

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Joao Campos,

Complainant

against

Docket # FIC 2024-0351

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 the respondents appeared and presented testimony, exhibits, and argument on the complaint.

Pursuant to two separate orders of the undersigned Hearing Officer, the complainant and respondents submitted after-filed exhibits, which have been marked, without objection, as follows: Complainant's Exhibit F (after-filed): 3 pages of handwritten notes; Respondents' Exhibit 1 (after filed): 3 pages of handwritten notes; Respondents' Exhibit 2 (after-filed): Affidavit of Keith White, dated February 14, 2025; Respondents' Exhibit 3 (after-filed): Email from respondents to complainant, dated May 20, 2024, together with attachment entitled "Response 5.16.24.pdf"; and Respondents' Exhibit 4 (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 May 16, 2024, the complainant requested that the respondents provide him an opportunity to inspect, or alternatively, with copies of, the following records: "[A]ll body camera footage, police reports, notes and all/any electronic information involving police case 24-3009 and all cases related to this report"¹ ("May 16 request").
3. It is found that by email dated May 20, 2024, the respondents acknowledged the May 16 request.

¹ The complainant also requested that no records 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.

4. It is found that by email dated May 24, 2024, the respondents informed the complainant that records responsive to his May 16 request, including 91 pages of records and body camera footage would be available to be picked up at the respondents' dispatch window on May 28, 2024. It is found that among the records provided were three pages of handwritten notes of two officers.

5. It is found that by email dated May 31, 2024, the complainant informed the respondents that he received the records described in paragraph 4, above, but contended that certain records were missing.

6. 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 his May 16 request. The complainant also requested that the Commission impose a civil penalty against the respondents.

7. 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.

8. 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.

9. 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."

10. 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 §§1-200(5) and 1-210(a), G.S.

11. At the hearings in this matter, the complainant acknowledged that the respondents provided him with records responsive to his May 16 request, but contended that they failed to

conduct a thorough search for and provide all responsive records promptly. Specifically, the complainant claimed that the respondents failed to provide all officer notes and body worn camera footage of the respondents' interactions with the complainant's ex-wife, Suzanne Campos.

12. The respondents contended 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.

13. The respondents testified, and it is found, that multiple individuals within the respondent Police Department searched for responsive records, including the Chief, Captain of the Department and lieutenants.

14. The respondents testified, and it is found, that they maintain physical file(s) corresponding to each case investigation number and that such files were searched for records responsive to the May 16 request.

15. The respondents also testified, and it is found, that they searched the respondents' body worn camera footage database.²

16. It is found that the respondents searched all of the relevant case files and system database for records responsive to the May 16 request.

17. At the hearings, however, the respondent Chief testified that he was unaware whether responding officers were directly asked if they had any responsive notes in their possession.

18. Subsequent to the hearings, 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 to whether a direct inquiry was made to the responding officer(s) regarding whether they had any responsive notes in their possession.

19. It is found that the respondents failed to prove that they conducted a thorough search for and to provide the complainant with all notes responsive to the May 16 request.

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

21. 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

² The respondents testified that there are three search input criteria required to search for and retrieve body worn camera footage from their system database: a) case number, b) date or date range, and/or c) officer's name, together with a specific date/date range. The respondents' search for responsive body camera footage included each of these three search input criteria.

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 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.

22. 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’ body camera procedures (or lack thereof).³ The complainant also contended that the delay: a) impeded his ability to get a restraining order against an individual who allegedly threatened the complainant, b) hindered his ability to defend himself in a Connecticut Department of Children and Families investigation, and c) generally, affected him financially.

23. The respondents contend that they handled the request rapidly and that any delay in complying with the May 16 request was attributable to the volume of records requests they have received from the complainant.

³ The complainant contended that the respondents’ procedure(s) (or lack thereof) allowed officers too much latitude in the activation of body cameras, as well as, in choosing the retention period of such footage. Testimony established that at the conclusion of recording body worn camera footage, the officer must select whether the footage is to be stored for a four-year or ninety-day period. It is the complainant’s contention that under proper procedure(s) additional body camera footage would have been recorded and/or footage that was created would have been stored for the longer four-year period, thereby producing/maintaining more records responsive to the May 16 request.

24. The respondents also testified that they have spent “hundreds of hours” responding to the complainant’s multiple records requests.

25. It is found that the respondents made responsive records, including 91 pages of records and body worn camera footage, available to the complainant within 13 days of the May 16 request.

26. It is found that despite the respondents’ prompt response in providing the complainant with the responsive records identified in paragraph 25, above, and even taking the respondents’ reasons for delay into consideration, they, nevertheless, failed to promptly search for notes responsive to the May 16 request.

27. 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., with respect to the notes.

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

29. Although the respondents (i) failed to conduct a thorough search for notes responsive to the May 16 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.

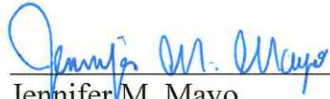
30. Accordingly, based on the facts and circumstances of this case, the Commission declines to consider the imposition of a civil penalty on the respondents.

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, the respondents shall undertake a search for notes responsive to the complainant’s May 16 request, including a direct inquiry of Officers Thompson and Larson. 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.

A handwritten signature in blue ink, appearing to read "Jennifer M. Mayo", is written over a horizontal line.

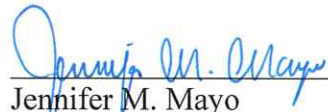
Jennifer M. Mayo
Acting Clerk of the Commission

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