

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Desiree Vega,

Complainant

against

Docket #FIC 2020-0617

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

Respondents

February 23, 2022

The above-captioned matter was heard as a contested case on December 21, 2021, 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 through the use of electronic equipment (remotely) pursuant to §149 of Public Act 21-2 (June Special Session).

On December 21, 2021, the complainant submitted two after-filed exhibits, without objection, which have been marked as: Complainant's Exhibit E (after-filed): Email Exchange between Complainant and Superior Court, dated June 2, 2021; and Complainant's Exhibit F (after-filed): Email Exchange between Complainant and Superior Court, most recent email dated November 23, 2020.

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 or about November 20, 2020, the complainant made a request to the respondents for a copy of a search warrant for a certain cellphone associated with Case No. 05-01507 ("November 20th request"). It is found that by email dated November 27, 2020, the complainant followed-up with the respondents and again requested a copy of such search warrant.
3. It is found that, by email dated November 27, 2020, the respondents informed the complainant that they would "look into it."
4. It is found that, by email dated November 30, 2020, the respondents informed the

complainant that all records relating to Case No. 05-01507 that they maintained were previously provided to her.

5. By email dated and filed December 4, 2020,¹ the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide her with a copy of the search warrant, described in paragraph 2, above.

6. At the time of the request, §1-200(5), G.S., provided:

“[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 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.²

7. Section 1-210(a), G.S., provides, 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....

8. It is found that the requested record, to the extent that it exists and is maintained by the respondents, is a public record within the meaning of §§1-200(5) and 1-210(a), G.S.

9. At the hearing in this matter, the respondents testified, and it is found, that the original search warrant was returned to the Superior Court after it was executed. The respondents testified, and it is found, that they searched for, but did not locate, a copy of such search warrant.

10. It is found that, at the time of the November 20th request, the respondents did not maintain a copy of the requested search warrant.

¹ On March 25, 2020, the Governor issued Executive Order 7M, thereby suspending the provisions of Conn. Gen. Stat. §1-206(b)(1), which required the Freedom of Information Commission to hear and decide an appeal within one year after the filing of such appeal. Executive Order 7M, which was extended by Executive Order 12B, applied to any appeal pending with the Commission on the issuance date and to any appeal filed prior to July 1, 2021. Consequently, the Commission retains subject matter jurisdiction.

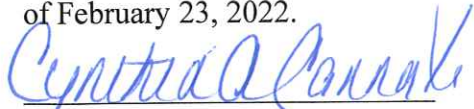
² The Commission notes that section 1-200(5), G.S., was subsequently amended to include the term “videotaped”. See June Sp. Sess. Public Act 21-2, §147.

11. It is concluded, therefore, that the respondents did not violate §§1-210(a) and 1-212(a), G.S., as alleged in the complaint.

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

1. The complaint is hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 23, 2022.



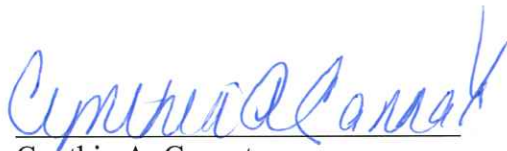
Cynthia A. Cannata
Acting Clerk of the Commission

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:

DESIREE VEGA, 731 South Lee Avenue, Orlando, FL 32805

CHIEF, POLICE DEPARTMENT, TOWN OF WETHERSFIELD; POLICE DEPARTMENT, TOWN OF WETHERSFIELD; AND TOWN OF WETHERSFIELD,
c/o Attorney Kenneth Slater, Halloran Sage LLP, 225 Asylum Street, Hartford, CT 06103



Cynthia A. Cannata
Acting Clerk of the Commission