

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Nina Schutzman,

Complainant

against

Docket # FIC 2024-0615

Chief, Police Department, Town of New  
Milford; Police Department, Town of  
New Milford; and Town of New Milford,

Respondents

October 8, 2025

The above-captioned matter was heard as a contested case on March 6, 2025, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

Subsequently, the respondents submitted a letter, dated May 27, 2025, to the hearing officer regarding the disclosure of records to the complainant, which letter has been marked as Respondents' Exhibit 3 (after-filed). In addition, pursuant to an order of the hearing officer, the respondents submitted an Affidavit of Lieutenant Katherine Relyea, dated September 23, 2025, which has been marked as Respondents' Exhibit 4 (after-filed)<sup>1</sup>.

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 sent October 11, 2024, the complainant requested copies of records "related to the homicide of Maria Laura Capon Bravo Rojas, whose body was discovered at the business she operated with her husband, David's Flooring at 441 Danbury Road in New Milford on September 15, 2004", as well as the following records:
  - (i) Incident report (initial)
  - (ii) Supplemental reports
  - (iii) Autopsy report/coroner's verdict/medical examiner findings

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<sup>1</sup> On September 18, 2025, the hearing officer ordered the respondents to submit an affidavit addressing whether any of the records submitted for in camera inspection, as described in paragraph 10, below, were among the records provided to the complainant on May 14, 2025, described in paragraph 9, below. The Commission notes that, on September 23, 2025, the respondents appeared at the Commission's offices to hand-deliver additional documents to the Commission and without the ordered affidavit. Accordingly, such documents were not accepted. Subsequently, the respondents submitted the ordered affidavit, only, by the end of the business day on September 23<sup>rd</sup>.

- (iv) Any photographs or visual evidence related to the case, including of the victim
- (v) Crime scene photographs
- (vi) Crime scene diagrams
- (vii) Arrest records and/or police blotter records, if any, associated with the case
- (viii) Any records of communication or coordination with other law enforcement agencies
- (ix) ViCAP summary report, if applicable
- (x) CAD event sheet, if applicable
- (xi) Media communications, including press releases
- (xii) Witness interviews and statements
- (xiii) Audio and/or video recorded statements
- (xiv) Lead sheets
- (xv) Search warrants and/or complaints for search warrants
- (xvi) Field notes
- (xvii) Evidence logs

3. It is found that, by email sent on October 11, 2024, the respondents denied the complainant's request, stating: "[T]his CFS is still being actively investigated by the New Milford Police Department and is **unavailable for release** at this time." (Emphasis in original).

4. By complaint filed on October 11, 2024, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying her October 11, 2024 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 . . . (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 records described in paragraph 2, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.<sup>2</sup>

9. It is found that on May 14, 2025, the respondents provided 541 pages of records to the complainant in response to her records request.

10. On May 29, 2025, pursuant to an order of the hearing officer, the respondents submitted 4,002 pages of records for in camera inspection,<sup>3</sup> along with an Index to Records Submitted for In Camera Inspection (“in camera index”). Such records shall be identified herein as IC-2024-0615-Record-1 through IC-2024-0615-Record-25.

11. On the in camera index, the respondents claimed that the records submitted, or portions thereof, are exempt from disclosure pursuant to:

- §1-17a, G.S. (photographs and computerized images of individuals);
- §1-210(b)(1), G.S. (preliminary drafts and notes);
- §1-210(b)(2), G.S. (personnel or medical files and similar files);
- §1-210(b)(3)(A), G.S. (identity of informants or witnesses not otherwise known);
- §1-210(b)(3)(B), G.S. (identity of minor witnesses);
- §1-210(b)(3)(C), G.S. (signed or sworn witness statements);
- §1-210(b)(3)(D), G.S. (information used in prospective law enforcement action if prejudicial);
- §1-210(b)(3)(F), G.S. (arrest records of a juvenile);
- §1-210(b)(11), G.S. (names or addresses of students enrolled in public school or college);
- §1-210(b)(27), G.S. (visual images depicting a victim of homicide);
- §12-15, G.S. (tax returns and return information);

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<sup>2</sup> The Commission notes that the respondents claimed that certain records submitted to the Commission for in camera inspection, as described in paragraph 10, below, are exempt from disclosure pursuant to §1-200(5), G.S. Such records are listed on the in camera index as “Record 7” and “Record 23”, and are described as “Seized Physical Evidence/Info prejudicial to prospective L.E.” The respondents did not present any evidence or argument regarding such claim. However, to the extent that the respondents are claiming that seized evidence is not a “public record” within the meaning of §1-200(5), G.S., the Commission notes that the Supreme Court, in Commissioner of Emergency Services and Public Protection v. Freedom of Information Commission, 330 Conn. 372 (2018), concluded that records seized in connection with an arrest or warrant are public records, subject to disclosure under the FOI Act.

