

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Wendy Taylor,

Complainant

against

Docket #FIC 2024-0223

Commissioner, State of Connecticut,
Department of Emergency Services and
Public Protection; and State of
Connecticut, Department of Emergency
Services and Public Protection,

Respondents

April 9, 2025

The above-captioned matter was heard as a contested case on September 6, 2024, at which time the complainant and respondents appeared. The parties presented arguments on the respondents' pending Motion to Dismiss received and filed on May 31, 2024.¹ After considering the respondents' Motion to Dismiss, the complainant presented testimony, exhibits, and arguments on the complaint. The respondents did not present testimony during the September 6, 2024 hearing. A continued hearing was held on February 14, 2025, at which time the respondents appeared and presented testimony, exhibits and argument on the complaint. The complainant did not appear at the continued hearing.

Pursuant to an order of the Hearing Officer issued on the record at the February 14, 2025 continued hearing, the respondents submitted to the Commission an affidavit of John H. Grasso dated February 21, 2025, and a redacted copy of an internal affairs investigation report with the

¹ In their May 31, 2024 Motion to Dismiss, the respondents contend that because the complaint was received and filed by the Commission on April 22, 2024, 31 days had elapsed since the last communication between the parties and, therefore, the complaint was untimely. Section 1-21j-15 of the Regulations of Connecticut State Agencies provides that the computation of any period of time "begins by first counting the day after the day one which the precipitating event occurs, and ends on the last day of the period so computed. The last day of the period is to be included *unless it is a day on which the principal office of the commission is closed, in which event the period shall run until the end of the next following business day.*" (Emphasis added.) Although the Commission stamped the complaint as received and filed on April 22, 2024, such complaint was sent to the Commission on April 20, 2024 – a Saturday. Given the computation of time as set forth in Section 1-21j-15 Regs. Conn. State Agencies, the complaint is timely and the respondents' Motion to Dismiss is therefore denied.

designation “IA-23-013.” Such documents shall be marked as Respondents’ Exhibits 7 (after-filed) and 8 (after-filed), respectively.²

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 on July 3, 2023, the complainant submitted a records request (hereinafter, the “July 3 request”) to the respondents seeking:

Any and all information both electronic and hard copy pertaining to internal affairs [(“IA”)] investigations regarding Sgt Thomas E. Gorman DOB 05/21/71.

Copies of any and all records that pertain to civilian complaints, personnel records, criminal investigations, and discipline regarding Sgt. Thomas E. Gorman. . . .

All policies and operating procedures relating to internal affairs, employee misconduct, securing and storage of duty weapons, discipline procedures, misuse of police powers, officer-involved family violence, harassment/discrimination, code of ethics, request for information/FOI, and civilian/citizen complaints.

Any and all information regarding contact made with South Windsor PD personnel regarding the criminal investigation involving the above referenced party; including the number of times DESPP was updated on the case via email, phone or in writing.

The most current CALEA report from DESPP.

3. It is found that on July 7, 2023, the respondents acknowledged the complainant’s request.

4. It is found that on January 31, 2024, and February 23, 2024, the respondents provided, via email, a number of partially redacted records to the complainant that were responsive to her July 3 request. The complainant does not challenge those redactions.

5. It is found that in their February 23, 2024 email to the complainant, the respondents stated that “the only outstanding record responsive to your July 3, 2023, request is a pending IA report. When that is completed, I will contact you.”

² The respondents also submitted an unredacted copy of IA-23-013 for in camera inspection on February 21, 2025, pursuant to the Hearing Officer’s order issued on the record during the February 14 continued hearing. However, given the findings and conclusions reached below, an in camera inspection of the report was not conducted.

6. It is found that the IA report referenced in the respondents' February 23, 2024 email refers to a January 17, 2024 report concerning Sergeant Thomas Gorman – "IA-23-013."³

7. It is found that by March 22, 2024, the respondents' legal department received IA-23-013, at which time they contacted Sergeant Gorman to determine whether he objected to the disclosure of IA-23-013. It is found that Sergeant Gorman orally objected to the disclosure of the report.

