

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Howard Gombert, Jr.,

Complainant

against

Docket #FIC 2019-0529

Chief, Police Department, Town of
New Milford; Police Department,
Town of New Milford; and Town of
New Milford,

Respondents

January 27, 2021

The above-captioned matter was heard as a contested case on January 24, 2020, at which time the complainant and the 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. By letter of complaint filed August 27, 2019, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying his request for public records.
3. It is found that the complainant made a July 19, 2019 request for:
 - a. Copies of all photo(s) taken at the “crime scene” at 322A Aspatuck Ridge Road, New Milford, CT 06776 on or after 2/29/2000 involving investigations into Howard Gombert, Jr., taken by any law enforcement with New Milford Police Department;

- b. Copies of inventories and photo(s) of “ANY” seized property that New Milford Police “gave to” or “allowed” New York authorities to take from Mr. Gombert’s residence or vehicles;
 - c. Copies of inventories of any property seized from Howard J. Gombert, Jr., with disposition(s) of said seized property; and
 - d. Copies of all “court order(s)” that allowed New Milford Police Department to give to New York Police, or allowed New York [Police] to take property from Mr. Gombert’s residence or vehicle(s) on their own.
4. It is found that the respondents acknowledged the request on July 29, 2019.
 5. It is found that the respondents provided records to the complainant on December 12, 2019. The respondents at that time also informed the complainant:

Please note, if a requested record is not included in these documents, the record may still be in possession of the agency indicated on the property transfer documents or destroyed with the approval of the Court or Connecticut Public Records Administrator at the Connecticut State Library. The [authorization for the] destruction of New Milford Police Department’s felony case investigations from 1/1/2000 - 12/31/2000 is included.

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

“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, 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.

7. 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 (1) inspect such records promptly during regular office or business hours ... or (3) receive a copy of such records in accordance with the provisions of section 1-212.

8. 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.”

9. It is concluded that the requested records are public records within the meaning of §§1-200(5), 1-210(a) and 1-212(a), G.S.

10. It is found that most of the records the complainant sought are in the possession of the Carmel, New York Police Department; the Connecticut State Police; and the Office of the State’s Attorney.

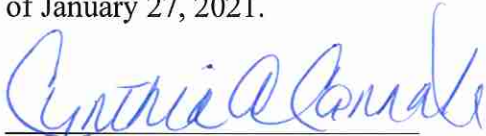
11. It is found that the respondents conducted a diligent search for the requested records, including a search of all archived records, and did not withhold any records from the complainant.

12. It is concluded 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 27, 2021.



Cynthia A. Cannata
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:

HOWARD GOMBERT JR., #108050, Cheshire Correctional Institution, 900 Highland Avenue, Cheshire, CT 06410

CHIEF, POLICE DEPARTMENT, TOWN OF NEW MILFORD; POLICE DEPARTMENT, TOWN OF NEW MILFORD; AND TOWN OF NEW MILFORD, c/o Attorney D. Randall DiBella, Cramer & Anderson, LLP, 51 Main Street, New Milford, CT 06776



Cynthia A. Cannata
Acting Clerk of the Commission