

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Cordious Wilson,

Complainant

against

Docket # FIC 2024-0111

Chief, Police Department, City of New
Haven; Police Department, City of New
Haven; and City of New Haven,

Respondents

January 22, 2025

The above-captioned matter was heard as a contested case on October 21, 2024, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint. 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. It is found that, by letter dated January 16, 2024, the complainant requested that the respondents provide him with copies of records pertaining to the arrest of Rahgue J. Tenant, then a lieutenant for the New Haven Police Department, “for 1st degree assault and hostage against his family, wife and kids,” including any police blotter related to such arrest (“January 16 request”).
3. By letter postmarked February 14, 2024 and received February 20, 2024, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide the records responsive to the January 16 request.
4. It is found that, at the time the complainant filed his complaint in this matter, he had not received any records from the respondents in response to the January 16 request.
5. Section 1-200(5), G.S., provides:

"Public 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:

Except 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 the provisions of section 1-212.

7. Section 1-212(a), G.S., provides in relevant part: "Any 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 records described in paragraph 2, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

9. It is found that, by email dated March 28, 2024, the respondents provided copies of records responsive to the January 16 request to the FOI Administrator of the Department of Correction ("DOC") pursuant to §1-210(c), G.S., to thereafter be provided to the complainant. It is further found that, also on March 28, 2024, the DOC responded by email stating: "Received. Documents will be reviewed and forwarded to the facility to provide."

10. At the hearing on this matter, the complainant testified, and it is found, that he had not received any records responsive to the January 16 request, nor had he received any correspondence from the DOC indicating that the DOC was withholding any responsive records.¹

11. At the hearing on this matter, the respondents contended that they made reasonable and diligent efforts to provide responsive records to the complainant, and that they had not violated the disclosure provisions of the FOI Act.

12. With respect to the complainant's claim that he did not receive any responsive records, the process of providing records to an incarcerated person is governed by §1-210(c),

¹ During the hearing on this matter, the complainant also contended that, in addition to the records described in paragraph 2, above, he requested copies of any complaints made to the respondent police department regarding Lieutenant Tenant's work performance. However, after reviewing the specific language of the request during the hearing, the complainant acknowledged that he had not, in fact, requested such records. Accordingly, a request for such records is not at issue in this case and will not be addressed further herein.

G.S. Section 1-210(c), G.S., provides that a public agency must notify the Commissioner of Correction when it receives a request from a person confined in a correctional facility. The policy implementing §1-210(c), G.S., provides that records requested by an incarcerated person shall be delivered to the DOC FOI Administrator to conduct a review to determine whether such records, or portions thereof, are exempt from disclosure pursuant to §1-210(b)(18), G.S.² If the Commissioner of Correction believes that the requested records are exempt from disclosure pursuant to §1-210(b)(18), G.S., the Commissioner may withhold such records from such person when the records are delivered to the correctional institution. An incarcerated person who believes records have been improperly withheld may file a complaint against the DOC with the FOI Commission.

13. The lieutenant in charge of the records division of the respondent police department testified, and it is found, that the records clerk of the respondent police department searched such police department's electronic files for records responsive to the complainant's request. The lieutenant further testified, and it is found, that the records clerk searched the location where the records would have been maintained, and that no paper records existed. The lieutenant also testified, and it is found, that the respondents provided all records responsive to the January 16 request to the DOC and they did not withhold any responsive records.³

14. It is found that the respondents conducted a reasonably thorough and diligent search for the requested records, described in paragraph 2, above, and that they provided to the DOC all responsive records, pursuant to §1-210(c), G.S.⁴

15. Accordingly, it is concluded that the respondents did not violate §§1-210(a) and 212(a), G.S.

16. To the extent the complainant seeks to challenge the DOC's withholding of any responsive records, the complainant must file a complaint against the DOC in accordance with §1-206(b), G.S., in order for the Commission to adjudicate such issue.⁵

² Section 1-210(b), G.S., provides in relevant part: “[n]othing in the Freedom of Information Act shall be construed to require disclosure of: ... (18) Records, the disclosure of which the Commissioner of Correction ... has reasonable grounds to believe may result in a safety risk, including the risk of harm to any person or the risk of an escape from, or a disorder in, a correctional institution or facility under the supervision of the Department of Correction”

³ The respondents redacted from the responsive records the identities and certain personally identifiable information of the alleged victim and her children as well as the home address of Lieutenant Tennant. During the October 21, 2024 hearing, the complainant stated that he did not object to such redactions; consequently, they are not addressed further herein.

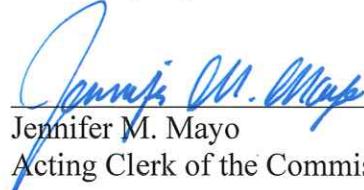
⁴ The Commission notes that neither the complainant nor the respondents received any notice that the DOC was withholding any responsive records from the complainant, but the responsive records were entered into the Administrative Record as respondents' Exhibit 2 and a copy of such exhibit was emailed to the DOC immediately prior to, and after the hearing, to be forwarded to the complainant. However, it is not known, as of the date of the undersigned report, whether the DOC provided such exhibit to the complainant.

⁵ The complainant may wish to consult with the FOI Commission staff with respect to this issue and may request such records directly from the Department of Correction. If he does not receive such records in response to such request, the complainant may file a complaint with the Commission concerning that request.

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 January 22, 2025.



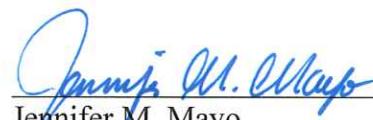
Jennifer M. Mayo
Acting Clerk of the Commission

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:

CORDIOUS WILSON, #217442, MacDougall Correctional Institution, 1153 East Street, South, Suffield, CT 06080

CHIEF, POLICE DEPARTMENT, CITY OF NEW HAVEN; POLICE DEPARTMENT, CITY OF NEW HAVEN, 1 Union Avenue, 3rd Floor, New Haven, CT 06519; **AND CITY OF NEW HAVEN**, 165 Church Street, New Haven, CT 06510



Jennifer M. Mayo
Acting Clerk of the Commission