8. It is found that on March 22, 2024, the respondents informed the complainant that Sergeant Gorman objected to the disclosure of IA-23-013 pursuant to §§1-214(b)(1) and 1-214(c), G.S.

9. It is found that Sergeant Gorman filed a written objection to the release of IA-23-013 via email to the respondents on March 25, 2024.

10. By letter of complaint dated April 20, 2024, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information ("FOI") Act, by withholding the IA report that remained outstanding from the complainant's July 3 request (i.e., IA-23-013).⁴

11. 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.

12. 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.

³ IA-23-013 is the designation given to the report at issue in this matter as indicated in Respondents' Exhibit 8 (after-filed).

⁴ The complainant did not use the IA-23-013 designation in her complaint; however, it is found that IA-23-013 is the pending report referenced in the respondents' February 23 and March 22 emails, as described in paragraph 5, above.

13. 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.”

14. It is concluded that the records described in paragraph 2, above, 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.

15. At the September 6, 2024 hearing, the complainant testified, and it is found, that the respondents provided copies of all records responsive to her July 3 request, except for the IA report described in paragraph 5, above (i.e., IA-23-013). Accordingly, IA-23-013 is the only record remaining at issue for the Commission to consider in this matter.

16. As noted in paragraph 6, above, IA-23-013 was not completed until January 17, 2024 – approximately 5 months after the complainant made her July 3 request.⁵

17. It is found, therefore, that the respondents did not maintain a copy of IA-23-013 at the time of the complainant’s July 3 request.

18. The respondents’ disclosure obligations under the FOI Act extend only to those records which they maintain at the time of the request. See Docket #FIC 2023-0564, Joao Campos v. Keith White, Chief Police Department, Town of Monroe et al. Accordingly, the Commission cannot review and order the respondents to provide copies of IA-23-013 in the context of this case.⁶

19. Based on the foregoing, it is concluded that the respondents did not violate the disclosure provisions of §§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:

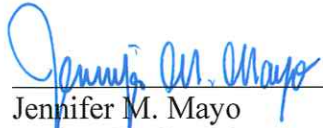
1. The complaint is hereby dismissed.

2. The Commission notes that neither Sergeant Gorman’s March 22, 2024 oral objection nor his March 25, 2024 email objection to the disclosure of IA-23-013 complied with the requirements of §1-214, G.S. The respondents are advised to review §1-214, G.S., to ensure any future objections they receive concerning the disclosure of personnel files meet the requirements contained therein.

⁵ Although, at the September 6, 2024 hearing, the complainant represented that IA-23-013 was the only record outstanding at that point, the respondents later testified and it is found that they had conducted a search for notes and other files related to the investigation and found no other responsive records.

⁶ The Commission notes that the respondents submitted a redacted version of IA-23-013 as an after-filed exhibit (i.e., Respondents’ Exhibit 8 (after-filed)). The respondents sent a copy of Respondents’ Exhibit 8 (after-filed) to the complainant on February 21, 2025. Nothing herein prevents the complainant from making another request for IA-23-013, and if she takes issue with any redactions made thereto, filing another complaint with the Commission challenging those redactions.

Approved by Order of the Freedom of Information Commission at its regular meeting of April 9, 2025.

A handwritten signature in blue ink, appearing to read "Jennifer M. Mayo", is written over a horizontal line.

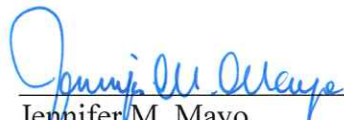
Jennifer M. Mayo
Acting Clerk of the Commission

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:

WENDY TAYLOR, 162 Depot Street, Broad Brook, CT 06106

COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, c/o Attorney Jennifer Miller, 1111 Country Club Road, Middletown, CT 06457



Jennifer M. Mayo
Acting Clerk of the Commission