

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Sergio Correa,

Complainant

against

Docket # FIC 2023-0031

James C. Rovella, Commissioner, State of
Connecticut, Department of Emergency
Services and Public Protection, Division of
State Police; and State of Connecticut,
Department of Emergency Services and
Public Protection, Division of State Police,

Respondents

September 27, 2023

The above-captioned matter was heard as a contested case on August 21, 2023, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint. 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. CV-03-0826293, 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 January 11, 2023, the complainant requested that the respondents provide him with a copy of:
 - (a) Any and all documentation given to the C[onnecticut] S[tate] P[olice (“C.S.P.”)] by the [D]epartment of Correction[] regarding Ruth Correa in a [] C.S.P. investigation (1700661493);
 - (b) Any and all recordings given to the C.S.P. by the [D]epartment of [C]orrection[] regarding Ruth Correa in a C.S.P. investigation (1700661493);
 - (c) Any and all (personel) file’s [sic] for all C.S.P. detectives who worked a [C.S.P.] investigation, police case number (1700661493);
 - (d) Any and all DNA reports related to [C.S.P.] investigation (1700661493);
 - (e) Any and all video’s [sic] related to a [C.S.P.] investigation, police case number (1700661493);

(f) Any and all field notes related to a [C.S.P.] investigation, police case number (1700661493).

3. By letter of complaint filed January 30, 2023, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to respond to his request for records.

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

“Public 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.

5. Section 1-210(a), G.S., provides, in relevant part, that:

Except 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 the provisions of 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 requested records, to the extent that they exist and are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(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 January 11, 2023 request until they received notice from the Commission in March of 2023 that a complaint had been docketed against them.

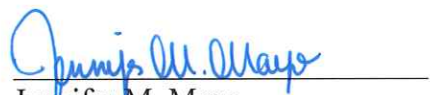
9. Section 1-206(b)(1), G.S., provides, in relevant part, that: “[a]ny person denied the right to inspect or copy records under section 1-210 . . . or denied any other right conferred by the Freedom of Information Act may appeal therefrom to the Freedom of Information Commission, by filing a notice of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

10. It is found that, at the time that 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 September 27, 2023.



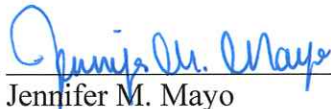
Jennifer M. Mayo
Acting Clerk of the Commission

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:

SERGIO CORREA, #351915, Cheshire Correctional Institution, 900 Highland Avenue, Cheshire, CT 06410

JAMES C ROVELLA, JAMES C. ROVELLA, COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, DIVISION OF STATE POLICE; AND STATE OF CONNECTICUT, DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, DIVISION OF STATE POLICE, c/o Attorney Cynthia Isales, Department of Emergency Services and Public Protection, 1111 Country Club Road, Middletown, CT 06457



Jennifer M. Mayo
Acting Clerk of the Commission