

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Joao Campos,

Complainant

against

Docket # FIC 2024-0350

Keith White, Chief, Police Department,
Town of Monroe; Police Department, Town
of Monroe; and Town of Monroe,

Respondents

May 28, 2025

The above-captioned matter was heard as a contested case on October 30, 2024, and January 14, 2025, at which times the complainant and respondents appeared and presented testimony, exhibits, and argument on the complaint.

Pursuant to two separate orders of the undersigned Hearing Officer, the respondents submitted after-filed exhibits, which have been marked, without objection, as follows: Respondents' Exhibit 10 (after filed): Affidavit of Keith White, dated April 23, 2025; and Respondents' Exhibit 11 (after-filed): Affidavit of Keith White, dated April 30, 2025.

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 March 4, 2024, the complainant requested that the respondents provide him an opportunity to inspect, or alternatively, with copies of "[A]ny electronic data such as but not limited to body camera footage, police station surveillance cameras, notes, phone call records, phone recordings, etc. available in regards to investigation 23-1030"¹ ("March 4 request").
3. It is found that by email dated March 8, 2024, the respondents acknowledged the complainant's March 4 request.
4. It is found that by email dated May 23, 2024, the complainant asked for a status update on the March 4 request.

¹ The complainant noted in the March 4 request that "ONLY [the] police report has been provided to me so I am NOT requesting [the] police report." The complainant also requested that no record be destroyed, and that the respondents provide him with a copy of the "destruction order" for any record requested which no longer exists. Such requests were not raised or in contention at either contested case hearing, and therefore shall not be further addressed herein.

5. It is found that by email dated June 3, 2024, the respondents informed the complainant that they were reviewing his emails to the respondents sent between May 2024 and June 2024, “to ensure our transmittal of relative information regarding your requests and questions.”

6. It is found that by email dated June 17, 2024, the respondents provided the complainant with a status update on thirteen different records requests submitted by the complainant to the respondents, including the March 4 request at issue here.² It is also found that the respondents informed the complainant that a video on a flash drive responsive to the March 4 request was available to be picked up.

7. By letter of complaint received and filed June 17, 2024, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to comply with the March 4 request. The complainant also requested that the Commission impose a civil penalty against the respondents.

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 (1) inspect such records promptly during regular office or business hours, . . . or (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, to the extent that they exist and are maintained by the respondents, are public records within the meaning of §§1-

² It is found that such requests were made between July 16, 2022 and December 31, 2023.

200(5) and 1-210(a), G.S.

12. It is found that on June 24, 2024, the complainant picked up body camera footage and notes responsive to the March 4 request.

13. At the January 14, 2025 continued hearing, the complainant acknowledged that the respondents provided him with records responsive to the March 4 request, but claimed that the respondents failed to conduct a thorough search for and provide all responsive records promptly. Specifically, the complainant claimed that the respondents failed to provide him with (a) body camera footage of phone calls between officers and members of the public, including their interactions with Suzanne Campos, the complainant's ex-wife, (b) an email from Kenneth Williams to Suzanne Campos, referred to in an incident report for case #23-1030, and (c) all notes taken by the officers responding to the incident in case #23-1030.

14. The respondents contend that they conducted a thorough search in all locations where responsive records reasonably might be located, and that they provided all responsive records to the complainant that existed at the time of the March 4 request.

15. With respect to the search for records responsive to the March 4 request, the respondents testified, and it is found, that the Chief, the captain of the Police Department, three lieutenants, the Chief's administrative assistant, records room personnel and individual officers took part in searching for responsive records.

16. The respondent also testified, and it is found, that immediately prior to the January 14, 2025 continued hearing, the respondents conducted an additional search for records responsive to the March 4 request.

17. It is found that the respondents searched all of the relevant *case files* maintained by the respondents for records responsive to the March 4 request.

18. With respect to the request for body camera footage of phone calls, the complainant testified that he believes additional body camera footage should exist because all of his own interactions with the respondent Police Department are recorded.

19. The respondents testified, and it is found, that the respondent Police Department does not have a policy which requires officers to activate body cameras to record telephone calls. The respondents also testified, and it is found, that they did not make any recordings of interactions with Suzanne Campos, or other individuals in connection with case #23-1030, other than those records provided to the complainant relating to the March 4 request.

20. It is found that the respondents provided the complainant with all responsive body camera footage that existed at the time of the March 4 request.

21. With respect to the request for the email referred to in the incident report, the complainant testified that he believes such email was provided to the responding officer at the time the officer made contact and spoke with Suzanne Campos as part of the investigation into case #23-1030.

22. It is found that the police incident report for case #23-1030 refers to an email between Suzanne Campos and Kenneth Williams. The respondents testified, and it is found, that they never took possession of such email.

23. With respect to the request for notes, the complainant testified that all of the responding officers must have taken notes and that such notes were not provided to him.

24. The respondents testified that *all* notes related to case #23-1030 had been provided to the complainant in response to previous records requests³ and again in response to the March 4 request.

