

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

GerJuan Tyus,

Complainant

against

Docket #FIC 2019-0047

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

Respondents

June 12, 2019

The above-captioned matter was heard as a contested case on April 11, 2019, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

This matter was consolidated with GerJuan Tyus v. Peter Reichard, Chief, Police Department, City of New London, et al., Docket #FIC 2018-0746, and GerJuan Tyus v. Peter Reichard, Chief, Police Department, City of New London, et al., Docket #FIC 2018-0747. 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 Harford 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 14, 2019, the complainant made a request to the respondents for copies of

Any and all police or incident reports, DNA reports, Ballistic reports, Affidavits related to or created in the course of the investigation of the 9-mm handgun recovered in Boston Mass. The 9-mm was purchased by Mark Sebastian in East Lyme

from Ron's Guns on Nov. 1, 2005. The 9-mm was involved in a shooting in Mattapan, Mass in January 2007 and in another shooting in Hyde Park, Mass 2008 January. This same 9-mm was connected to Todd Thomas murder according to the ATF and NLPD ("January 14, 2019 records request").

3. It is found that the respondents received the complainant's January 14, 2019 records request on January 17, 2019. It is also found that the respondents acknowledged receipt of the complainant's January 14, 2019 records request by letter dated January 23, 2019.

4. By letter of complaint received and filed January 25, 2019, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide him with records responsive to the request described in paragraph 2, above. The complainant also requested the imposition of civil penalties against the respondents.

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

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.

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, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with 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 records requested by the complainant are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

9. It is found that the respondents notified the complainant by letter dated March 28, 2019 that records responsive to the January 14, 2019 records request were identified and reviewed, and were ready for release upon receipt of a \$5.00 fee for production of the records.

10. It is found that the complainant made arrangements for payment to the respondents for the records responsive to the January 14, 2019 records request, but as of the date of the hearing in this matter, the respondents had not received payment.

11. Based on the foregoing, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S.

12. Because there is no violation, no consideration of a civil penalty is warranted.

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 June 12, 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 Correctional Center, 986 Norwich-New London Turnpike, Uncasville, CT 06382

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



Cynthia A. Cannata
Acting Clerk of the Commission