

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

GerJuan Tyus,

Complainant

against

Docket #FIC 2018-0642

Chief, Police Department, City of
New London; Police Department,
City of New London; and
City of New London,

Respondents

April 24, 2019

The above-captioned matter was heard as a contested case on March 29, 2019, 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.). For purposes of hearing, this matter was consolidated with Docket #FIC 2018-0641, GerJuan Tyus v. Chief, Police Department, City of New London, et al.

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 October 21, 2018, the complainant requested from the respondents a copy of all “reports related to FBI Special Agent James Wines regarding the chain of custody pertaining to property control number 06-1329, case #06-005136.”
3. By letter dated November 7, 2018 and filed with the Commission on November 9, 2018, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying the request, described in paragraph 2, above.
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 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. It is found that the records, described in paragraph 2, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

7. At the hearing in this matter, the respondents' witness testified that she conducted a search for all records responsive to the request, described in paragraph 2, above, and that, through such search, identified 60 pages of responsive records. The witness further testified that she did not withhold any records from the complainant or make redactions to such records, but rather, sent a copy of all responsive records to the Department of Correction's FOI liaison, in accordance with §1-210(c), G.S.

8. At the hearing, the complainant testified that he received all 60 pages of responsive records from the DOC liaison, but complained that these were not the records was seeking.

9. However, based on the evidence in the record, including a careful review of the request at issue in this matter, it is found that the respondents provided all records responsive to such request.

10. Accordingly, it is found that the respondents did not violate the FOI Act 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 dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of April 24, 2019.

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:

GERJUAN TYUS, #300985, Corrigan-Radgowski CC, 986 Norwich-New London Tpke, Uncasville, CT 06382

CHIEF, POLICE DEPARTMENT, CITY OF NEW LONDON; POLICE DEPARTMENT, CITY OF NEW LONDON; AND CITY OF NEW LONDON, c/o Attorney Brian Estep, Conway, Londregan, Sheehan & Monaco, P.C., 38 Huntington Street, P.O. Box 1351, New London, CT 06320

Cynthia A. Cannata
Acting Clerk of the Commission