



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
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Donald Raynor,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2016-0748

Chief, Police Department, City of Hartford; Police Department,
City of Hartford; Commissioner, State of Connecticut, Department
of Correction; and State of Connecticut, Department of Correction,
Respondent(s)

June 8, 2017

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, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, June 28, 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 June 23, 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 June 23, 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 June 23, 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

Linda Fasciano
Acting Clerk of the Commission

Notice to: Donald Raynor
Attorney Cynthia Lauture
Attorney James Neil

FIC# 2016-0748/Trans/If/VRP//VDH/2017-06-08

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Donald Raynor,

Complainant

against

Docket #FIC 2016-0748

Chief, Police Department, City of Hartford;
Police Department, City of Hartford;
Commissioner, State of Connecticut,
Department of Correction; and State of
Connecticut, Department of Correction,

Respondents

June 7, 2017

The above-captioned matter was heard as a contested case on June 7, 2017, 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), G.S.
2. By letter of complaint filed July 7, 2016, the complainant appealed to the Commission, alleging that the Hartford Police Department respondents violated the Freedom of Information (“FOI”) Act by failing to comply with his June 23, 2016 request to review or copy certain public records.
3. It is found that the complainant made a June 23, 2016 request to the respondent Hartford Police Department for copies of all records pertaining to the investigation, prosecution, and conviction of the complainant.

4. It is found that the requested records were delivered to the State's Attorney's office in connection with the prosecution of the complainant, and have not been returned to the Hartford Police Department.

5. It is found that the Hartford Police Department requested that the State's Attorney's office return the records, and that the State's Attorney's Office declined to do so.

6. 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.

7. 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.

8. Section 1-212(a), G.S., provides in relevant part that "[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record."

9. It is found that the requested records are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

10. It is also found, however, that the Hartford Police Department no longer has custody of the records, and is unable to secure their return from the State's Attorney's Office.


11. It is therefore concluded that the Hartford respondents did not violate the FOI Act as alleged.

12. It is also found that no records were delivered to the respondent Department of Correction by the Hartford Police Department, and that therefore the respondent Department had no role in the complainant's inability to obtain copies of the requested records.

13. It is therefore concluded that the Department of Correction respondents did not violate the FOI Act.

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.



Victor R. Perpetua
As Hearing Officer