



# FREEDOM OF INFORMATION

Connecticut Freedom of Information Commission • 165 Capitol Avenue, Suite 1100 • Hartford, CT 06106  
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Marvin Owens

Complainant(s)

Notice of Meeting

against

Docket #FIC 2025-0136

City Attorney, Office of the City Attorney, City of Bridgeport; Office of the City Attorney, City of Bridgeport; and City of Bridgeport

Respondent(s)

February 18, 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.

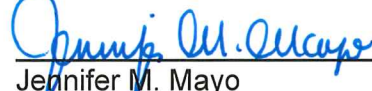
This will notify you that the Commission will consider this matter for disposition at its meeting which will be held **in person** at the Freedom of Information Commission's Hearing Room, Conference Room H, located on the ground floor at 165 Capitol Avenue, Hartford, Connecticut, at **2:00 p.m. on Wednesday, February 25, 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 5:00 p.m. on February 24, 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 5:00 p.m. on February 24, 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 5:00 p.m. on February 24, 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: Marvin Owens  
Karen L. Miller, Esq.  
cc: Stephanie Secore

FIC# 2025-0136/ITRA/MGS//VDH/JMM/2026-02-18

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Marvin Owens,

Complainant

against

Docket # FIC 2025-0136

City Attorney, Office of the City Attorney,  
City of Bridgeport; and Office of the City  
Attorney, City of Bridgeport,

Respondents

February 18, 2026

A contested case hearing in the above-captioned matter was held on August 22, 2025; September 26, 2025; and November 18, 2025; at which times the complainant and 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. It is found that, by letter on January 7, 2024, the complainant requested copies of the following, in relevant part, from the “Keeper of Records”:

[A]ll File [sic] of virtually anything the government has in its files that Reference one [ Marvin E. Owens d.o.b.3-23-1967] copies of Anything the Government has in its files..Including but not Limited to, Department agency, or data bank, That is indexed Under [Marvin E. Owens d.o.b. 3-23-1967]or a-k-a [Tony Blackman D.o.b. 4-10-1966] moreover indexed under social security numuber [sic] ... or other identifiers, such as, [Marvin E. Owens F.B.I. number 67016pA1, state i.d. number 00618073] or [tony Blackman, R[F.B.I number 305075EA0 state i.d number 00458231] . . agency includes, but not limited to state of conn, Sexual registry data bank, Bridgeport conn police department Data bank, conn,department of corrections data bank ...

(hereinafter, “January 7, 2024 request”). It is further found that the complainant did not provide evidence regarding the address to which he mailed such request.

3. It is found that, by letter on January 30, 2024, the respondents acknowledged, on behalf of the respondent “City of Bridgeport,” the complainant’s January 7, 2024 request and assigned it the reference number “W029546-013024” for tracking purposes. It is further found that such acknowledgment did not question who the intended recipient of the request was.

4. It is found that, by letter on August 5, 2024, the complainant requested copies of the following records from the Bridgeport Police Department, in relevant part:

All filed files within this agency files, or data bank that are indexed in the names....

Marvin E. Owens d.o.b. 3-23-1967 ss: [...], or Any known aliases in reference..

Tony R. Blackman d.o.b. 4-10-1966 or any known Aliases in reference..

Request includes but not limited to..

Summary, event, supplement or C.A.D. reports

Police investigation’s in regards to said that were know or unknown by said, citizen complaint’s Filed by said agianst [sic] any Bridgeport Police Officer, or Detective, summon, arrest warrant applications

(hereinafter, “August 5, 2024 request”).

5. It is found that, on August 24, 2024, the respondents acknowledged the complainant’s August 5, 2024 request “[o]n behalf of the Bridgeport Police Department” and assigned it the reference number “W033328-082024” for tracking purposes.

6. It is found that, by letter on February 4, 2025, the complainant requested from the respondents the records same records sought in his January 7, 2024 request that received respondent-assigned reference number “W029546-013024,” as described in paragraphs 2 and 3, above. In such letter, the complainant stated that this was his “3<sup>rd</sup> attempt” requesting the January 7, 2024 materials (hereinafter, “February 4, 2025 request”).

7. By letter dated February 25, 2025, and received by and filed with the Commission on February 28, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by withholding records that are responsive to his January 7, 2024; August 5, 2024; and February 4, 2025 requests.

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

“[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.

9. Section 1-210(a), G.S., provides the following in relevant part:

[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.

10. 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.”

11. 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., to the extent that such records exist and are maintained by the respondents.

