

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Kailani Carlson,

Complainant

against

Docket #FIC 2024-0542

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

Respondents

August 13, 2025

The above-captioned matter was heard as a contested case on May 15, 2025, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.¹

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 email dated August 9, 2024, the complainant requested copies of “the body camera footage of my statement provided to Trooper Mark Gelven on August 6, 2024, between the hours of 1:30pm to 4:45/5pm (approximate time).”
3. It is found that, by email dated August 9, 2024, the respondents acknowledged the complainant’s request, described in paragraph 2, above. It is also found that, by email dated August 30, 2024, the respondents informed the complainant that they did not maintain records responsive to such request and that the complainant should contact the Westbrook Police Department (“WPD”).

¹ The Commission notes that, by email dated January 26, 2025, the complainant requested accommodation, pursuant to the Americans with Disabilities Act (“ADA”), in order to participate in the contested case hearing on this matter. The complainant supplied documentation in support of her request. Such request for ADA accommodation was granted by the undersigned hearing officer, over the objection of the respondents, and the complainant appeared at the contested case hearing via teleconference.

4. By letter of complaint, received and filed on September 9, 2024, 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’ witness, Abi Levesque, credibly testified, and it is found, that Mark Gelven is a constable employed by the Town of Westbrook and not a State Trooper employed by the respondent Department of Emergency Services and Public Protection (“DESPP”). Ms. Levesque also testified, and it is found, that the requested video footage is kept and maintained by the WPD, which is the custodian of its own law enforcement records, and that, at the time of the complainant’s records request, DESPP did not have any responsive video footage.

10. It is found that, on September 25, 2024, an electronic storage device was sent by mail to the respondents and addressed to Ms. Levesque’s attention. It is also found that the electronic storage device contained a partial copy of the requested video footage and that such copy was approximately two hours in duration. Ms. Levesque testified that, at the time that the electronic storage device was mailed to her attention, she was working remotely and received a virtual note on Microsoft Teams from a coworker informing her that the electronic storage device had been delivered. Ms. Levesque also testified that her coworker uploaded the video from the electronic

storage device, so that Ms. Levesque could review the video footage remotely. She could not testify with certainty as to where such electronic storage device came from.² It is also found that, on September 25, 2024, the same day that the respondents received the electronic storage device and Ms. Levesque received an uploaded copy of the video footage from such electronic storage device, Ms. Levesque reviewed such video footage and sent a copy, without redactions, to the complainant.

11. It is found that, on or around September 26, 2024, the complainant informed Ms. Levesque that the copy of the video footage that was provided, as described in paragraph 10, above, was not the complete video and that responsive video footage was missing.

12. It is found that, on or around October 1, 2024, October 24, 2024, and October 29, 2024, Ms. Levesque reached out to State Trooper Moran, inquiring as to whether the video footage described in paragraph 10, above, was a copy of the full, unredacted video footage requested by the complainant. It is found that State Trooper Moran is the Resident Trooper for the Town of Westbrook, assists the WPD with law enforcement activities, and facilitates communication and cooperation between DESPP and the WPD.

13. It is found that, on or around October 30, 2024, State Trooper Moran informed Ms. Levesque that the requested video footage, described in paragraph 2, above, had been corrupted and that the copy of the video footage described in paragraph 10, above, was not the complete video footage requested. It is also found that State Trooper Moran contacted technical support for the private company that supplies the WPD's body worn camera technology, Panasonic, in order to attempt to fix the corrupted video footage.

14. It is found that, on or around November 12, 2024, Ms. Levesque received a copy of the full video footage from Trooper Moran, which is approximately three hours in duration. It is also found that, on the same day, Ms. Levesque reviewed such video footage and provided a complete copy, without redactions, to the complainant.

15. It is found that the respondents complied fully with the complainant's request.

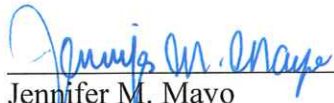
16. It is concluded, based upon the facts and circumstances of this case, that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., as alleged by the complainant.

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.

² Ms. Levesque testified that the electronic storage device was likely sent to her by the WPD (see paragraphs 12 and 13, below) based on the complainant's request and subsequent communications that Ms. Levesque assumed the complainant had with the WPD.

Approved by Order of the Freedom of Information Commission at its regular meeting of August 13, 2025.

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

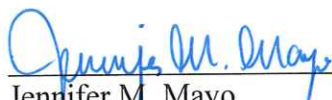
Jennifer M. Mayo
Acting Clerk of the Commission

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:

KAILANI CARLSON, 711 South Kamehameha Avenue, Unit 3D11, Kahului, HI 96732

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 T. Evan Eosten Fisher, Department of Emergency Services and Public Protection, Legal Affairs Unit, 1111 Country Club Road, Middletown, CT 06457



Jennifer M. Mayo
Acting Clerk of the Commission