

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

Jeffrey Tyler,

Complainant

against

Docket #FIC 2024-0563

Chief, Police Department, Town
of Clinton; Police Department, Town
of Clinton; and Town of Clinton

Respondents

August 13, 2025

The above-captioned matter was heard as a contested case on March 20, 2025 and June 11, 2025, at which times 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 email dated August 8, 2024, the complainant requested that the respondents provide him with a copy of the following records:

...body cam footage of Corporal Caruso's interaction with Tina Tufano at 8 Alden Drive in Clinton, CT on October 3, 2023, along with the phone call that was made to the police department on the same day.
3. It is found that by letter dated August 9, 2024, the respondents acknowledged the complainant's request.
4. By email dated August 14, 2024 and received August 16, 2024, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his request for a copy of the records described in ¶ 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 concluded that the requested records are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

9. Section 52-142a(a), G.S., which is Connecticut’s erasure statute, provides in relevant part:

Whenever in any criminal case, on or after October 1, 1969, the accused, by a final judgment, is found not guilty of the charge or the charge is dismissed, all police and court records and records of any state’s attorney pertaining to such charge shall be erased upon the expiration of the time to file a writ of error or take an appeal, if an appeal is not taken, or upon final determination of the appeal sustaining a finding of not guilty or a dismissal, if an appeal is taken....

(Emphasis supplied).

10. Section 54-142a(g)(1), G.S., provides in relevant part:

...any law enforcement agency having information contained in such erased records shall not disclose to

anyone, except the subject of the record, ...information pertaining to any charge erased under this subdivision and [the clerk of the court] shall forward a notice of such erasure to any law enforcement agency to which he knows information concerning the arrest has been disseminated and such...information shall be erased from the records of such law enforcement agency.

(Emphasis supplied).

11. For purposes of §54-142c, G.S., a “criminal justice agency” is defined as including “any . . . government agency created by statute which is authorized by law and engages, in fact, as its principal function in activities constituting the administration of criminal justice.” See §54-142g(b), G.S.

12. It is found that the respondent police department is a criminal justice agency for purposes of §54-142c, G.S.

13. It is further found that the underlying records relate to a criminal matter involving the complainant.

14. It is further found that, on August 8, 2024, the pending criminal matter was dismissed in its entirety. It is further found that, on August 8, 2024, the respondent Chief of Police instructed his Records Clerk not to disclose the requested records to the complainant until the respondent department received official court notification concerning the disposition of the criminal matter.

15. It is found that, by court order dated August 20, 2024 and received on August 28, 2024, the respondents were informed that the criminal matter pending against the complainant had been dismissed and they were instructed by the court to destroy the records pertaining to the underlying criminal charges.

16. It is found that the respondents destroyed the requested records on August 28, 2024.

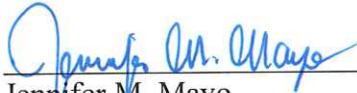
17. Accordingly, it is found that, by the time of the first contested case hearing on this matter, the requested records were erased and destroyed pursuant to the provisions of §§54-142a(a) and (g)(1), G.S.

18. It is concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by declining to provide the complainant with a copy of the records described in paragraph 2, above, since access to and disclosure of such records is governed by the erasure statute; however, the Commission strongly encourages the respondents to review such statute, particularly those provisions providing an exonerated criminal defendant and/or such person’s attorney with the right to access erased criminal records.

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 August 13, 2025.



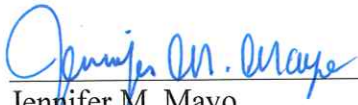
Jennifer M. Mayo
Acting Clerk of the Commission

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:

JEFFREY TYLER, 339 Laurel Street, East Haven, CT 06512

CHIEF, POLICE DEPARTMENT, TOWN OF CLINTON; POLICE DEPARTMENT, TOWN OF CLINTON; AND TOWN OF CLINTON, c/o Attorney Jeffrey W. Kennedy and Attorney Sean C. Connors, Milano & Wanat LLC, 471 East Main Street, Branford, CT 06405



Jennifer M. Mayo
Acting Clerk of the Commission