### **Jurisdiction**

12. Section 1-206(a), G.S., provides in relevant part:

Any denial of the right to inspect or copy records provided for under section 1-210 shall be made to the person requesting such right by the public agency official who has custody or control of the public record, in writing, within four business days of such request .... Failure to comply with a request to so inspect or copy such public records within the applicable number of business days shall be deemed to be a denial.

(Emphasis added.)

13. Section 1-206(b)(1), G.S., provides in relevant part:

Any person denied the right to inspect or copy records under section 1-210...may appeal therefrom to the Freedom of Information Commission, by filing a notice of appeal with said commission. A notice of appeal shall be filed not later than thirty days after such denial....

(Emphasis added.)

14. It is found that the respondents never denied the complainant’s January 7, 2024; August 5, 2024; and February 4, 2025 requests in writing.

15. For purposes of determining whether a request sent by mail has been deemed denied pursuant to §1-206(a), G.S., the operative date is the date that the request was received by the public agency. City of Bridgeport v. Freedom of Info. Comm'n, 222 Conn. App. 17, 57 (2023), cert. denied, 348 Conn. 936 (2024) ("Bridgeport").

16. Based upon the respondents' acknowledgement letters, described in paragraphs 3 and 5, above, it is found that the respondents had received the complainant's January 7, 2024 request by January 30, 2024, and his August 5, 2024 request by August 24, 2024.

17. Therefore, it is found that the respondents constructively denied the complainant's January 7, 2024 request on February 6, 2024, four business days after receipt of such request, pursuant to §1-206(a), G.S., and Bridgeport. It is further found that the respondents constructively denied the complainant's August 5, 2024 request on August 30, 2024, four business days after receipt of such request, pursuant to §1-206(a), G.S., and Bridgeport.

18. It is found that the complainant's February 28, 2025 appeal for his January 7, 2024 request, described in paragraph 7, above, was not filed within 30 days of the February 6, 2024 constructive denial, as required by §1-206(b)(1), G.S., but rather was filed 388 days after such denial.

19. It is found that the complainant's February 28, 2025 appeal for his August 5, 2024 request, described in paragraph 7, above, was likewise not filed within 30 days of the August 30, 2024 constructive denial, as required by §1-206(b)(1), G.S., but rather was filed 182 days after such denial.

20. Accordingly, it is concluded that, absent any evidence to the contrary, the complainant's appeal of his January 7, 2024 and August 5, 2024 requests was not timely and, therefore, the Commission lacks jurisdiction to adjudicate the violations alleged therein regarding such requests. Therefore, the Commission will only address the complainant's February 4, 2025 request, which seeks the same records as his January 7, 2024 request.

### **Scope of Search**

21. At the November 18, 2025 contested case hearing, counsel for the respondents made various conflicting representations that they had provided two, or possibly three, packets of responsive records to the complainant. Specifically, counsel represented that, to date, the respondents had sent the complainant a 200-page packet of purportedly responsive records containing redactions; a second packet of records containing fewer redactions; and, possibly, a third packet, which may have contained an Index of records submitted to the Commission for in camera inspection. It is found that the complainant confirmed that he had received redacted records and a 27-page Index from the respondents, but he could not explicitly confirm the entirety of what he had received to date.

22. The complainant further represented at the November 18, 2025 contested case hearing that he believed the respondents had not disclosed various responsive records to him as of that date. Specifically, the complainant represented that such records included the following:

- (a) citizen complaints filed on August 10, 2016 by Tony Blackman and by the complainant at the Bridgeport Police Department;
- (b) 9-1-1 audio tapes;
- (c) November 2015 and 2016 incident reports;
- (d) incident reports regarding police responses to 336 High Ridge Drive, Bridgeport, Connecticut;
- (e) complaints filed at the Bridgeport Police Department in the 2014-15 school year, specifically an incident report concerning the complainant's presence at an elementary school;
- (f) citizens' complaints filed on July 4 against Bridgeport police officers Tyler, Perez, Fitzgerald, and Rivera, among other officers; and
- (g) an investigative report of an August 11 incident involving the complainant's dog.

23. Based upon her November 18, 2025 testimony, it is found that the respondents' office manager ("office manager"), who is responsible for managing FOI requests submitted to the respondents, conducted a search for records responsive to the complainant's February 4, 2025 request. It is found that the office manager searched for responsive records in the respondents' shared folder of electronic records. It is found that such shared folder contains computer-stored documents on which the attorneys in the respondent office are working.

