

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Esteban Hernaiz,

Complainant

against

Docket # FIC 2025-0004

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

Respondents

December 17, 2025

The above-captioned matter was heard as a contested case on May 12, 2025, at which time the complainant and respondents appeared and proffered exhibits. 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. Freedom of Information Commission, 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. By letter dated November 22, 2024, and received and filed by the Commission on December 20, 2024, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide him with a copy of a police report relating to his arrest in the hospital and a copy of the body worn camera footage from a police officer who was allegedly briefed by another officer about such arrest.
3. Section 1-200(5), G.S., provides as follows:

“[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.

4. Section 1-210(a), G.S., provides the following 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 ... receive a copy of such records in accordance with section 1-212.

5. 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.”

6. It is concluded that the requested records, to the extent that they exist, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

7. It is found that, during the proffering of exhibits at the hearing in this matter, the complainant became increasingly agitated, argumentative, and disruptive. It is further found that the complainant initially expressed frustration when the undersigned hearing officer informed him that the Commission had not received any of his proposed documentary exhibits that he purported to have mailed to the Commission prior to the hearing.<sup>1</sup> It is found that the hearing officer offered to instead mark his appeal and the attached documents as an exhibit, which was admitted into evidence without objection after being stipulated to by the parties off the record.

8. It is found that the hearing officer next took up each of the respondents’ proposed exhibits and overruled the complainant’s objections to each one, at which point the complainant became angry and accusatory. Specifically, it is found that, after each of the rulings, the complainant raised his voice, argued extensively with the hearing officer, and repeatedly accused her of treating him unfairly. It is further found that the complainant continually interrupted the hearing officer, requiring her to frequently repeat her questions to him. It is found that the complainant’s arguing greatly obstructed the progress of the hearing.

9. It is found that, approximately 45 minutes into the hearing, the hearing officer asked the complainant whether he wished to proceed with the hearing and cautioned him that he was sabotaging the hearing with his behavior. It is found that the complainant replied that he wished to proceed, but he continued to angrily protest her evidentiary rulings.

10. It is found that, after nearly an hour of engaging in the abovementioned behavior, the complainant began to use expletives.<sup>2</sup> It is further found that, immediately after the complainant began to curse, the hearing officer reprimanded him for his language, announced that she was closing the hearing, and disconnected the phone line to the complainant.

11. It is found that the hearing officer closed the hearing after 57 minutes, and the hearing did not progress beyond the marking of exhibits.

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<sup>1</sup> The Commission notes that it did not receive the complainant’s proposed exhibits until May 20, 2025, eight days after the hearing. Such exhibits were sent by the complainant via U.S. Mail and were postmarked May 15, 2025, three days after the contested case hearing.

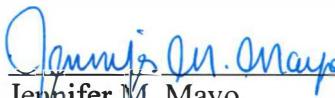
<sup>2</sup> The Commission notes that the complainant began to grumble about “this piece of shit,” and further notes that it was unclear to whom, or to what, the complainant was referring.

12. It is concluded that the complainant's behavior during the hearing in this matter was inappropriate, entirely unacceptable, and tantamount to a failure to prosecute. Further, such conduct constitutes an abuse of the Commission's administrative process.

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 with prejudice.
2. The Commission admonishes the complainant for his inappropriate conduct at the hearing and reminds him that, pursuant to §1-206(b)(2), G.S., if the Executive Director of the Commission has reason to believe that an appeal would perpetrate an injustice or would constitute an abuse of the Commission's administrative process, such appeal will not be scheduled for a hearing without the Executive Director seeking and obtaining leave of the Commission.

Approved by Order of the Freedom of Information Commission at its regular meeting of December 17, 2025.

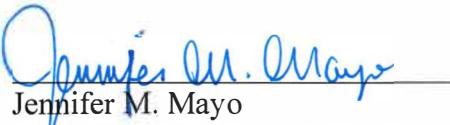
  
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Jennifer M. Mayo  
Acting Clerk of the Commission

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:

**ESTEBAN HERNAIZ, #267849**, Cheshire Correctional Institution, 900 Highland Avenue, Cheshire, CT 06410

**CHIEF, POLICE DEPARTMENT, CITY OF HARTFORD; POLICE DEPARTMENT, CITY OF HARTFORD; AND CITY OF HARTFORD**, c/o Attorney Nathalie Feola-Guerrieri, Office of the Corporation Counsel, 550 Main Street, Hartford, CT 06103

  
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Jennifer M. Mayo  
Acting Clerk of the Commission