

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Kyle Brodie,

Complainant

against

Docket # FIC 2021-0549

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

Respondents

September 14, 2022

The above-captioned matter was heard as a contested case on May 18, 2022 and July 6, 2022, 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 through the use of electronic equipment (remotely) pursuant to §149 of Public Act 21-2 (June Special Session), as amended by §1 of Public Act 22-3.

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 letter dated January 13, 2020, the complainant requested that the respondents provide him with a copy of all records pertaining to the arrest and/or investigation of an incident on August 12, 2012 involving Kyle Brodie, his subsequent arrest on December 28, 2012, and sentencing on April 10, 2015.
3. It is found that, by letter dated January 13, 2020, the respondents, by their attorneys, acknowledged receipt of the request.
4. It is found that, on or about September 7, 2021, the respondents provided the complainant with a copy of one, heavily redacted responsive record. It is further found that the respondents advised the complainant that 72 additional pages of responsive records had been withheld, and that additional responsive records would be made available within a week.
5. Having received no additional responsive records, by letter dated September 24, 2021, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying the request for records 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 section 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.¹

7. 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.

8. 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.”

9. It is found that the records described in paragraph 2, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

10. It is found that, at the time of the May 18, 2022 hearing, the respondents had not provided copies of any of the remaining responsive records. In addition, the respondents contended that the records, or parts thereof, identified in paragraph 4, above, were exempt from disclosure pursuant to §§1-210(b)(3)(F) or §29-164f, G.S.

11. The hearing was continued to allow the respondents additional time to provide the complainant with copies of the remaining responsive records, and the hearing officer ordered the respondents to submit copies of the records identified in paragraph 10, above, for in camera inspection. Such records, along with an in camera index, were submitted to the Commission.

12. At the July 6, 2022 continued hearing, the complainant informed the hearing officer that the respondents provided copies of the remaining responsive records and indicated that he was satisfied with that disclosure.

13. With respect to the records claimed exempt from disclosure pursuant to §29-164f, G.S., the complainant stated during the July 6, 2022 hearing that he no longer wished to pursue

¹ Public Act 21-2 (June Sp. Sess.) amended the definition of “public records or files” to include data or information that is “videotaped.” Such amendment was effective June 23, 2021.

this portion of his complaint. Consequently, such claim of exemption need not be addressed herein.

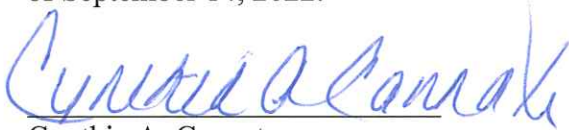
14. With respect to the records, or portions thereof, claimed to be exempt from disclosure pursuant to §1-210(b)(3)(F), G.S., it is found, after careful in camera inspection, that such records are not responsive to the complainant's request described in paragraph 2, above. Therefore, such claim of exemption shall not be considered herein.

15. Based on the foregoing, it is concluded 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 September 14, 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:

KYLE BRODIE, c/o Attorney Kayla Stephen, Kirschbaum Law Group, LLC, 433 South Main Street, Suite 101, West Hartford, CT 06110

CHIEF, POLICE DEPARTMENT, CITY OF BRIDGEPORT; POLICE DEPARTMENT, CITY OF BRIDGEPORT; AND CITY OF BRIDGEPORT, c/o Attorney Dina A. Scalo, Office of the City Attorney, 999 Broad Street, 2nd Floor, Bridgeport, CT 06604 and Attorney Michael C. Jankovsky, City of Bridgeport, Office of the City Attorney, 999 Broad Street, Bridgeport, CT 06604



Cynthia A. Cannata
Acting Clerk of the Commission