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Congregations Organized for a New Connecticut,
Complainant(s)
against

Armando Perez, Chief, Police Department, City of Bridgeport; Police Department, City of Bridgeport; and City of Bridgeport,
Respondent(s)

Notice of Meeting

Docket #FIC 2016-0364

December 30, 2016

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, lst floor, Hartford, Connecticut, at **2 p.m. on Wednesday, January 25, 2017.** At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission ***ON OR BEFORE January 13, 2017.*** Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed ***ON OR BEFORE January 13, 2017.*** **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fifteen (15) copies** be filed ***ON OR BEFORE January 13, 2017,*** and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of Information Commission

W. Paradis
Acting Clerk of the Commission

Notice to: Attorney Michael J. Wishnie
Attorney Tyisha S. Toms

FIC# 2016-0364/Trans/wrbp/LFS//PSP/2016-12-30

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Congregations Organized for a New Connecticut,

Complainant

against

Armando Perez, Chief, Police Department, City of Bridgeport; Police Department, City of Bridgeport; and City of Bridgeport,

Respondents

Report of Hearing Officer

Docket #FIC 2016-0364

December 28 , 2016

The above-captioned matter was heard as a contested case on December 8, 2016, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

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 on April 15, 2016, the complainant sent a 15-part request for records, for each year since 2010, concerning complaints against the respondents' police officers, Use of Force reports, Use of OC Spray reports, Use of TASERs reports, Firearm Discharge reports, bias-based policing complaints and related records, and other records.

3. It is found that on April 20, 2016, the Office of the City Attorney for the City of Bridgeport acknowledged the complainant's request and informed the complainant that the office would contact the complainant in writing when the requested information was available.

4. By letter filed May 12, 2016, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide the records it requested. The complainant requested the imposition of civil penalties.

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, ...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 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 City Attorney's Office provided the first set of documents by electronic Dropbox on September 30, 2016.

10. It is found that the parties communicated over the next several months about the status of the request, including whether the respondents maintained certain records requested and whether the records were maintained in an electronically accessible database or in paper format only.

11. It is found that by the date of the hearing in this matter, the respondents had provided most of the responsive records that they maintained.

12. It is found that, as discussed at the hearing and as detailed in Exhibit Y, the respondents promised to continue to search for the remaining records that the respondents maintain but had not yet provided.

13. The respondents also promised to provide an affidavit concerning records of bias-based policing, as discussed at the hearing in this matter.

14. It is found that there was a more than five month delay between the date of complainant's request and the date on which the respondents first provided responsive records. It is found that such delay was not timely and was without reasonable grounds.

15. Accordingly, it is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S.

16. It is also found, however, that with the change of personnel in the Office of the City Attorney, the respondents are now working to fully comply with the complainant's large request for records. The Commission also notes that the respondents have provided records without charge.

17. After consideration of the entire record in this case, the Commission declines to consider the imposition of civil penalties against the respondents.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. If they have not done so already, the respondents shall forthwith provide to the complainant the remaining records responsive to the request. Such records maintained in electronic format shall be provided no later than two weeks after the final decision in this matter. Paper records shall be provided as soon as possible and without delay. As discussed at the hearing in this matter, the respondents are urged to make such paper records available to the complainant for inspection at the parties' earliest convenience.

2. The respondents shall provide an affidavit concerning biased-based policing, as discussed in the hearing in this matter.

3. Henceforth, the respondents shall strictly comply with the promptness requirements of §§1-210(a) and 1-212(a), G.S.

Lisa Fein Siegel
as Hearing Officer

2016-0364/hor/lfs/122816