24. The office manager further testified that the respondents did not maintain any records responsive to the complainant's February 4, 2025 request and represented that they would likely be maintained by the Bridgeport Police Department.

25. It is found, based on the office manager's testimony, that the respondents also maintain paper records in their office, but there are currently "not a lot" because many of them have been digitized. The office manager further testified that such paper records consist mainly of "written notes" and "work notes," which refer to "work product" or "attorney-client [privilege]."

26. It is found that the office manager provided no evidence that a thorough search of any paper records maintained by the office had been conducted to locate records responsive to the complainant's February 4, 2025 request.

27. Given the above testimony, it is found that the respondents failed to prove that they conducted a thorough search for records responsive to the complainant's February 4, 2025 request.

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

### **Exemptions**

29. Pursuant to five separate orders<sup>1</sup> of the undersigned Hearing Officer, the respondents submitted to the Commission for in camera inspection 190 pages of records, along with a detailed Index to Records Submitted for In Camera Inspection (“Index”), on December 3, 2025. Such in camera records shall be referred to as IC-2025-0136-0001 through IC-2025-0136-0190.

30. It is found that, at the November 18, 2025 continued contested case hearing, the complainant represented that he is not challenging any redactions made by the respondent that contain victim information.

31. It is found that the Index reflects that the respondents withheld, partially or entirely, certain responsive records pursuant to the following permissive exemptions: victim name and address (§1-210(b)(3)(G), G.S.); Department of Motor Vehicles records (§14-10(c), G.S.); identities of informants, mandated reporters, or witnesses (§1-210(b)(3)(A), G.S.); images depicting a victim (§1-210(b)(27)(A)(i), G.S.); and signed or sworn witness statements (§1-210(b)(3)(c), G.S.).

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<sup>1</sup> The undersigned Hearing Officer, in an initial September 29, 2025 order, instructed the respondents to submit for in camera inspection, by October 31, 2025, records claimed to be partially or completely exempt from disclosure in response to the complainant’s requests at issue. On October 31, 2025, the respondents attempted to deliver such records to the Commission for in camera inspection, but the Hearing Officer returned them for failure to comply with the instructions given in paragraph 4(a) of the initial order, which instructed the respondents to number the lines of any pages for which partial exemptions were being claimed. Therefore, on November 3, 2025, the Hearing Officer issued a second order to submit records on November 7, 2025 for in camera inspection, reiterating the instructions in the initial order. On November 7, 2025, the respondents again attempted to deliver such records to the Commission for in camera inspection, but the Hearing Officer again returned them for failure to comply with the instructions in paragraph 4(a) of the initial order. Therefore, on November 7, 2025, the Hearing Officer issued a third order to submit records on November 10, 2025 for in camera inspection, reiterating for a third time the instructions in the initial order. On November 10, 2025, the Hearing Officer accepted the respondents’ third submission. However, on November 18, 2025, at the third contested case hearing in this matter, the respondents’ counsel requested the opportunity to amend the Index submitted by the respondents on November 10, 2025. Specifically, counsel made this request because she failed to cite on the Index which of the twenty-eight subdivisions within §1-210(b), G.S., the respondents were claiming as ground for the exemptions to disclosure. Accordingly, on November 19, 2025, the Hearing Officer issued a fourth in camera order. Such order instructed the respondents to submit for in camera inspection on December 2, 2025, a second set of unredacted copies of all responsive records claimed to be partially or completely exempt from disclosure, along with an Index containing the complete statutory citation for any and all exemptions claimed, including the precise subsections and further subdivisions that encompass the particular exemptions being claimed (e.g., subsection, sub-subsection), if any. Such order also specified that the December 2, 2025 submission would supersede the records submitted by the respondents on November 10, 2025, and would constitute the only submission reviewed in camera by the hearing officer. On December 3, 2025, the Hearing Officer accepted the respondents’ fourth submission under a one-day extension, granted by the Hearing Officer due to weather conditions. On February 11, 2026, the Hearing Officer issued a fifth order, this time for an affidavit from the respondents clarifying the statutory exemptions claimed on their December 3, 2025 Index, which still remained incomplete despite the Hearing Officer’s fourth order instructing the respondents to make such corrections. The respondents’ counsel submitted such affidavit to the Commission on February 17, 2026.

**Victim Name and Address (§1-210(b)(3)(G), G.S.)**

32. The Commission first considers those in camera records that the respondents claim are exempt pursuant to §1-210(b)(3)(G), G.S.

