

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Robert Hair,

Complainant

against

Docket #FIC 2016-0043

Chief, Police Department, City of
Bridgeport; and Police Department, City
of Bridgeport,

Respondents

December 7, 2016

The above-captioned matter was heard as a contested case on October 18, 2016, at which time the complainant appeared and presented testimony, exhibits and argument on the complaint. The respondents failed to appear. 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 on January 4, 2016, the complainant requested records concerning his criminal case, Number 99D-259, including statements of Reeva Stevens and Kimberly Baker. The complainant also requested statements involving Stevens in any case.
3. By letter of complaint filed January 15, 2016, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide the copies he requested.
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 ... receive a copy of such records in accordance with the provisions of 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 the complainant saw most of the requested records at the time of his criminal proceedings in 2005 or 2006. It is found that at the time of the hearing in this matter, the complainant had not received any records in response to his request of January 4, 2016.

9. It is found that the respondents failed to provide the requested records to the complainant. It is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S.

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

1. Within 30 days of the issuance of the final decision, the respondents shall provide the complainant with responsive records, free of charge.

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

Approved by Order of the Freedom of Information Commission at its regular meeting of December 7, 2016.



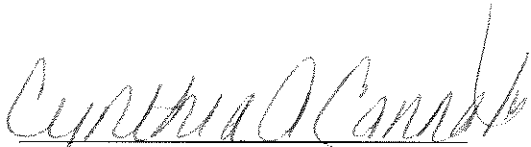
Cynthia A. Cannata
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

Robert Hair #227997
MacDougall-Walker Correctional Institution
1153 East Street South
Suffield, CT 06080

Chief, Police Department, City of Bridgeport;
and Police Department, City of Bridgeport
300 Congress Street
Bridgeport, CT 06604



Cynthia A. Cannata
Acting Clerk of the Commission