



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
Toll free (CT only): (866) 374-3617 Tel: (860) 566-5682 Fax: (860) 566-6474 • www.ct.gov/foi • email: foi@ct.gov

Christopher Shuckra,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2016-0859

Chief, Police Department, City of New Britain;
and Police Department, City of New Britain
Respondent(s)

October 24, 2017

Transmittal of Proposed Final Decision Dated October 19, 2017

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 dated October 19, 2017, 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 **2:00 p.m. on Wednesday, November 15, 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 November 3, 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 November 3, 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 November 3, 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

Wendy R.B. Paradis
Acting Clerk of the Commission

Notice to: Christopher Shuckra
Attorney Joseph Skelly
cc: Craig Washington

FIC# 2016-0859/TRA2HOR/LFS//VDH/WRBP/2017-10-24

An Affirmative Action/Equal Opportunity Employer

An Affirmative Action/Equal Opportunity Employer

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer
On Remand

Christopher Shuckra,

Complainant

against

Docket #FIC 2016-0859

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

Respondents

October 19, 2017

The above-captioned matter was scheduled to be heard as a contested case on August 29, 2017, at which time the respondents appeared but the complainant did not. The respondents moved for dismissal. On September 1, 2017, the hearing officer issued a hearing officer's report, which recommended granting the respondents' motion for dismissal. On September 27, 2017, the matter was considered by the Freedom of Information ("FOI") Commission at its regular meeting, at which time the complainant requested that the matter be remanded back to the hearing officer for an evidentiary hearing. The Commission voted to grant the complainant's request.

The matter was heard as a contested case on October 11, 2017, at which time the complainant and the respondents appeared. 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)(A), G.S.
2. It is found that on November 8, 2016, the complainant requested copies of records from the respondents: an incident report, records pertaining to Officer Matthew Sulek, and various policies of the respondents.

3. By letter postmarked December 9, 2016, and filed December 12, 2016, the complainant appealed to this Commission, alleging that the respondents violated the FOI Act by failing to provide him with the requested records.

4. 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.

5. 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.

6. 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.”

7. It is concluded 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.

8. It is found that between the date of the complainant’s request and the hearing in this matter, the complainant was released from prison, during which time he met with counsel for the respondents, who provided access to the records the complainant requested.

9. It is found that the complainant was subsequently reincarcerated.

10. It is found that at the hearing in this matter, the complainant stated that the only records still at issue were two Internal Affairs reports: No. 15-18 and No. 16-20.

11. Although the respondents stated that they had already provided copies of such reports to the complainant, they agreed to provide such records again. It is found that the complainant directed the respondents to send the copies to him electronically at his personal email address. The complainant stated that he would then withdraw his complaint.

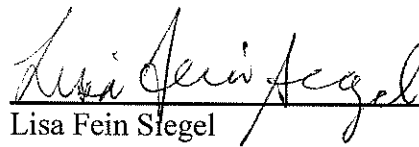
12. By email dated October 11, 2017, 12:17 p.m., the respondents sent copies of the two IA reports to the complainant's personal email address. The respondents sent a "carbon copy" of the email to the hearing officer. Such email is accepted as an after-filed exhibit in this matter.

13. It is found that although the complainant has not withdrawn his appeal, the respondents provided copies of all the records requested by the complainant in the manner that he specified.

14. It is concluded that the respondents 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 complaint is hereby dismissed.


Lisa Fein Stegel
as Hearing Officer