

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Jacob Carattini,

Complainant

against

Docket # FIC 2020-0141

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

Respondents

March 23, 2022

The above-captioned matter was heard as a contested case on February 22, 2021, July 16, 2021 and September 10, 2021, at which times 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 This matter was consolidated for hearing with Docket #FIC 2019-0636; Jacob Carattini v. Joseph Gaudett, Chief, Police Department, City of Bridgeport; and Police Department, City of Bridgeport. At the time of the request and the hearing, the complainant was incarcerated in a correctional facility of the State Department of Correction.

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 form dated March 11, 2020, the complainant requested that the respondents provide him with copies of phone records (including phone tower records) and any affidavits pertaining to Case Number 08D-1462.

¹ The February 21, 2021 hearing convened telephonically pursuant to Executive Order 7B, which suspended the requirement to conduct public meetings in person. The July 16, 2021 and September 10, 2021 hearings were conducted telephonically pursuant to 149 of Public Act 21-2 (June Special Session).

3. By letter of complaint filed March 20, 2020,² the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying his request for certain public records.

4. 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 section 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.³

5. 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.

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 concluded that the records responsive to the request described in paragraph 2, above, are public records within the meaning of §§1-200(5), 1-210(a) and 1-212(a), G.S.

8. During the hearing in this matter, the respondents contended, and it is found, that they did not receive a copy of the March 11, 2020 request until they received notice from the Commission on June 17, 2020 that a complaint had been docketed against the respondents.

9. Section 1-206(b)(1), G.S., provides in relevant part: “[a]ny person denied the right to inspect or copy records under 1-210... or denied any other right conferred by the Freedom of Information Act may appeal therefrom to the Freedom of Information Commission, by filing a notice of appeal with said commission....”

² On March 25, 2020, the Governor issued Executive Order 7M, thereby suspending the provisions of Conn. Gen. Stat. Sec. 1-206(b)(1), which requires the Freedom of Information Commission to hear and decide an appeal within 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.

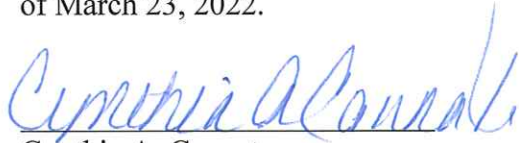
³ Section 147 of Public Act 21-2 (June Sp. Sess.) amended the definition of “public records or files” to also include data or information that is “videotaped”.

10. It is therefore found that, at the time the complaint was filed, the respondents had not denied the complainant's request for records, or denied any other right under the FOI Act within the meaning of §1-206(b)(1), G.S. Accordingly, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., based on the facts and circumstances of this case.

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 March 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:

JACOB CARATTINI, #175857, MacDougall-Walker CI, 1153 East Street South, Suffield, CT 06080

ARMANDO PEREZ, CHIEF, POLICE DEPARTMENT, CITY OF BRIDGEPORT; POLICE DEPARTMENT, CITY OF BRIDGEPORT; AND CITY OF BRIDGEPORT, c/o Attorney Dina A. Scalò, Office of the City Attorney, 999 Broad Street, 2nd Floor, Bridgeport, CT 06604



Cynthia A. Cannata
Acting Clerk of the Commission