

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

Alfred Wilcox,

Complainant

against

Docket #FIC 2020-0573

Chief, Police Department,
Town of Old Saybrook; Police
Department, Town of Old Saybrook;
and Town of Old Saybrook,

Respondents

June 8, 2022

The above-captioned matter was heard as a contested case on October 15, 2021, at which time the complainants 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 Spec. Sess.). In addition, for purposes of hearing, this matter was consolidated with Docket #FIC 2020-0537, Emilia Otte and Connecticut Examiner v. Chief, Police Department, Town of Old Saybrook, et al.; Docket #FIC 2020-0538, Siobhan McGirl and NBC Connecticut v. Chief, Police Department, Town of Old Saybrook, et al.; and Docket #FIC 2020-0592, Megan Friedman, et al. v. Chief, Police Department, Town of Old Saybrook, et al.

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 email dated October 17, 2020, the complainant sent the Chief of Police for the Town of Old Saybrook the following request:

I would like to set up an appointment for a time that I could come over to the Police Department building to look at and listen to the body cam records of the Roy incident, and look at any transcript of the communications between any of the officers involved and Dispatch. . . .

3. It is found that, by email dated October 19, 2020, the respondents acknowledged the request, but informed the complainant that the requested records concerned uncorroborated allegations and therefore the request was denied.

4. It is found that, by email dated October 21, 2020, the complainant responded to the respondents' denial, stating, in relevant part:

I am not requesting a public release of these records; rather, as a member of the Police Commission, I am seeking only to review them so I can make my own assessment of the performance of the Department personnel involved, and thereby inform myself as to any action that I believe the full Commission might usefully undertake. . . .

5. By email dated November 2, 2020 and filed November 4, 2020,¹ the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide him with access to the requested records.

6. It is found that the complainant serves as a commissioner on the Town of Old Saybrook's Board of Police Commissioners.

7. Under the FOI Act the public is entitled to inspect or copy public records. The FOI Act vindicates the public's right to access public records, rather than a particular person's specific rights. See Chief of Police v. FOI Comm'n, 252 Conn. 337, 387 (2000) ("[W]hether records are disclosable under the [FOI Act] does not depend in any way on the status or motive of the applicant for disclosure, because the act vindicates the public's right to know, rather than the rights of any individual.").

8. It is found that the complainant is asking the Commission to enforce his private right to view the records in his capacity as a member of the Board of Police Commissioners.

9. It is concluded, however, that this Commission lacks jurisdiction to enforce any private right of access.

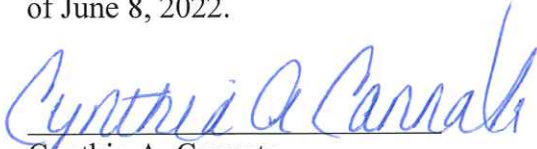
10. It is therefore concluded that the respondents did not violate the disclosure provisions of the FOI Act, as alleged in the complaint.

¹ On March 25, 2020, the Governor issued Executive Order 7M, thereby suspending the provisions of Conn. Gen. Stat. §1-206(b)(1), which requires the Freedom of Information Commission to hear and decide an appeal with one year after the filing of such appeal. Executive Order 7M is applicable to any appeal pending with the Commission on the issuance date and to any appeal filed on or after such date, through June 30, 2021. Consequently, the Commission retains jurisdiction over this matter.

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 June 8, 2022.



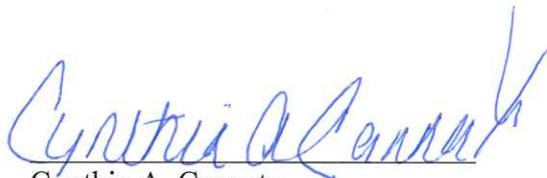
Cynthia A. Cannata
Acting Clerk of the Commission

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:

ALFRED WILCOX, 10 Rivers Ridge Road, Old Saybrook, CT. 06475

CHIEF, POLICE DEPARTMENT, TOWN OF OLD SAYBROOK; POLICE DEPARTMENT, TOWN OF OLD SAYBROOK; AND TOWN OF OLD SAYBROOK, c/o Attorney Michael E. Cronin, Jr., 201 Main Street, P.O. Box 454, Old Saybrook, CT 06475



Cynthia A. Cannata
Acting Clerk of the Commission