33. Section 1-210(b)(3)(G), G.S., provides the following, in relevant part:

Nothing in the Freedom of Information Act shall be construed to require disclosure of [r]ecords of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of said records would not be in the public interest because it would result in the disclosure of [...] the name and address of the victim of a sexual assault under section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, voyeurism under section 53a-189a, injury or risk of injury, or impairing of morals under section 53-21 or family violence, as defined in section 46b-38a, or of an attempt thereof [...].

34. It is found that the respondents offered no evidence at the contested case hearings in this matter to support their claims of exemption pursuant to §1-210(b)(3)(G), G.S.

35. Nevertheless, upon careful in camera inspection of the in camera records, it is found, without the need for extrinsic evidence, that such records are “records of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime.”

36. In addition, it is found that certain in camera records contain the names and addresses of family violence and sexual assault victims. It is concluded that those portions of such records are exempt from disclosure pursuant to §1-210(b)(3)(G), G.S.

37. Therefore, it is found that the following records are exempt from disclosure pursuant to §1-210(b)(3)(G), G.S., limited to only names and addresses: IC-2025-0136-0003 (line 5); IC-2025-0136-0005 (lines 8-14, 17 excluding the last word, and lines 18-21); IC-2025-0136-0008 (lines 7-17); IC-2025-0136-0009 (lines 4-7); IC-2025-0136-0013 (line 8); IC-2025-0136-0025 (line 5); IC-2025-0136-0028 (lines 5 and 8-15); IC-2025-0136-0029 (line 4); IC-2025-0136-0032 (lines 7-15); IC-2025-0136-0034 (lines 5 and 8-17); IC-2025-0136-0035 (lines 4-6); IC-2025-0136-0036 (line 1, last two words only); IC-2025-0136-0037 (line 3, first two words only, and line 7); IC-2025-0136-0038 (lines 2-8); IC-2025-0136-0040 (line 1, last two words only); IC-2025-0136-0042 (lines 5 and 8-17); IC-2025-0136-0043 (line 4); IC-2025-0136-0047 (lines 5 and 9-13); IC-2025-0136-0048 (lines 4-9); IC-2025-0136-0049 (lines 8-14); IC-2025-0136-0050 (line 5); IC-2025-0136-0052 (lines 4-16); IC-2025-0136-0053 (lines 4-12); IC-2025-0136-0055 (lines 5 and 10-12); IC-2025-0136-0057 (lines 7-15); IC-2025-0136-0058 (line 4); IC-2025-0136-0059 (lines 5-17); IC-2025-0136-0060 (lines 4-18); IC-2025-0136-0061 (lines 5-8); IC-2025-0136-0062 (line 7); IC-2025-0136-0064 (lines 7-16); IC-2025-0136-0065 (lines 5-18); IC-2025-0136-0067 (lines 5 and 8-17); IC-2025-0136-0068 (lines 7-10); IC-2025-0136-0074 (line

6); IC-2025-0136-0076 (lines 6-8); IC-2025-0136-0080 (line 7); and IC-2025-0136-0085 (lines 1-5).

38. However, it is further found that the following records are not exempt from disclosure pursuant to §1-210(b)(3)(G), G.S.: IC-2025-0136-0005 (lines 15 and 16, and line 17 except for the final word) and IC-2025-0136-0050 (line 6).<sup>2</sup>

39. Accordingly, it is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S., by refusing to disclose the records described in paragraph 38, above.

**Department of Motor Vehicle Records (§14-10(c), G.S.)**

40. The Commission next considers those in camera records that the respondents claim are exempt pursuant to §14-10(c), G.S.

41. Section 14-10(c), G.S., provides as follows:

(c) (1) All records of the Department of Motor Vehicles pertaining to the application for registration, and the registration, of motor vehicles of the current or previous three years shall be maintained by the commissioner at the main office of the department [...]. (2) Before disclosing personal information pertaining to an applicant or registrant from such motor vehicle records [...], the commissioner shall ascertain whether such disclosure is authorized under subsection (f) of this section, and require the person or entity making the request to (A) complete an application that shall be on a form prescribed by the commissioner, and (B) provide personal identification satisfactory to the commissioner [...]. The commissioner may disclose such personal information or permit the inspection of such record containing such information only if such disclosure is authorized under subsection (f) of this section.

