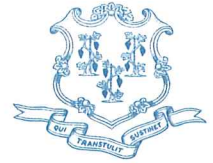


Since 1975



# FREEDOM OF INFORMATION

Connecticut Freedom of Information Commission • 165 Capitol Avenue, Suite 1100 • 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



Ally LeMaster, and CT Examiner; Gregory Stroud; and Andy Thibault

Complainant(s)

against

Notice of Meeting

Docket #FIC 2025-0290

Commissioner, State of Connecticut, Department of Emergency Services and Public Protection; and State of Connecticut, Department of Emergency Services and Public Protection

Respondent(s)

March 26, 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.

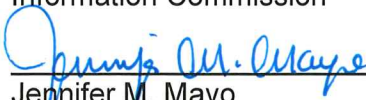
This will notify you that the Commission will consider this matter for disposition at its meeting which will be held **in person** at the Freedom of Information Commission's Hearing Room, Conference Room H, located on the ground floor at 165 Capitol Avenue, Hartford, Connecticut, at **2:00 p.m. on Wednesday, 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: Ally LeMaster and CT Examiner  
Gregory Stroud  
Andy Thibault and Attorney John H. Grasso

FIC# 2025-0290/ITRA/DLM//RB/JMM/2026-03-26

STATE OF CONNECTICUT  
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

Report of Hearing Officer

Ally LeMaster and CT Examiner; Gregory  
Stroud and CT Examiner; and Andy  
Thibault and CT Examiner,

Complainants

against

Docket # FIC 2025-0290

Commissioner, State of Connecticut,  
Department of Emergency Services and  
Public Protection; and State of Connecticut,  
Department of Emergency Services and  
Public Protection,

Respondents

March 24, 2025

The above-captioned matter was heard as a contested case on September 24, 2025, at which time the complainants<sup>1</sup> 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, via email dated March 18, 2025, complainant LeMaster filed a request for records with the respondents' Legal Affairs Unit. It is further found that an administrative assistant then entered the complainant's request into the respondents' records request portal ("GovQA"), as follows:

My name is Ally LeMaster and I am a reporter for CT Examiner.  
I am looking to request a copy of the closed criminal  
investigation into Timothy Haroian.

It is further found that the respondents acknowledged receipt of complainant LeMaster's request on March 18, 2025.

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<sup>1</sup> The complaint on this matter was initially docketed as filed by Ally LeMaster, and CT Examiner; Gregory Stroud; and Andy Thibault. The hearing officer has corrected the designation of complainants, and the case caption has been amended accordingly.

3. It is found that, one month later, on April 18, 2025, complainant LeMaster requested an update from the respondents regarding the status of the request described in paragraph 2, above.

4. It is found that, on April 21, 2025, the respondents notified complainant LeMaster that the request was being processed “in the order in which it was received” and that the office was “processing requests received in April of 2024.”

5. By complaint filed April 23, 2025, the complainants appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying their request for the records described in paragraph 2, above. At the hearing on this matter, the complainants requested that the Commission consider the imposition of a civil penalty against the respondents and issue an order that they undergo training on the FOI Act.

6. 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.

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

[e]xcept 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 . . . (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 concluded that the records described in paragraph 2, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

10. It is found that, on September 22, 2025, two days prior to the hearing on this matter, the respondents provided complainant LeMaster with a copy of the records described in paragraph 2, above, consisting of a redacted 78-page report.<sup>2</sup>

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<sup>2</sup> At the hearing on this matter, the complainants testified that they did not object to the redactions made by the respondents. Consequently, the Commission will not consider any claims of exemption with respect to such redactions herein.

11. At the hearing on this matter, the complainants contended that the respondents violated the promptness requirements of the FOI Act. The respondents disputed such contention.

12. This Commission has held that the meaning of the word “promptly” is a particularly fact-based question, and has opined that the word “promptly” in §1-210, G.S., means “quickly and without undue delay, taking into account all of the factors presented by a particular request ... [including] the volume of records requested; the amount of personnel time necessary to comply with the request; the time by which the requester needs the information contained in the records; the time constraints under which the agency must complete its other work; the importance of the records to the requester, if ascertainable; and the importance to the public of completing the other agency business without loss of the personnel time involved in complying with the request.” See *FOI Commission Advisory Opinion #51* (Jan. 11, 1982). The Commission also recommended in *Advisory Opinion #51* that, if immediate compliance is not possible, the agency should explain the circumstances to the requester.

