

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Deonte Tomlinson,

Complainants

against

Docket #FIC 2021-0182

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

Respondents

March 8, 2023

The above-captioned matter was heard as a contested case on December 17, 2021, at which time the complainant and the respondents appeared and presented testimony, exhibits, and argument on the complaint. The hearing was conducted remotely through the use of electronic equipment, pursuant to §149 of Public Act 21-2 (June Special Session), as amended by §1 of Public Act 22-3. The complainant, who is incarcerated, appeared via teleconference pursuant to the January 2004 memorandum of understanding between the Commission and the Department of Correction. See Anthony Sinchak v. FOIC, Docket No. CV03-0826293, Superior Court, J.D. of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.).

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 February 27, 2020, the complainant requested that the respondents provide him with a copy of all records relating to his arrest for an incident that occurred on May 13, 2016 (identified as case number 16D-0593 and file number 160613-122).
3. It is found that, by letter dated March 4, 2020, the respondents acknowledged the complainant's request and notified the complainant that the request would be forwarded to the Office of the City Attorney for response.

4. By letter of complaint received and filed on April 5, 2021,<sup>1</sup> the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying his request for records described in paragraph 2, above.

5. Section 1-200(5), G.S., provides:

“[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, videotaped, printed, photostated, photographed or recorded by any other method.

6. 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.

7. 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.”

8. It is found that the records requested by the complainant are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

9. It is found that, by letter dated August 3, 2020, the complainant requested an update on the status of his request.

10. It is found that, by letter dated August 12, 2020, the Office of the City Attorney notified the complainant that the request was still being processed, and that “we estimate that a portion of your records will be available within 2-3 weeks of the date of this letter.”

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<sup>1</sup> On March 25, 2020, the Governor issued Executive Order 7M, thereby suspending the provisions of §1-206(b)(1) G.S., which requires the Freedom of Information Commission to hear and decide an appeal within one year after the filing of such appeal. This provision of 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. In addition, although §1-206(b) G.S. requires that an appeal be filed with the Commission within 30 days of an alleged violation, Executive Order 7M §2(1) suspended such requirement for appeals filed between March 25, 2020 and April 19, 2021. Consequently, the Commission retains jurisdiction.

11. It is found that, as of the December 17, 2021 hearing in this matter, the respondents had not provided the complainant with any records in response to the request described in paragraph 2, above.

12. At the hearing in this matter, counsel for the respondents argued that the respondents had not denied the request, and stated that the respondents were committed to providing the complainant with a copy of the requested records. Counsel further argued that the delay in responding to the request was due to the voluminous nature of the request and disruptions caused by the COVID-19 pandemic.

13. However, it is found that the respondents did not present any testimonial or documentary evidence that they searched for the requested records during the approximately twenty months that passed from the date of the request to the date of the hearing in this matter. It is further found that, notwithstanding counsel's statements regarding the respondents' commitment to provide the requested records, the respondents did not present any evidence that they have taken any steps to that end. Based on the foregoing, it is found that the respondents denied the request by failing to provide the complainant with copies of the requested records.

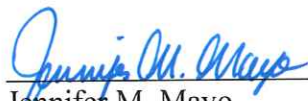
14. Accordingly, it is concluded that the respondents violated §§1-210(a) and 1-212(a) G.S.

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

1. If they have not already done so, forthwith and within thirty days of the date of the notice of final decision in this matter, the respondents shall conduct a thorough and diligent search for all records responsive to the request described in paragraph 2 of the findings, above. The respondents shall provide the complainant with a copy of all records responsive to the request, free of charge.

2. Henceforth, the respondents shall strictly comply with §§1-210(a) and 1-212(a) G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of March 8, 2023.

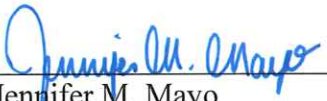
  
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Jennifer M. Mayo  
Acting Clerk of the Commission

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:

**DEONTE TOMLINSON, #401379**, Cheshire Correctional Institution, 900 Highland Avenue, Cheshire, CT 06410

**ARMANDO PEREZ, 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

  
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Jennifer M. Mayo  
Acting Clerk of the Commission