

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Brian Smith,

Complainant,

against

Docket # FIC 2018-0128

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

Respondents

October 10, 2018

The above-captioned matter was heard as a contested case on May 24, 2018, 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)(A), G.S.
2. It is found that, on February 28, 2018, the complainant requested copies of records of the “police report for the electrocution injury” he sustained at the Enfield Correctional Institution on October 7, 2016. The complainant stated that the Enfield Police interviewed another victim of the electrocution and that he sought records of such interview and investigation.
3. By letter March 12, 2018, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide him with the requested records.

4. Section 1-200(5), G.S., defines “public records” as follows:

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, ... 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:

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

6. 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.”

7. It is concluded that to the extent that they exist, the records requested by the complainant are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

8. It is found that, by letter dated March 12, 2018, the respondents informed the complainant that “the Enfield Police Department responded to the Enfield C.I. on October 7, 2016 for a medical assist. Medical records are not housed here at the police department. You will need to make your request to the Enfield EMS Department. The police department does not have the authority to release these records.”

9. It is found that the respondents did not conduct an investigation of the incident because it occurred within a state correctional institution and any investigation would have been conducted by the state Department of Emergency Services and Public Protection.

10. It is found that the respondents do not maintain any records responsive to the complainant’s request for a “police report.”

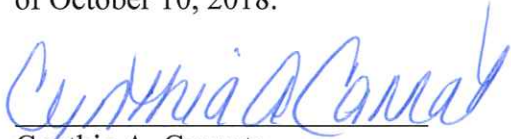
11. At the hearing in this matter, the respondents stated they would provide to the complainant a copy of the medical dispatch record. It is found that the respondents did not consider the dispatch printout to be a police report within the scope of the complainant’s request because the police department did not investigate or conduct any formal interviews of the incident. It is found that the dispatch report shows that officers were sent on a medical aid call, arriving at 06:51 and leaving at 07:07. It is found that the dispatch report contains no record of interview or investigation by the respondents.

12. 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 October 10, 2018.



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:

**BRIAN SMITH, #328970**, Willard-Cybulski Correctional Institution, 391 Shaker Road, Enfield, CT 06082

**CHIEF, POLICE DEPARTMENT, TOWN OF ENFIELD; POLICE DEPARTMENT, TOWN OF ENFIELD**, 293 Elm Street, Enfield, CT 06082; **AND TOWN OF ENFIELD**, 820 Enfield Street, Enfield, CT 06082



Cynthia A. Cannata  
Acting Clerk of the Commission