

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Hector Rivera,

Complainant

against

Docket #FIC 2023-0198

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

Respondents

February 14, 2024

The above-captioned matter was heard as a contested case on November 30, 2023, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

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 March 6, 2023, the complainant requested a copy of the police report, or any other reports or records, and body camera footage relating to a stabbing incident that occurred at approximately 7:30 AM on April 20, 2021, at 203 Arctic Street, Bridgeport, CT 06608.
3. It is found that, by letter dated March 14, 2023, the respondents acknowledged the complainant's request.
4. By letter of complaint, dated March 28, 2023 and filed April 5, 2023, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide the 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 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:

[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: “[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 concluded that the requested records, to the extent they exist and are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

9. At the hearing on this matter, the respondents testified, and it is found, that they conducted a search for all records responsive to the request described in paragraph 2, above.

10. It is found that, with regard to the requested police report and other reports or records, described in paragraph 2, above, the respondents searched the only location where such records, other than the body camera footage, would be maintained by the respondents, using the date, time, name, address, and date of birth provided by the complainant. The respondents testified, and it is found, that they did not locate any responsive police report or other responsive reports or records. The respondents also testified, and it is found, that their search resulted in one call summary report for an incident that corresponded to the address provided. It is found, however, that the respondents, ultimately, deemed the record unresponsive to the request described in paragraph 2, above, because the time of the incident described in such call summary report was off by over four hours and there was no mention of a stabbing or other detail that would link the call summary report to the incident described in paragraph 2, above.¹

11. Based upon the findings in paragraph 10, above, it is found that the respondents conducted a thorough search for responsive records and reasonably concluded that they did not maintain any reports responsive to the request described in paragraph 2, above.

12. It is found that, with regard to the requested body camera footage, described in paragraph 2, above, the record keeper for the Mobile Video Unit searched the only location where such body camera footage would be maintained, using the date, time, incident, and name of the responding officer provided by the complainant. The respondents testified, and it is found, that even if body camera footage of an officer were deleted, the respondents would still be able to locate the responsive body camera footage. The respondents also testified, and it is found, that

¹ The Commission notes that the respondents testified they would be willing to disclose the call summary report, described in paragraph 10, above, to the complainant if he requested it.

the earliest body camera footage for the responding officer identified by the complainant was several hours later and involved an unrelated shooting incident at a different location.

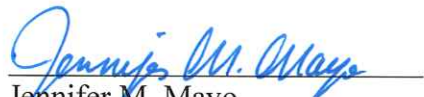
13. Based upon the findings in paragraph 12, above, it is found that the respondents conducted a thorough search for responsive body camera footage and that no such body camera footage is maintained by the respondents.

14. It is therefore concluded, based on the facts and circumstances of this case, that the respondents did not violate §§1-210(a) and 1-212(a), G.S., with respect to the complainant's request described in paragraph 2, above.

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

1. The complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 14, 2024.

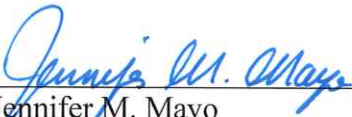

Jennifer M. Mayo
Acting Clerk of the Commission

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:

HECTOR RIVERA, 40 Temple Street, Suite 5B, New Haven, CT 06510

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



Jennifer M. Mayo
Acting Clerk of the Commission