

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Mark Wozar,

Complainant

against

Docket #FIC 2024-0841

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

Respondents

November 19, 2025

The above-captioned matter was heard as a contested case on June 27, 2025, at which time the complainant and respondents appeared 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 on December 9, 2024, the complainant requested from the respondents a “written summary of each of [his] written complaints for 2024.”¹ Additionally, the complainant requested that the respondents “provide an electronic copy of each complaint and table listing the complaints by number and their respective result classification per April 3, 1997 97-R-0503 (Table 1).”²
3. It is found that the respondents acknowledged the complainant’s request described in paragraph 2, above, on December 11, 2024.
4. By complaint received and filed on December 16, 2024, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information (FOI) Act by

¹ “Complaints” as used in the underlying request refer to civilian complaints against police officers.

² The complainant’s citation to “April 3, 1997 97-R-0503” appears to reference a research report by the Office of Legislative Research concerning “Civilian Complaints Against Police.” Table 1 of 97-R-0503 outlines “possible results classifications” (e.g., exonerated, unfounded, not sustained, etc.) as well as the meanings for each classification. See Civilian Complaints Against Police, The Connecticut General Assembly, Office of Legislative Research, 97-R-0503 (April 3, 1997) (<https://www.cga.ct.gov/PS97/rpt/olr/htm/97-R-0503.htm>).

failing to provide him with the records he sought in his December 9 request described in paragraph 2, above.

5. 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.

6. 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, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212.

7. 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.”

8. It is concluded that the requested records as 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.

9. It is found that the respondents provided the complainant with copies of his written complaints in response to his December 9 request on December 30, 2024. It is also found that the respondents informed the complainant that they did not maintain written summaries of his complaints.

10. At the hearing on this matter, the complainant testified that his December 9 request pertained to 10 civilian complaints against police officers that he had filed with the respondents in 2024 on January 19, January 21, March 15, March 19, March 21, April 6, May 1, May 4, May 9, and May 13.

11. It is found that all of the complaints referenced in paragraph 10, above, were made by the complainant in writing, except for the January 21, March 15, and May 13 complaints, which were made orally.

12. The respondents testified, and it is found, that they limited their search for records in response to the complainant's request to only written complaints as that is what was specifically sought by the complainant in his December 9 request, as set forth in paragraph 2, above.

13. It is found that the respondents reasonably interpreted the scope of the complainant's December 9 request, which solely references "written complaints." Additionally, although the second sentence of the complainant's request seeks electronic copies of "each complaint," nothing therein suggests that the complainant was seeking copies of complaints he made orally. Based on the facts and circumstances of this case, it is further found that the respondents reasonably interpreted the complainant's request for electronic copies of "each complaint" as only pertaining to his written complaints.

14. It is found, therefore, that the oral complaints identified in paragraph 11, above, do not fall within the scope of the complainant's December 9 request.

15. With respect to the written complaints described in paragraph 2, above, the complainant concedes that he was provided with copies of all written complaints responsive to his December 9 request.

16. With respect to the request for summaries of the written complaints, the respondents witness, the then-Lieutenant in charge of Professional Standards, testified that he had received the complainant's written complaints and knew that no written summaries existed. Additionally, the respondents testified that it was not their practice to create summaries of complaints. The Commission credits such testimony, and it is therefore found that the respondents do not maintain summaries of the written complaints as such records did not exist at the time of the complainant's December 9 request.

17. Similarly, the respondents testified, and it is found that, they do not maintain a table listing complaints by number and respective results as such records did not exist at the time of the complainant's December 9 request.³

18. It is well established that the Commission may only order the disclosure of public records that exist *at the time a request is made*. See Docket #FIC 2024-0192, Alyssa Peterson v. Office of the Corporation Counsel, City of Hartford et al. (August 14, 2024) ("Peterson") ("[i]t is well settled that respondents are only obligated to provide prompt access to records that exist at the time of the complainant's request."). The Commission has no authority to compel the respondents to answer the complainant's questions, and nothing in the FOI Act requires the respondents to create records. Albright-Lazzari v. Murphy, No. CV105014984S, 2011 WL 1886878, at *3 (Super. Ct. Apr. 21, 2011).

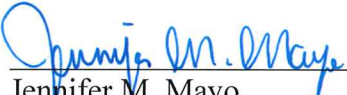
³ At the hearing, the complainant appeared to understand that the respondents do not maintain written summaries of his complaints nor a table outlining the results of each complaint. However, the complainant apparently wants the respondents to tell him the outcome or results of his complaints. To the extent the respondents have an obligation to inform the complainant of the outcomes of his civilian complaints, such obligations are not pursuant to the FOI Act, and thus, are outside of this Commission's purview. See FIC# 2023-0631, Aziah Dwan v. Chief, Police Department, Town of Hamden et al. (October 9, 2024) (the Commission does not enforce rights available under other statutes).

19. It is concluded, therefore, that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., with respect to the requested complaint summaries and table of complaints. As found in paragraphs 16 and 17, above, such records were not maintained by the respondents as they did not exist at the time of the complainant's December 9 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 November 19, 2025.

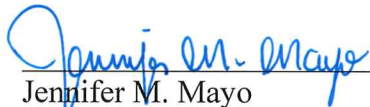

Jennifer M. Mayo
Acting Clerk of the Commission

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:

MARK WOZAR, 1250 Farmington Avenue, A17, West Hartford, CT 06107

CHIEF, POLICE DEPARTMENT, TOWN OF WEST HARTFORD; POLICE DEPARTMENT, TOWN OF WEST HARTFORD; AND TOWN OF WEST HARTFORD,
c/o Attorney Andrew J. Glass, Karsten & Tallberg, LLC, 500 Enterprise Dr., Suite 4B, Rocky Hill, CT 06067



Jennifer M. Mayo
Acting Clerk of the Commission