42. Based upon a careful in camera inspection, it is found that the following records at issue are not “records of the Department of Motor Vehicles pertaining to the application for registration, and the registration, of motor vehicles of the current or previous three years [...] maintained by the commissioner at the main office of the department” within the meaning of §14-10(c), G.S.: IC-2025-0136-0003 (line 5); IC-2025-0136-0016 (line 5); IC-2025-0136-0019 (line 5); IC-2025-0136-0025 (line 5); IC-2025-0136-0028 (line 5); IC-2025-0136-0034 (line 5); IC-2025-0136-0042 (line 5); IC-2025-0136-0047 (line 5); IC-2025-0136-0050 (lines 5); IC-

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<sup>2</sup> The Commission notes that, on page 3 of the Index, the respondents claimed that IC-2025-0136-0050 (lines 6 and 12-16) contained statutory exemptions to disclosure; however, it appears upon careful in camera inspection that such claim does not correspond with the records submitted and likely was intended to be claimed for a different record that was not submitted for in camera inspection.

2025-0136-0050 (line 6);<sup>3</sup> IC-2025-0136-0055 (lines 5 and 6); IC-2025-0136-0067 (line 5); IC-2025-0136-0074 (line 6); and IC-2025-0136-0107 (lines 4-5).

43. Therefore, it is found that the records described in paragraph 42, above, are not exempt from disclosure pursuant to §14-10(c), G.S.

44. Accordingly, it is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S., by refusing to disclose the records described in paragraph 42, above.

**Identities of Informants, Mandated Reporters, or Witnesses (§1-210(b)(3)(A), G.S.)**

45. The Commission next considers those in camera records that the respondents claim are exempt pursuant to §1-210(b)(3)(A), G.S.

46. Section 1-210(b)(3)(A), G.S., provides the following:

Nothing in the Freedom of Information Act shall be construed to require disclosure of [...] [r]ecords of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of such records would not be in the public interest because it would result in the disclosure of [...] the identity of informants or mandated reporters, as described in subsection(b) of section 17a-101, not otherwise known or the identity of witnesses not otherwise known whose safety would be endangered or who would be subject to threat or intimidation if their identity was made known [...].

47. After careful in camera inspection, it is found that the subject in camera records are records of law enforcement agencies not otherwise available to the public which were compiled in connection with the investigation of a crime, within the meaning of §1-210(b)(3), G.S.

48. With respect to the respondents' claim that certain in camera records, or portions thereof, described on the In Camera Index as "Victim Name, Address, Tele#, DMV" are exempt from disclosure pursuant to §1-210(b)(3)(A), G.S., it is found that such exemption appears to have been improperly claimed by the respondents. It is found that such redactions do not contain "the identity of informants or mandated reporters, as described in subsection(b) of section 17a-101, not otherwise known or the identity of witnesses not otherwise known whose safety would be endangered or who would be subject to threat or intimidation if their identity was made known" within the meaning of §1-210(b)(3)(A), G.S. (Emphasis added.)

49. Therefore, it is found that none of the in camera records claimed by the respondents to be exempt from disclosure pursuant to §1-210(b)(3)(A), G.S., are exempt. Specifically, this

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<sup>3</sup> The Commission notes that, on page 3 of the Index, the respondents claimed that IC-2025-0136-0050 (line 6) contained statutory exemptions to disclosure; however, it appears upon careful in camera inspection that such claim does not correspond with the records submitted and likely was intended to be claimed for a different record that was not submitted for in camera inspection.

refers to the following records: IC-2025-0136-0016 (line 5); IC-2025-0136-0017 (lines 12-19); IC-2025-0136-0018 (lines 4-5); IC-2025-0136-0019 (line 5); IC-2025-0136-0020 (lines 4-8); IC-2025-0136-0050 (lines 12-16);<sup>4</sup> IC-2025-0136-0055 (line 6); IC-2025-0136-0056 (lines 4-16); IC-2025-0136-0102 (lines 4 and 16-17); IC-2025-0136-0103 (lines 2-17); IC-2025-0136-0105 (line 7); IC-2025-0136-0107 (lines 4-5); IC-2025-0136-0108 (lines 4-7); IC-2025-0136-0117 (lines 4, 7, and 17-22); IC-2025-0136-0118 (lines 3 and 4-27); IC-2025-0136-0128 (line 11); IC-2025-0136-0129 (lines 4 and 30); IC-2025-0136-0131 (line 9); IC-2025-0136-0134 (lines 3-6); IC-2025-0136-0151 (lines 13 and 14); IC-2025-0136-0152 (line 8); IC-2025-0136-0155 (lines 18-20); IC-2025-0136-0156 (line 17); IC-2025-0136-0173 (line 12); IC-2025-0136-0174 (line 4); IC-2025-0136-0176 (line 9); IC-2025-0136-0178 (lines 5, 8, and 21-24); IC-2025-0136-0179 (lines 3 and 4-27); and IC-2025-0136-0181 (lines 3-6).

