

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Shane Sturgeon,

Complainant

against

Docket #FIC 2020-0347

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

Respondents

August 9, 2023

The above-captioned matter was heard as a contested case on September 7, 2021, at which time the complainant and 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). At the time of the request and hearing in this matter, the complainant was incarcerated at a facility of the Connecticut Department of Correction.

On December 2, 2021, pursuant to an order of the hearing officer, the respondents submitted, without objection, one after-filed exhibit, which has been marked as Respondents' Exhibit 1 (after-filed): Affidavit of Christine Lee, dated December 2, 2021.

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 June 18, 2020, the complainant made a request to the respondents for copies of all records pertaining to an incident on January 25, 2019, and the arrest of the complainant. It is found that the complainant sought copies of body camera footage, among other records. ("June 18<sup>th</sup> request"). It is found that the respondents and at least one other law enforcement agency responded to the January 25, 2019 incident.
3. It is found that by letter dated July 2, 2020, the respondents acknowledged the June 18<sup>th</sup> request. It is found that the respondents also informed the complainant that they would provide written notice of such request to the Tolland County State's Attorney in accordance with §1-215, G.S., and that they would follow-up with the complainant within five business days.

4. It is found that by letter dated July 8, 2020, the respondents informed the complainant that “judicial action remains pending in regard to a co-defendant in this case” and that “[f]ollowing consultation with Tolland County State’s Attorney M. Gedansky, it has been determined that the public release of records in connection with this case at this time is limited to the Record of Arrest as required by §1-215 [G.S.]” It is also found that the respondents requested that the complainant remit payment for copies of four pages consisting of the record of arrest, and informed him that upon receipt of payment, such record would be mailed to the Department of Correction.

5. It is found that by letter dated July 16, 2020, the complainant remitted payment for copies of the record of arrest, and again requested that the respondents provide him with copies of all remaining records responsive to his June 18<sup>th</sup> request.

6. By letter received July 27, 2020,<sup>1</sup> the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide him with copies of the records described in paragraph 2, above. The complainant also requested the imposition of civil penalties against the respondents.

7. 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.<sup>2</sup>

8. 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.

9. Section 1-212(a), G.S., provides in relevant part that “any person applying in writing

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<sup>1</sup> 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.

<sup>2</sup> Section 147 of Public Act 21-2 (June Sp. Sess.) amended the definition of “[p]ublic records or files” to also include data or information that is “videotaped”.

shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

10. It is found that the requested records, to the extent that they are maintained by the respondents, are public records within the meaning of §§1-200(5), 1-210(a) and 1-212(a), G.S.

11. It is found that after the filing of the complaint in this matter, the respondents provided the complainant with additional records responsive to his June 18<sup>th</sup> request including, but not limited to, body camera video footage.

12. It is found that the only records at issue in this matter were body camera footage of certain law enforcement officers who were physically on top of the complainant at the scene of the incident.

13. Based on credible testimony provided at the hearing and attestations in the Affidavit of Ms. Lee, it is found that the respondents searched for and reviewed the body camera footage for all of the respondents’ police officers who responded to the January 25, 2019 incident. It is found that the respondents do not maintain the requested body camera footage as described in paragraph 12, above.

14. Accordingly, it is concluded that the respondents did not violate the FOI Act as alleged in the complaint.

15. Because the respondents did not violate the FOI Act, the Commission need not consider the complainant’s request for civil penalties.

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 August 9, 2023.



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:

**SHANE STURGEON, #314505**, Osborn Correctional Institution, 335 Bilton Road, Somers, CT 06071

**CHIEF, POLICE DEPARTMENT, TOWN OF VERNON; POLICE DEPARTMENT, TOWN OF VERNON; AND TOWN OF VERNON**, c/o Attorney Louis A. Spadaccini, Blackwell & Spadaccini LLC, 158 East Center Street, Manchester, CT 06040



Cynthia A. Cannata  
Acting Clerk of the Commission