25. Subsequent to the hearings in this matter, pursuant to two separate orders of the Hearing Officer, the respondents submitted affidavits in which they attested that an additional search for records was conducted and that no additional notes were located. In the affidavits, the respondents also provided details regarding the scope of the search. However, the affidavits make no mention as to whether a direct inquiry was made to the responding officer(s) regarding whether they had any responsive notes in their possession.

26. It is therefore found that the respondents failed to prove that they conducted a thorough search for and to provide the complainant with all responsive notes that they maintained as of the time of the March 4 request.

27. It is therefore concluded that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., with respect to the request for notes.

28. With respect to the complainant's claim that the respondents failed to provide him records promptly, the Commission has defined the word "promptly," as used in §§1-210(a) and 1-212(a), G.S., to mean "quickly and without undue delay, taking into account all of the factors presented by a particular request [including]: the volume of records requested; the amount of personnel time necessary to comply with the request; the time by which the requestor needs the information contained in the records; the time constraints under which the agency must complete its other work; the importance of the records to the requester, if ascertainable; and the importance to the public of completing the other agency business without the loss of the personnel time involved in complying with the request." See *FOI Commission Advisory Opinion #51* (Jan. 11, 1982). The Commission further explained:

In weighing these and other factors, common sense and good will ought to be the guiding principles. The Commission believes that if an agency politely explains to a person seeking access to records why immediate compliance is not possible, that person will most likely understand and appreciate the agency's obligation to balance its duties as custodian of public records with its other duties. And as long as it appears to that person that

³ The notes were also provided in cases #2024-0244 and #2024-0315.

the agency is not trying to unduly delay compliance, or impose unnecessary restrictions, he or she will most likely try to accommodate the agency. Indeed, it has been the Commission's experience that when an agency is sensitive to the needs of the requester, in most cases the agency is able to meet such person's essential requirements in a manner that also permits it to satisfactorily perform its other functions. In the final analysis, it is the Commission's opinion that this rule of reason and courtesy, if implemented, should eliminate the vast majority of potential conflicts between a citizen's right to timely access to public records, and an agency's duty to comply while processing other important business.

29. The complainant contends that the respondents' delay may have prevented him from receiving all of the records he requested, due in part to the respondents' policy for records retention and body camera activation during criminal investigations (or lack thereof). The complainant also contends that the delay hindered his ability to defend himself in a Connecticut Department of Children and Families investigation.

30. The respondents contend that any delay in complying with the March 4 request was attributable to the volume of requests they have received from the complainant, as well as the complainant's own inattention to communications between the parties.

31. It is found that since July 2022, the complainant has submitted at least 20 records requests to the respondents.

32. The respondents testified, and it is found, that in the days and months following the March 4 request, they expended a significant number of personnel hours responding to the complainant's multiple records requests, some of which overlap.

33. It is also found, however, that 112 days elapsed between the March 4 request and the date on which the respondents provided the complainant with records responsive to such request and it was not until one week after the complainant filed his complaint with the Commission that such records were made available.

34. Under the facts and circumstances of this case, even taking the respondents' reasons for delay into consideration, it is found that the respondents failed to promptly provide the complainant with copies of or an opportunity to inspect the records responsive to the March 4 request.

35. Based on the foregoing and considering the promptness factors set forth in Advisory Opinion #51, described above, it is concluded that the respondents violated the promptness requirements of §§1-210(a) and 1-212(a), G.S.

36. In his complaint, the complainant requested that civil penalties be imposed on the respondents.

37. Although the respondents (i) failed to conduct a thorough search for notes responsive to the March 4 request, and (ii) did not act promptly in disclosing records to the complainant, it is found that there is no evidence that the respondents acted in bad faith, deliberately delayed the disclosure of records, or otherwise engaged in a pattern of conduct resulting in repeated violations of the public's rights under the FOI Act.

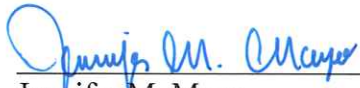
38. Accordingly, based on the facts and circumstances of this case, the Commission declines to consider the imposition of a civil penalty on the respondents.

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

1. Within fourteen (14) days of the Notice of the Final Decision in this matter, the respondents shall undertake a search for notes responsive to the complainant's March 4 request, including a direct inquiry of any responding officer(s) in case #23-1030. The respondents shall provide the complainant with a copy of such notes, if any are located, and free of charge. Within thirty (30) days of the Notice of the Final Decision, the respondents shall also provide an affidavit to the complainant and the Commission, prepared by a person with knowledge of the efforts taken, and detailing the scope and results of their search.

2. Henceforth, the respondents shall strictly comply with the disclosure and promptness provisions 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.



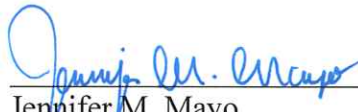
Jennifer M. Mayo
Acting Clerk of the Commission

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:

JOAO CAMPOS, 404 Mariners Walk, Milford, CT 06468

KEITH WHITE, CHIEF, POLICE DEPARTMENT, TOWN OF MONROE; POLICE DEPARTMENT, TOWN OF MONROE; AND TOWN OF MONROE, c/o Attorney David A. Ryan, Jr., Ryan & Ryan, LLC, 900 Chapel Street, Suite 621, New Haven, CT 06510



Jennifer M. Mayo
Acting Clerk of the Commission