

STATE OF CONNECTICUT  
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Lisa M. Smith,

Complainant

against

Docket # FIC 2024-0306

Chief, Police Department, Town of East  
Hartford; Police Department, Town of East  
Hartford; and Town of East Hartford,

Respondents

May 28, 2025

The above-captioned matter was heard as a contested case on September 17, 2024 and November 12, 2024, 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 letter dated March 5, 2024, the complainant requested that the respondents provide her with a copy of reports generated between the dates of January 2021 and the date of the request, specifically:
  - (a) Copies of crime/incident reports (also identified as police reports) in which a person was investigated, stopped, cited, arrested, or charged with violating Connecticut General Statutes §53a-109 at the address either on or near (within 100 yard radius): 1021 Main Street, East Hartford - Alumni Field (GPS coordinates 41.771862,-72.642181).
  - (b) Copies of crime/incident reports (also identified as police reports) in which a person was investigated, stopped, cited, arrested, or charged with violating Connecticut General Statutes §53a-182(a)(5-6) at the address either on or near (within 100 yard radius): 1021 Main Street, East Hartford - Alumni Field (GPS coordinates 41.771862,-72.642181).
  - (c) Copies of crime/incident reports (also identified as police reports) in which a person was investigated, stopped, cited, arrested, or charged with violating Connecticut General Statutes §53a-181 at the address either on or near (within 100 yard radius): 1021 Main Street, East Hartford - Alumni Field (GPS coordinates 41.771862,-72.642181).

- (d) Copies of crime/incident reports (also identified as police reports) in which a person was investigated, stopped, cited, arrested, or charged with violating Connecticut General Statutes §7-148(c)(7)(F) at the address either on or near (within 100 yard radius): 1021 Main Street, East Hartford - Alumni Field (GPS coordinates 41.771862,-72.642181).
- (e) Copies of crime/incident reports (also identified as police reports) in which a person was investigated, stopped, cited, arrested, or charged with violating Connecticut General Statutes §27-278(a)(1) at the address either on or near (within 100 yard radius): 1021 Main Street, East Hartford - Alumni Field (GPS coordinates 41.771862,-72.642181).
- (f) Copies of crime/incident reports (also identified as police reports) in which a person was investigated, stopped, cited, arrested, or charged with violating Connecticut General Statute §7-148 at the address either on or near (within 100 yard radius): 1021 Main Street, East Hartford - Alumni Field (GPS coordinates 41.771862,-72.642181).<sup>1</sup>

3. It is found that, by letter dated March 8, 2024, the respondents acknowledged the request described in paragraph 2, above.

4. It is found that, by letter dated April 29, 2024, the complainant requested that the respondents provide her with a copy of dashcam and bodycam footage from March 4, 2024, for the following officers and time periods: (a) Officer Bianca Krzynowek: 1830-2300 hours; (b) Officer Jerry Cao: 1900-2230 hours; (c) Officer Aidan Black: 1900-2230 hours; (d) Officer Nicolas Sevetz: 1900-2230 hours; (e) Officer Daniel Zak: 1900-2230 hours; and (f) Officer Todd Mona: 1820-2130 hours.

5. It is found that, by letter dated April 29, 2024, the respondents acknowledged the request described in paragraph 4, above.

6. It is found that, by letter dated May 14, 2024, the complainant inquired about the status of the requests described in paragraphs 2 and 4, above.

7. By complaint filed June 11, 2024, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying her requests for the records described in paragraphs 2 and 4, 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

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<sup>1</sup> The Commission notes that the complainant also made a separate request on March 5, 2024, described by the complainant as "Part One." At the hearing, the complainant testified that the March 5, 2024 "Part One" request was satisfied and is no longer at issue. Therefore, further consideration of such request herein is not warranted.

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 paragraphs 2 and 4, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

12. With respect to the March 5, 2024 request, described in paragraph 2, above, the respondents contended that compliance with such request would require research, which the respondents claimed they are not required to do under the FOI Act.

13. The FOI Act does not require public agencies to perform research to determine which records are responsive to a request. In *Wildin v. Freedom of Information Commission*, 56 Conn. App. 683, 686-87 (2000), the Appellate Court explained that a request requires research if it does not identify the records sought with sufficient particularity, such that the public agency must conduct an analysis or exercise discretion to determine which records fall within the scope of the request. *Id.* at 686-87.

14. It is found that the reports described in paragraph 2, above, are maintained in the respondents electronic records management system, NextGen.

15. It is found that the respondents were not able to search for the records described in paragraph 2 above, using the GPS coordinates provided by the complainant. It is found, however, that the respondents were able to search utilizing the address for Alumni Field. It is also found that the respondents are able to input the statutory sections referenced in paragraph 2, above, but that they are not able to input the specific subsections included by the complainant. It is found that, in inputting either data point, the respondents expressed concern regarding the number of results yielded by such searches and having to review such results in order to determine whether they are responsive to the request described in paragraph 2, above.

