
 - b. "Copies of all ten (10) digit calls into and from Troop L for Sunday August 18, 2019 from 17:30 hrs. to 21:00 hrs.
 - c. "Copies of all radio traffic into and from Troop L for Sunday August 18, 2019 from 17:30 hrs. to 21:00 hrs.
 - d. "Copies of any and all records and reports specifying any and all calls and/or dispatch assignments for CT State Trooper Mathew B. McKeon

- #1345, during the hours of 17:30 hrs. to 21:00 hrs. on Sunday August 18, 2019;
- e. “Copies of any and all records and reports specifying any and all calls and/or dispatch assignments for CT State Trooper Sg. Mathew J. Funchion, during the hours of 17:30 hrs. to 21:00 hrs. on Sunday August 18, 2019;
 - f. “Copies of all cell phone records including texts, audio recordings, video records and pictures taken for Sunday August 18, 2019 from 17:30 hrs. to 21:00 hrs. for cell phone belonging to and/or assigned to and carried by CtT State Trooper Matthew B. McKeon #1345;
 - g. “Copies of all cell phone records including texts, audio recordings, video recordings and pictures taken for Sunday August 18, 2019 from 17:30 hrs. to 21:00 hrs. for cell phone belonging to and/or assigned to and carried by CT State Trooper Sgt. Matthew J. Funchion;
 - h. “Copies of all dash cam *and* body cam recordings for Trooper Matthew B. McKeon #1345 [emphasis in original];
 - i. “Copies of all dash cam *and* body cam recordings for Sunday August 18, 2019 from 17-30 hrs. to 21:00 hrs. made by CT State Trooper Sgt. Matthew J. Funchion [emphasis in original];
 - j. “A copy of the taser report which occurred on Sunday August 18, 2019 on Bantam Lake Rd. in Bantam, CT against Scott Parsons;
 - k. “Copies of all police inquiries made on Sunday August 18, 2019 involving Scott Parsons, CT driver’s license #113120346;
 - l. “Copies of all police inquiries made on Sunday August 18, 2019 involving Louise Czar, CT driver’s license #031934309;
 - m. “Copies of all police inquiries made on Sunday August 18, 2019 involving vehicles registered to Scott Parsons DOB. 11/19/1957;
 - n. “Copies of all police inquiries made on Sunday August 18, 2019, involving vehicles registered to Louise Czar DOB 03/07/1949.

4. It is found that the respondents on September 19, 2019 provided a copy of a case incident report responsive to the portions of the request described in paragraphs 3.d and 3.e, above. The respondents indicated that they were waiting from a response from COLLECT (the Connecticut On-Line Law Enforcement Communications Teleprocessing system) regarding the portions of the request described in paragraphs 3.k through 3.m, above. The respondents further indicated that the remainder of the records requested were not subject to public disclosure pursuant to §1-215, G.S., as a criminal prosecution was still pending.

5. It is found that the respondents on September 20, 2019 sent the complainant an email asking her to narrow her search in relation to the portions of the request described in paragraphs 3.a through 3.c, above, as there were 392 calls within the timeframe she requested.

6. It is found that the respondents on September 25, 2019 provided the COLLECT driver's license search for Scott Parsons for "all police inquiries made on August 18, 2019." The respondents further indicated that, with respect to the complainant's request for "all police inquiries made on August 18, 2019 involving vehicles registered to Scott Parsons and/or Louise Czar" (as described in paragraphs 3.m and 3.n, above), the complainant would need to provide the registration information for each vehicle she would like a copy of the search for. The complainant did not provide this information.

7. Section 1-200(5), G.S., defines "public records or files" as:

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.

8. 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 . . . (3) receive a copy of such records in accordance with section 1-212.

9. Section 1-212(a), G.S., provides in relevant part that "any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record."

10. It is concluded that the requested records are public records within the meaning of §§1-200(5), 1-210 and 1-212, G.S.

11. It is found that the respondents conducted a diligent search for the requested records and did not withhold any records other than records of 911 calls and videotape records.

12. The intervenor contends that disclosure of the 911 calls and videotape records would be prejudicial to a pending prosecution.

13. Section 1-210(b)(3)(D), G.S., provides that disclosure is not required of:

Records of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of such records would not be in the public interest because it would result in the disclosure of ... (D)

information to be used in a prospective law enforcement action if prejudicial to such action

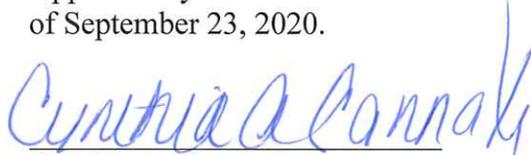
14. It is found, based on the testimony of the intervening State's Attorney, that the 911 recordings and videotape records are exempt from disclosure pursuant to §1-210(b)(3)(D), G.S.

15. It is therefore 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

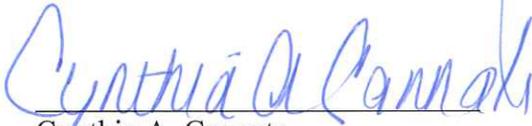
PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

LOUISE CZAR, 400 Bantam Lake Road, Bantam, CT 06750

COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, c/o Attorney Douglas Sauve, Dept. of Emergency Services and Public Protection, 1111 Country Club Road, Middletown, CT 06457

Intervenor: Attorney Mary Eschuk, Office of the State's Attorney, Geographical Area 18, Judicial District of Litchfield, 50 Field Street, Torrington, CT 06790



Cynthia A. Cannata
Acting Clerk of the Commission