



FREEDOM OF INFORMATION

Connecticut Freedom of Information Commission • 165 Capitol Avenue, Suite 1100 • Hartford, CT 06106
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Kyle LaPorte

Complainant(s)

Notice of Meeting

against

Docket #FIC 2025-0263

Chief, Police Department, Town of South Windsor; Police Department, Town of South Windsor; and Town of South Windsor

Respondent(s)

March 27, 2026

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.

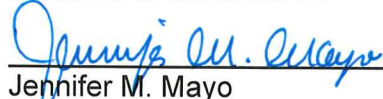
This will notify you that the Commission will consider this matter for disposition at its meeting which will be held **in person** at the Freedom of Information Commission's Hearing Room, Conference Room H, located on the ground floor at 165 Capitol Avenue, Hartford, Connecticut, at **2:00 p.m. on Wednesday, April 8, 2026.**

At that time and place, you will be allowed to offer oral argument concerning this proposed finding and order in person. 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 April 6, 2026.*** 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 April 6, 2026.*** **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 April 6, 2026*** 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



Jennifer M. Mayo
Acting Clerk of the Commission

Notice to: Kyle LaPorte
Attorney Richard D. Carella

FIC# 2025-0263/ITRA/NAS//MKS/JMM/2026-03-27

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Kyle LaPorte,

Complainant

against

Docket #FIC 2025-0263

Chief, Police Department, Town of South
Windsor; Police Department, Town of
South Windsor; and Town of South
Windsor,

Respondents

March 27, 2026

The above-captioned matter was heard as a contested case on August 28, 2025, at which time the complainant and the respondents appeared 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 February 19, 2025, the complainant requested audit trail reports in connection with body-worn camera and patrol vehicle video files for the following incidents:¹

CAD# 2400026600

CAD# 2400026527

CAD# 2400025972

CAD# 2400025958

In his request, the complainant specifically identified that the audit trail reports would contain “officers/users who accessed, reviewed, and/or viewed any of the requested media, and the date/time in which those officers/users accessed, reviewed, and/or viewed such media.”

¹The request described in paragraph 2, above, was part of a larger request made by the complainant to the respondents on February 19, 2025. The other parts of that request, however, are not at issue in the instant matter.

3. It is found that on March 24, 2025, the respondents informed the complainant that the requested body-worn camera audit trail reports would have to be “created,” which was not required under the Freedom of Information (“FOI”) Act.

4. By complaint dated April 17, 2025, the complainant appealed to this Commission alleging that the respondents violated the FOI Act by failing to provide the requested body-worn camera audit trail reports.

5. Section 1-200(5), G.S., provides:

“[p]ublic 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, videotaped, printed, photostated, photographed or recorded by any other method.

6. Section 1-210(a), G.S., provides in relevant part that:

[e]xcept as otherwise provided by any federal law or 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 that “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

8. It is concluded that the records described in paragraph 2, above, to the extent they exist and are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

9. It is found that on the morning of the August 28, 2025, contested case hearing in this matter, the respondents provided the complainant with a printout containing the information he sought in his request described in paragraph 2, above, with respect to the patrol vehicle video files.

10. It is found that with respect to the patrol vehicle video files, the database utilized by the respondents, WatchGuard, automatically makes available the type of information requested by the complainant without having to run a separate query for each file. It is found, however, that such information was not previously provided to the complainant because it had been overlooked during the initial search process.

11. With respect to the body-worn camera footage, however, the respondents assert that the database they utilize to maintain such footage, Axon Evidence, does not automatically generate an audit trail report, but rather such report would have to be “manually” generated for each video.

12. It is found that the Axon Evidence database provides an option for the user to “Export Audit Trail” for each video stored therein. It is further found that the process for *exporting* an audit trail report from the Axon Evidence database consists *solely* of clicking a button labeled “Run Audit.”

13. It is found that each time an audit trail report is run for a specific video file, Axon Evidence indicates the associated: (i) run date; (ii) audit period; (iii) file format; and (iv) status (i.e., a “Report History”). It is found that for each video responsive to the complainant’s request described in paragraph 2, above, the Report History showed “No reports.”

14. The parties do not dispute that the records described in paragraph 2, above, are computer stored records within the meaning of §1-211(a), G.S.