16. It is found that, while compliance with the complainant’s request, described in paragraph 2, above, might be time consuming, doing so does not require the respondents to

conduct analysis or exercise discretion. As the Court explained in *Wildin*, “[a] record request that is simply burdensome does not make that request one requiring research.” *Id.* at 687. While the size of the request and the amount of time it takes for a public agency to comply are important factors in determining whether an agency complied with a request “promptly,” within the meaning of §§1-210(a) and 1-212(a), G.S., nothing in the FOI Act permits a public agency to deny a request outright solely because the request is burdensome.

17. With respect to the April 29, 2024 request, described in paragraph 4, above, it is found that such request was delivered to the respondents’ management information systems (“MIS”) officer, who is responsible for processing requests for body worn and dash camera footage. It is found that the MIS officer reviewed the request and mistakenly concluded that the complainant sought the same video footage already requested and provided to her in response to the request described in footnote 1, above. It is found that the MIS officer concluded that the complainant must have had difficulty accessing the footage and resent the records to her. It is found that the MIS officer determined that the April 29, 2024, request had been satisfied.

18. However, it is found that the MIS officer conducted a subsequent review of the request and realized that the request sought different footage from that which was requested and provided in response to the request described in footnote 1, above. It is found that the respondents thereafter commenced a search for records responsive to the April 29, 2024 request described in paragraph 4, above.

19. It is found that the respondents located responsive footage and provided copies of such footage to the complainant on or about October 2024, seven months after the complainant made her request to the respondents.<sup>2</sup>

20. It is found, however, that due to the respondents’ delay in conducting a search for the records responsive to the request described in paragraph 4 above, other responsive footage was purged and therefore could not be provided to the complainant.

21. Based on all of the foregoing, it is concluded that the respondents violated the promptness and disclosure requirements of §§1-210(a) and 1-212(a), G.S., as alleged in the complaint.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. Within seven (7) days of the date of the Notice of Final Decision in this matter, the respondents shall commence a search for the records described in paragraph 2, above. The respondents shall provide the complainant with a copy of all responsive records, free of charge, on a rolling basis, at least every 30 calendar days. The respondents shall complete their review

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<sup>2</sup> The Commission notes that the respondents did not provide the complainant with copies of other footage that was responsive to the request, contending that such footage pertained to pending law enforcement investigations or prosecutions. At the hearing and in her communications with the respondents, the complainant confirmed that she did not object to the respondents withholding footage that pertained to a pending law enforcement investigation or prosecution. Therefore, consideration of whether such records are exempt from disclosure is not warranted and will not be addressed herein.

and provision of all records responsive to the complainant's request within 3 months of the date of the Notice of Final Decision in this matter. The parties are encouraged to work together to determine the priority of the search and production described herein.

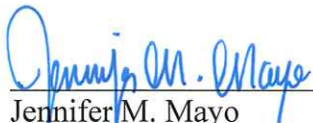
2. In complying with paragraph 2 of this order, the respondents may redact only those portions of the responsive records, if any, that are mandatorily exempt from disclosure. The respondents may not redact any information that is permissively exempt from disclosure. If, pursuant to this order, the respondents withhold any record they claim is subject to a mandatory exemption, they shall provide a log to the complainant detailing the type of record withheld and the mandatory exemption upon which they relied for withholding such record, and submit an affidavit to the complainant, with a copy of the log and affidavit to the Commission, regarding such matters.

3. Upon receipt of the log and affidavit, if the complainant wishes to challenge the withholding of the records, or portions of records, described in the log and affidavit, she may file a complaint with the Commission and request that the matter be afforded expedited treatment.

4. Forthwith, the respondents, or their designee, shall arrange for an FOI Act training session to be conducted by the staff of the FOI Commission. The respondents, or their designee, shall forthwith contact the FOI Commission to schedule such training.

5. Henceforth, the respondents shall strictly comply with the disclosure and promptness requirements of §§1-210(a) and 1-212(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of May 28, 2025.



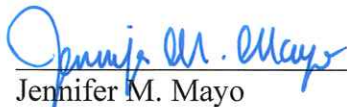
Jennifer M. Mayo  
Acting Clerk of the Commission

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:

**LISA M SMITH**, 42777 Keiller Terrace, Ashburn, VA 20147

**CHIEF, POLICE DEPARTMENT, TOWN OF EAST HARTFORD; POLICE DEPARTMENT, TOWN OF EAST HARTFORD; AND TOWN OF EAST HARTFORD**,  
c/o Attorney James N. Tallberg, Office of Corporation Counsel, 740 Main Street, East Hartford,  
CT 06108



Jennifer M. Mayo  
Acting Clerk of the Commission