

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Roderick Lewis,

Complainant

against

Docket #FIC 2018-0585

John Karajanis, Chief, Police Department,  
City of West Haven; and Police Department,  
City of West Haven

Respondents

July 24, 2019

The above-captioned matter was heard as a contested case on April 4, 2019, 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.).

At the hearing, the Department of Correction and its Commissioner, who were originally named as respondents, objected to their inclusion as parties, as the complaint neither names them nor makes allegations against them. The Department and its Commissioner have been removed from the caption of this case, without objection by the complainant.

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 October 18, 2018, the complainant appealed to the Commission, alleging that the respondents denied his request for public records.
3. It is found that the complainant made a September 18, 2018 request for certain records pertaining to 2006 police records concerning him.

4. It is found that the respondents, by letter dated October 4, 2018, replied that they no longer retained the requested records, because the retention period for the records had expired, and the records had been destroyed.

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

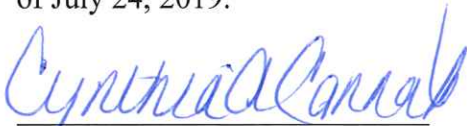
7. Section 1-212(a), G.S., provides in relevant part: “Any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

8. It is found that the respondents do not maintain the requested records, which were disposed of under the applicable retention schedule, and therefore 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 complainant is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of July 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.

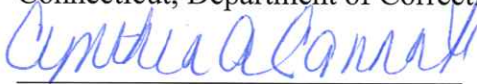
THE PARTIES TO THIS CONTESTED CASE ARE:

**RODERICK LEWIS, #332929**, Osborn Correctional Institution, 335 Bilton Road, P.O. Box 100, Somers, CT 06071

**JOHN KARAJANIS, CHIEF, POLICE DEPARTMENT, CITY OF WEST HAVEN; AND POLICE DEPARTMENT, CITY OF WEST HAVEN**, c/o Attorney Lee Kennedy Tiernan, Office of the Corporation Counsel, 355 Main Street, West Haven, CT 06516

Additionally the following are former parties:

**SCOTT SEMPLE, COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION**, c/o Attorney Tracie C. Brown, State of Connecticut, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109



Cynthia A. Cannata  
Acting Clerk of the Commission