

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Ira Alston,

Complainant

against

Docket #FIC 2023-0084

Karl Jacobson, Chief, Police Department,
City of New Haven; Police Department,
City of New Haven; and City of New Haven,

Respondents

December 13, 2023

The above-captioned matter was heard as a contested case on September 22, 2023, at which time the complainant and the respondents appeared 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, 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 letter dated January 12, 2023, the complainant made a request to the respondents for “a copy of all FOIA request letters and its responses that your agency received from and provided to Ira Alston D.O.B. :4-18-1983 from the beginning of time to the date of your response.” It is also found that, by letter dated January 17, 2023, the complainant made a request to the respondents for a copy of the “[a]rrest [r]ecord” of Sahanna Early, Bobby Bloodworth, III, and Angel Hendrix (also known as Angel Rich).
3. By letter of complaint, dated January 31, 2023, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide him with the records, described in paragraph 2, above. The complainant also requested the imposition of a civil penalty against the respondents.

4. Section 1-206(a), G.S., provides in relevant part:

[a]ny denial of the right to inspect or copy records provided
for under section 1-210 shall be made to the person

requesting such right by the public agency official who has custody or control of the public record, in writing, within four business days of such request, except when the request is determined to be subject to subsections (b) and (c) of section 1-214, in which case such denial shall be made, in writing, within ten business days of such request. Failure to comply with a request to so inspect or copy such public record within the applicable number of business days shall be deemed to be a denial.

5. Section 1-206(b)(1), G.S., provides in relevant part: “[a]ny person denied the right to inspect or copy records under 1-210... or denied any other right conferred by the Freedom of Information Act may appeal therefrom to the Freedom of Information Commission, by filing a notice of appeal with said commission....”

6. The Commission notes that it sent letters to the parties on March 30, 2023, informing them of the complaint in this matter.

7. At the hearing in this matter, the respondents’ witness testified, and it is found, that when he received a copy of the complaint from the Commission, it was the first time the respondents were made aware of the complainant’s requests, described in paragraph 2, above. The respondents’ witness also testified that his copy of the Commission’s correspondence did not include a copy of the January 17, 2023 request letter.

8. Consequently, it is found that, at the time of the complaint, the respondents had not received the requests, described in paragraph 2, above, and therefore had not denied the complainant’s requests for records, or denied any other right under the FOI Act within the meaning of §1-206(b)(1), G.S. Because there was no denial at the time of the complaint, it is concluded that the respondents did not violate the FOI Act under the facts of this case.

9. Nevertheless, upon receiving notice of complaint from the Commission, the respondents sent a letter to the complainant, asking him to resend his January 17th request, in order to properly respond to such request and search for responsive records.¹ The respondents searched for records responsive to the complainant’s January 12th request and disclosed twenty-six pages of records responsive to such request. It is also found that the respondents have since located hundreds of pages of records responsive to the complainant’s January 17, 2023 request and are in the process of reviewing such records for potential redactions, prior to disclosing them to the complainant.

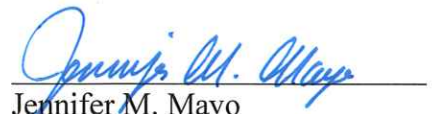
10. Because the respondents did not violate the FOI Act under the facts of this case, consideration of the complainant’s request for the imposition of a civil penalty against the respondents is not warranted.

¹ It is found that by letter, dated May 10, 2023, the complainant resent the substance of his January 17th request to the respondents, along with two additional requests.

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 December 13, 2023.



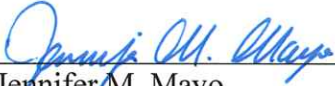
Jennifer M. Mayo
Acting Clerk of the Commission

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:

IRA ALSTON, #275666, Osborn CI, 335 Bilton Road, Somers, CT 06071

**KARL JACOBSON, CHIEF, POLICE DEPARTMENT, CITY OF NEW HAVEN;
POLICE DEPARTMENT, CITY OF NEW HAVEN; AND CITY OF NEW HAVEN**, c/o
Attorney Catherine E. LaMarr, Office of the Corporation Counsel, City Hall, 165 Church
Street, 4th Floor, New Haven, CT 06510



Jennifer M. Mayo
Acting Clerk of the Commission