50. Accordingly, it is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S., by refusing to disclose the records described in paragraph 49, above.

**Image Depicting a Victim - §1-210(b)(27)(A)(i), G.S.**

51. The Commission next considers those in camera records that the respondents claim are exempt pursuant to §1-210(b)(27)(A)(i), G.S.

52. Section 1-210(b)(27)(A)(i), G.S., provides as follows:

Nothing in the Freedom of Information Act shall be construed to require disclosure of [...] [a]ny record created by a law enforcement agency or other federal, state, or municipal governmental agency consisting of a photograph, film, video or digital or other visual image depicting (A)(i) a victim of domestic or sexual abuse [...].

53. It is found that the respondents failed to present any evidence regarding the nature of the visual images depicted, specifically regarding whether the images depicted a victim of domestic or sexual abuse.

54. Based upon careful in camera inspection, it is found that the following in camera records do contain visual images; however, the respondents failed to prove that such images “depict[...] a victim of domestic or sexual abuse” within the meaning of §1-210(b)(27)(A)(i), G.S.: IC-2025-0136-0082, IC-2025-0136-0083, and IC-2025-0136-0084.

55. Accordingly, it is concluded the respondents violated §§1-210(a) and 1-212(a), G.S., by refusing to disclose the records described in paragraph 54, above.

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<sup>4</sup> The Commission notes that that, on page 3 of the Index, the respondents claimed that IC-2025-0136-0050 (line 12-16) contained statutory exemptions to disclosure; however, it appears upon careful in camera inspection that such claim does not correspond with the records submitted and likely was intended to be claimed for a different record that was not submitted for in camera inspection.

**Signed or Sworn Witness Statements (§1-210(b)(3)(C), G.S.)**

56. The Commission next considers those in camera records that the respondents claim are exempt pursuant to §1-210(b)(3)(C), G.S.

57. Section 1-210(b)(3)(C), G.S., provides the following, in relevant part:

Nothing in the Freedom of Information Act shall be construed to require disclosure of [...] [r]ecords of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of such records would not be in the public interest because it would result in the disclosure of [...] signed or sworn statements of witnesses [...].

58. Based upon careful in camera inspection, it is found that the following in camera records constitute “signed...statements of witnesses” within the meaning of §1-210(b)(3)(C), G.S., and are therefore exempt from disclosure: IC-2025-0136-0106, IC-2025-0136-0133, and IC-2025-0136-0180.

59. Accordingly, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., by refusing to disclose the records described in paragraph 58, above, in their entirety pursuant to §1-210(b)(3)(C), G.S.

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

1. Forthwith, the respondents shall conduct a thorough search for any additional records responsive to the complainant’s February 4, 2025 request. Such search shall include all records maintained by the respondents in paper form. If any such records are located, the respondents shall promptly provide copies of such records to the complainant, free of charge. If the respondents provide such records to the complainant with redactions, the respondents shall provide a privilege log to the complainant that clearly indicates the statutory exemptions claimed for each redaction. If the respondents are unable to locate any such records, they shall inform the complainant in writing of such fact and describe their search for such records.

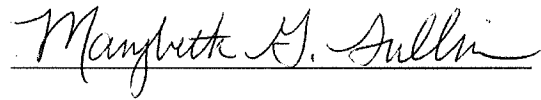
2. Forthwith, the respondents shall provide the complainant, free of charge, the records or portions thereof described in paragraphs 38 and 42, above.

3. The Commission is deeply concerned with the respondents’ recurring erroneous and negligent claims of exemption pursuant §1-210(b)(3)(A), G.S., which do not appear to correspond with the redactions made on the face of the records at issue. However, due to the nature of the information contained in such redactions, as well as the complainant’s representation that he is not challenging redactions of victim information, the Commission declines to order disclosure of the records described in paragraph 49, above.

4. The Commission is deeply concerned with the respondents' failure to present evidence with respect to claimed exemptions under §1-210(b)(27)(A)(i), G.S. However, due to the nature of the images contained in such records, the Commission declines to order disclosure of the records described in paragraph 54, above.

5. The respondents are admonished for failing to comply with multiple orders and directives of the hearing officer, thereby wasting scarce state resources.

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

A handwritten signature in cursive script, reading "Marybeth G. Sullivan", written over a horizontal line.

Marybeth G. Sullivan  
as Hearing Officer