13. As the court recognized in *Comm'r of Dep't of Emergency Servs. & Pub. Prot. v. Freedom of Info. Comm'n*, No. HHBCV186047741, 2020 WL 5540637, at \*6 (Conn. Super. Ct. July 2, 2020), a public agency should consider its obligations under the FOI Act as a “primary duty” of that agency, “on par with the [agency’s] other significant duties, or said another way, that the agency’s FOIA duty is not a second class duty.”

14. With respect to this matter, it is found that, in the days preceding the records request described in paragraph 2, above, complainant LeMaster engaged in the following communication with the respondents’ Public Information Officer (“PIO”):

**Wednesday, March 12, 2025:**

**LeMaster:** My name is Ally LeMaster, and I am a reporter for CT Examiner.

I was wondering if you could provide me with an update on the internal affairs investigation into Timothy Haroian ... as well as the potential criminal investigation into Haroian.

Are these investigations still ongoing?

**PIO:** This is still an active internal investigation. There is no information available to release at this time.

**Thursday, March 13, 2025:**

**LeMaster:** It is our understanding that the criminal investigation into Timothy Haroian has been closed. Would you be able to confirm this? We are writing a story about the state police’s investigation into Haroian, and we are requesting all documents related to case number 2500020119.

**PIO:** Our office has not been advised of the status of this investigation. We will look into this and get back to you.

**Tuesday, March 18, 2025:**

**LeMaster:** I was checking in to see if you had an update on the status of the criminal investigation into Trooper Timothy Haroian.

**PIO:** We have no update at this time. This is still an active investigation with internal affairs.

**LeMaster:** Can you tell me if the criminal investigation is still ongoing or closed?

**PIO:** As previously stated, this is still an active investigation with internal affairs.

**LeMaster:** It is my understanding that there are two investigations into Haroian ... Could you tell me if the criminal investigation is active or closed?

**PIO:** That is correct, and we have confirmed that the criminal investigation is closed at this time. The internal investigation, however, remains active and ongoing.

**LeMaster:** Thank you for getting back to me. Can I receive a copy of the closed investigation?

**PIO:** We are not able to provide case reports, this request would have to be made through either the Reports & Records Unit, or the Legal Affairs Unit as a FOIA request. Legal may be your best avenue of approach....

15. It is found that, following her communication with the PIO on March 18, 2025, complainant LeMaster filed her records request with the respondents' Legal Affairs Unit via email. As already found in paragraph 2, above, such email was logged by the respondents' staff into GovQA, wherein the requester was identified as a member of the media.

16. It is found that, in making the request described in paragraph 2, above, complainant LeMaster did not explicitly state that the records she sought were important or that she needed to obtain copies within a certain period of time.

17. Notwithstanding, based on the findings in paragraphs 2 through 4, above, as well as paragraph 14, above, it is found that, as a member of the media attempting to report on alleged criminal misconduct pertaining to a member of law enforcement, obtaining the requested records

quickly was important to complainant LeMaster.

18. At the hearing on this matter, the paralegal who was assigned by the respondents' Legal Affairs Unit to respond to the request at issue herein appeared and testified.

19. It is found that, at the time of the request in this matter, the respondents' Reports and Records Unit typically processed requests for police reports, and the respondents' Legal Affairs Unit processed requests for other categories of records, as well as requests for records made by other departments within the respondent department.

20. It is also found that, at the time of the request in this matter, there were approximately 15,620 requests for records pending with the respondents' Reports and Records Unit. It is also found that such unit employed four staff and one supervisor responsible for complying with such requests.

21. It is found that the respondents ordinarily process records requests in the order in which they are received. However, it is found that the respondents' Legal Affairs Unit, upon becoming aware of a media request, a complaint filed with the Commission, or based on the unique circumstances of a request, may, in its discretion, prioritize compliance with a request outside of the respondents' ordinary processing in the order in which requests are received.