15. Section 1-211(a), G.S., provides in relevant part that:

Any public agency which maintains public records in a computer storage system shall provide, to any person making a request pursuant to the [FOI] Act, a copy of any nonexempt data contained in such records, properly identified, on paper, disk, tape, or any other electronic storage device or medium requested by the person, including an electronic copy sent to the electronic mail address of the person making such request, if the agency can reasonably make any such copy or have any such copy made.

16. The respondents assert that they have no obligation to click the “Run Audit” button because, by doing so, they are creating a “new record,” which is not required by the FOI Act. The respondents are incorrect.

17. In Hartford Courant Co. v. Freedom of Info. Comm’n, 261 Conn. 86, 93 (2002) (“Courant”), our Supreme Court held that a request to extract information from a database “does not require the creation of a new document but instead requires only that information already in the department’s computer storage system be formatted for disclosure in the form requested by the plaintiff.” The Court in Courant noted that given the flexibility and breadth of §1-211, G.S., “[t]here is no indication. . .that the scope of that statute is restricted to document formats currently in existence.” See also Town of Greenwich v. Freedom of Info. Comm’n, 226 Conn. App. 40 (2024) (“Greenwich”).

18. Applying Courant, the Commission, in Docket #FIC 2024-0394, Charles Setaro v. Tax Collector, Dep’t of Finance, City of Danbury, et al. (June 25, 2025) (“Setaro”), rejected an argument that the respondents in that matter were not required to extract data from their computer storage system to “build” a responsive record because doing so would create a new record, which is not required under the FOI Act.

19. Specifically, in Setaro, the Commission found that “under the Supreme Court’s ruling in Courant, the respondents are not excused from complying with the complainant’s . . . request simply because the responsive data is located in a computer storage system.”

20. The respondents attempt to distinguish the current matter from Courant and Greenwich noting that, unlike the respondents in Greenwich, they had conducted a search for an audit trail for each requested body-worn camera file, but each search yielded a result of “No report.” Such distinction is unavailing.

21. It is found that the Axon Evidence audit trail “*provides a chronological record of all interactions with a piece of evidence.*” (Emphasis added.) See Complainant’s Exhibit B (instructions from Axon Enterprises, Inc. regarding “Viewing the evidence audit trail”). Specifically, the audit trail “detail[s] various events associated with the evidence [stored therein]. Each event name is paired with an activity description to provide clear insight into the action that took place.”

22. It is found that audit trail “events” include, but are not limited to, when evidence is viewed, updated, shared, annotated, and added to a case folder. It is found that the Axon Evidence system automatically creates and stores a record of such events when they occur for a particular piece of evidence.²

23. It is found that the Axon Evidence audit trail is not only a compilation of the events that occurred for a given piece of evidence and stored within the Axon Evidence system, but appears to be the *only* method by which such events can be viewed by an end user.

24. It is found, therefore, the “No reports” message described in paragraph 13, above, does not indicate that the respondents conducted a search and did not locate responsive records. Rather, such message indicates that the respondents did not query the Axon Evidence system for records that already exist (i.e., the “events”).

25. It is found that despite being referred to as a “report,” the Axon Evidence audit trail is automatically generated from existing records once the respondents query the Axon Evidence system, and does not require the creation of a new “record” as the respondents argue.

26. It is concluded, therefore, that the respondents violated the disclosure provisions of §§1-210(a), 1-211(a), and 1-212(a), G.S., by failing to provide the complainant with a copy of the records described in paragraph 2, above.

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

1. Within fourteen (14) days of the Notice of Final Decision in this matter the respondents shall provide the complainant a copy of the Axon Evidence audit trail reports for the incidents referenced in paragraph 2 of the findings, above, unredacted and free of charge.

² This is clear from the fact that the audit trail “provides a chronological record of all interactions with a piece of evidence.” See Complainant’s Exhibit B.

2. Henceforth, the respondents shall strictly comply with the disclosure provisions of §§1-210(a), 1-211(a), and 1-212(a), G.S.

/s/ Nicholas A. Smarra
Nicholas A. Smarra
as Hearing Officer

FIC2025-0263/HOR/NAS/