

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Katherine Camara,

Complainant

against

Docket # FIC 2020-0070

Chief, Police Department, Town of
Watertown; Police Department, Town of
Watertown; and Town of Watertown,

Respondents

January 13, 2021

The above-captioned matter was heard as a contested case on October 27, 2020, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint. Due to the COVID-19 pandemic and the state's response to it, the hearing was conducted telephonically.¹

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. By letter of complaint filed February 7, 2020, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying her request for certain public records.
3. It is found that, on January 29, 2020, the complainant made a request by email asking that the respondents provide her with a copy of a police body camera video recorded during an interview conducted by a Watertown police lieutenant on January 29, 2020.
4. 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, printed, photostated, photographed or recorded by any other method.

¹ On March 14, 2020, the Governor issued Executive Order 7B, which suspended the requirement to conduct public meetings in person.

5. 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.

6. 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.”

7. It is found that the records described in paragraph 3, above, 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 respondents acknowledged the complainant’s request in an email dated January 30, 2020.

9. It is found that on or about May 1, 2020, the respondents denied the complainant’s request claiming that the requested video was exempt from disclosure because it contained uncorroborated allegations subject to destruction pursuant to §1-216, G.S., in accordance with §1-210(b)(3)(H), G.S.

10. Section 1-210(b)(3)(H), G.S., provides in relevant part that:

(b) Nothing in the Freedom of Information Act shall be construed to require disclosure of: . . . (3) Records 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. . . (H) uncorroborated allegations subject to destruction pursuant to section 1-216;²

11. In an order dated October 27, 2020, the hearing officer directed the respondents to submit the video at issue for an in camera review. The respondents complied with such order on October 29, 2020.

12. It is found that the video depicts a conversation between a police lieutenant and a female as part of the police department’s investigation into the validity of some questionable

² Except for records the retention of which is otherwise controlled by law or regulation, records of law enforcement agencies consisting of uncorroborated allegations that an individual has engaged in criminal activity shall be reviewed by the law enforcement agency one year after the creation of such records. If the existence of the alleged criminal activity cannot be corroborated within ninety days of the commencement of such review, the law enforcement agency shall destroy such records. Sec. 1-216, G.S.

documents that came to the police department's attention.

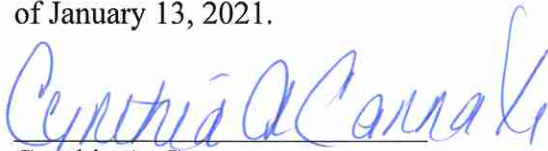
13. It is found that the video is a record of a law enforcement agency and that such video is not otherwise available to the public. Additionally, it is found that the video was obtained in connection with the detection or investigation of the crime of making a false statement or the crime of criminal impersonation. Finally, it is found that the video contains uncorroborated allegations subject to destruction pursuant to §1-216, G.S. Therefore, it is concluded that the video is exempt from disclosure pursuant to §1-210(b)(3)(H) G.S., as contended by the respondents.

14. Accordingly, it is found 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 dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of January 13, 2021.



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:

KATHERINE CAMARA, 31 Cottage Place, Oakville, CT 06779

CHIEF, POLICE DEPARTMENT, TOWN OF WATERTOWN; POLICE DEPARTMENT, TOWN OF WATERTOWN; AND TOWN OF WATERTOWN, c/o Attorney William L. Stevens, Slavin, Stauffacher & Scott LLC, PO Box 9, 27 Siemon Company Drive, Suite 300W, Watertown, CT 06795



Cynthia A. Cannata
Acting Clerk of the Commission