22. It is found that, although the respondents' Legal Affairs Unit initially received the request described in paragraph 2, above, and noted that it was made by a member of the media, such request was nonetheless logged in the GovQA portal, where it was assigned to the respondents' Records and Reports Unit, and thereafter entered into the respondents' Reports and Record Unit queue.

23. It is found that on or about June 10, 2025, the respondents received notice from this Commission that a complaint had been filed by the complainants in this matter. It is found that the respondents' Legal Affairs Unit flagged the request in the GovQA portal, which prompted the respondents' Records and Reports Unit staff to retrieve the responsive records.<sup>3</sup>

24. Based on the foregoing timeline, it is found that the respondents did not commence a search for records for nearly three months after receiving the request described in paragraph 2, above.

25. It is found that the records sought by the complainants are narrow in scope and consist of a 78-page investigative report.

26. It is found that, because such report pertained to an employee, the respondents' Records and Reports Unit staff flagged such report for review, and a paralegal within the respondents' Legal Affairs Unit was assigned to review it. It is found, based on the testimony of the paralegal, that her review of the report required just "hours" of her time. It is found that, upon review, the paralegal became concerned that the criminal investigation of the trooper may have

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<sup>3</sup> The Commission notes that, although the complaint on this matter was filed with the Commission on April 25, 2025, there is no evidence in the record that the complainants notified the respondents that they filed such complaint with the Commission at that time.

been “suspended,” rather than “closed.” It is also found that the paralegal was concerned about whether a copy of the report could be provided to the complainants while an internal affairs investigation was pending. It is found that, because of these concerns, the paralegal sought to confer with an attorney supervisor.

27. Notwithstanding, it is found that it was not until September 2025, in anticipation of the hearing on this matter, that the paralegal discussed her concerns described in paragraph 26, above, with a supervising attorney. It is found that on September 22, 2025, two days prior to the hearing on this matter, and after six months from the date of the request, the respondents provided complainant LeMaster with a copy of the responsive records, with limited redactions, as described in paragraph 10, above.<sup>4</sup>

28. Upon consideration of all of the factors presented, it is found that the respondents failed to provide the complainants with copies of the responsive records “promptly” within the meaning of §§1-210(a) and 1-212(a), G.S. Accordingly, it is concluded that the respondents violated the promptness requirements of the FOI Act.

29. Notwithstanding, at the hearing on this matter, the respondents’ witness testified about the efforts undertaken by the respondent Commissioner to remediate the respondents’ FOI request processing delays. It is found that, at the time of the hearing on this matter, the respondent Commissioner had commenced organizational changes, including reassignment of staff and recruiting additional staff for hire to the respondents’ Legal Affairs Unit, in order to improve the respondents’ records request processing times.<sup>5</sup>

30. Based on the foregoing, the Commission declines, in its discretion, to consider the imposition of a civil penalty on this matter.<sup>6</sup>

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

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

/s/ Danielle L. McGee  
Danielle L. McGee  
as Hearing Officer

FIC# 2025-0290/HOR/DLM/03232026

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<sup>4</sup> The Commission notes that, at the hearing on this matter, the respondents’ witness testified about her other responsibilities during the relevant time period, as well as the responsibilities of the other paralegal staff within the unit. She further testified that she generally works on responding to requests for records on a daily basis. However, the delays in processing the request at issue in this matter, as described herein, do not evidence that the respondents acted “quickly and without undue delay” in this case.

<sup>5</sup> Likewise, in Docket #FIC 2024-0594; *Cushman v. Ronnell Higgins, Commissioner, State of Connecticut, Department of Emergency Services and Public Protection, et al.* (Sept. 10, 2025), the Commission noted that, during the May 16, 2025, hearing on that matter, respondents’ counsel represented that the respondents intended to take action to remedy their records request processing issues.

<sup>6</sup> The Commission takes administrative notice of the fact that on January 7, 2026, its Director of Education and Communications conducted FOI Act training for the respondents. Therefore, the Commission also declines, in its discretion, to order additional training on the FOI Act at this time.