

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

J. Patten Brown, III,

Complainant

against

Docket # FIC 2024-0401

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

Respondents

June 25, 2025

The above-captioned matter was heard as a contested case on February 19, 2025, at which time the complainant¹ 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 letter dated December 28, 2023, the complainant requested that the respondents provide him with a copy of all records related to “an incident occurring at or around Rocky Neck State Park, on or around August 16, 2023” and a “disclosure made to Officer William Kurr with the DEEP State Environmental Conservation Police on or around August 17, 2023” involving certain parties identified in the request.
3. It is found that, by letter dated March 19, 2024, the complainant renewed the request described in paragraph 2, above.
4. It is found that the respondents acknowledged the complainant’s March 19, 2024 request via their “GovQA Request Center” portal on the same date.
5. It is found that, by letter dated June 3, 2024, the complainant inquired about the status of the request described in paragraph 2, above.

¹ The Commission notes that after the issuance of the notice of hearing in this matter, the undersigned hearing officer designated Attorney J. Patten Brown, III, who made the request that is the subject of this appeal, and filed a complaint with the Commission, as the complainant in this matter, in lieu of his clients. See Regs., Conn. State Agencies § 1-21j-30.

6. It is found that, by letter dated July 1, 2024, the respondents denied the complainant's request, claiming that the records described in paragraph 2, above, were exempt from disclosure.

7. By complaint filed July 11, 2024, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his request for the records described in paragraph 2, above.

8. 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.

9. 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.

10. 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."

11. 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.

12. At the hearing on this matter, the respondents contended that the records responsive to the request described in paragraph 2, above, are exempt from disclosure pursuant to §§ 17a-101k and 1-210(b)(3)(H), G.S.

13. Following the hearing on this matter, the undersigned hearing officer ordered the respondents to submit a copy of the records responsive to the request described in paragraph 2, above, to the Commission for in camera inspection. On March 5, 2025, the respondents submitted 45 pages of records, along with an Index to Records Submitted for In Camera Inspection. On the Index, the respondents described the records as the "investigatory report with attachments." Such records shall hereinafter be referred to as the "in camera records."

14. With respect to the contention that the records described in paragraph 13, above, are exempt from disclosure pursuant to §17a-101k, G.S., such provision provides, in relevant part:

- (a) The Commissioner of Children and Families shall maintain a registry of the commissioner's findings of abuse or neglect of children pursuant to section 17a-101g that conforms to the requirements of this section. The regulations adopted pursuant to subsection (i) of this section shall provide for the use of the registry on a twenty-four-hour daily basis to prevent or discover abuse of children and the establishment of a hearing process for any appeal by a person of the commissioner's determination that such person is responsible for the abuse or neglect of a child pursuant to subsection (b) of section 17a-101g. The information contained in the registry and any other information relative to child abuse, wherever located, shall be confidential, subject to such statutes and regulations governing their use and access as shall conform to the requirements of federal law or regulations. Any violation of this section or the regulations adopted by the commissioner under this section shall be punishable by a fine of not more than one thousand dollars or imprisonment for not more than one year. (Emphasis added.)

15. The Appellate Court concluded that §17a-101k, G.S., falls within the “except as otherwise provided” language in §1-210, G.S., and therefore, disclosure of information contained in the registry and other information relative to child abuse, wherever located, is not governed by the FOI Act. Groton Police Dept. v. Freedom of Info. Comm’n, 104 Conn. App. 150, 165-166 (2007) (“Groton”). In Groton, the Appellate Court held that records maintained by a police department concerning allegations of child abuse constitute “information relative to child abuse, wherever located,” within the meaning of §17a-101k(a), G.S., and therefore were not subject to disclosure under the FOI Act.

16. The Commission has also long recognized that §17a-101k, G.S., provides a broad grant of confidentiality with respect to information pertaining to allegations of child abuse. See e.g., Docket #FIC 1997-230; Pfliederer v. Dept. of Public Health (February 11, 1998); Docket #FIC 93-213; LaPointe v. Dept. of Human Resources (June 22, 1994); and Docket #FIC 92-012 DeRosa v. Dept. of Health Services (February 26, 1992).

17. It is found that on or about August 17, 2023, the Department of Energy and Environmental Protection’s Division of State Environmental Conservation Police (“DEEP”) became aware of an incident that occurred at Rocky Neck State Park on August 16, 2023, and thereafter commenced an investigation of such incident, which involved an allegation of sexual assault of a juvenile by an adult.

18. It is found that DEEP’s investigating officer filed an emergency oral report of suspected child abuse or neglect with the Department of Children and Families (“DCF”) and subsequently filed a written Report of Suspected Child Abuse or Neglect with DCF. It is further

found that DEEP's investigating officer notified the parents of the juvenile that the matter would be investigated further by the State Police and that he had notified DCF.

19. After careful in camera inspection, it is found that the in camera records constitute "information relative to child abuse, wherever located," within the meaning of §17a-101k, G.S., and therefore are not subject to disclosure under the FOI Act.

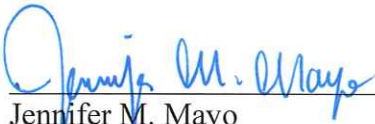
20. Accordingly, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., by withholding such records from the complainant, as alleged in the complaint.

21. Because it is found that the in camera records are exempt from disclosure pursuant to §17a-101k, G.S., consideration of whether such records are also exempt from disclosure pursuant to §1-210(b)(3)(H), G.S., is not warranted.

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 June 25, 2025.



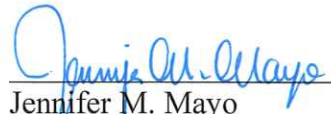
Jennifer M. Mayo
Acting Clerk of the Commission

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:

J. PATTEN BROWN, III, c/o 30 East Main Street, Avon, CT 06001

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, DESPP Legal Affairs Unit, 1111 Country Club Road, Middletown, CT 06457



Jennifer M. Mayo
Acting Clerk of the Commission