<sup>3</sup> The Commission notes that the vast majority of the in camera records are unredacted. However, some of the in camera records contain redactions; for example, IC-2024-0615-Record-5 (page 151). In addition, several of the in camera records are faint and difficult to read; for example, IC-2024-0615-Record-2 (pages 109-154). A few pages of in camera records also had a yellow Post-It note on the page; for example, IC-2024-0615-Record-9 (page 40). Further, IC-2024-0615-25 contains references to “attachments”, which are not included with such record.

§54-86e, G.S. (name and address of victim of sexual assault); §19a-411, G.S. (reports and examinations of the Office of the Chief Medical Examiner); and/or §29-164f, G.S.<sup>4</sup> and 28 U.S.C. §534 (COLLECT and NCIC records).

At the hearing and/or in their post-hearing brief, the respondents also claimed that “the case file should not be disclosed in its entirety as per the exemptions provided by section 1-210(b)[(3)] of the Act”; and reliance on the Supreme Court decision in Drumm v. Freedom of Info. Comm’n, 348 Conn. 565, 590 (2024).<sup>5</sup>

12. With respect to IC-2024-0615-Record-15, on the in camera index and in their post-hearing brief, the respondents claimed that such record is exempt from disclosure pursuant to §19a-411, G.S. In Galvin v. FOI Commission, 201 Conn. 448 (1986), the Supreme Court concluded that “autopsy reports and other investigative reports may be made available to the public *only through the office of the chief medical examiner and in accordance with...the regulations of the commission.*” Id. at 458. (Emphasis in original).

13. After careful in camera inspection, it is found that IC-2024-0615-Record-15 contains autopsy and investigative reports of the Office of the Chief Medical Examiner that may not be disclosed by the respondents pursuant to §19a-411, G.S. Consequently, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., by failing to provide a copy of such in camera record to the complainant.

14. With respect to IC-2024-0615-Record-1 through 14 and IC-2024-0615-Record-16 through 25, the respondents contended that such records, or portions thereof, are exempt from disclosure pursuant to §1-210(b)(3)(D), G.S., which provides that disclosure is not required of:

[r]ecords of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of such records would not be in the public interest because it would result in the disclosure of ... information to be used in a prospective law enforcement action if prejudicial to such action....

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<sup>4</sup> The Commission notes that the respondents may have inadvertently cited §28-164f, G.S., and not §29-164f, G.S.

<sup>5</sup> The Commission notes that with respect to IC-2024-0615-Record-25, which is described on the in camera index as “U.S. Immigration and Customs Enforcement CT State Report/Records” and “Federal Bureau Investigation”, the respondents, in addition to claiming that such records were exempt from disclosure pursuant to §1-210(b)(3)(D), G.S., included the following description on the index: “NMPD NOT KEEPER OF RECORDS”. To the extent that the respondents are claiming that they are not required to provide records that they received from another public agency, the Commission notes that, under the FOI Act, a public agency has the duty to disclose, upon request, public records in its possession, including any record that it *receives*, unless otherwise provided by federal law or state statute. See §§1-200(5) and 1-210(a), G.S. Nonetheless, given the conclusion reached in paragraph 30, below, which was based upon the administrative record and a careful inspection of the in camera records, including IC-2024-0615-Record-25, the Commission need not further address such claim.

15. In Drumm v. Freedom of Info. Comm’n, 348 Conn. 565, 590 (2024) (“Drumm”), the Connecticut Supreme Court concluded that:

the legislature intended the law enforcement exception to apply only when a law enforcement agency is able to make the threshold showing that an arrest or prosecution is at least reasonably possible. It need not be probable or likely, but it must be more than only remotely or theoretically possible. This standard effectuates the legislative intent of providing open access to public records without unduly hamstringing ongoing investigations.

16. The court, in Drumm, also emphasized that:

the respondents [bear] the burden before the commission of establishing not only that there was a reasonable possibility that the investigation will result in a law enforcement action, but also that, for each individual document or set of documents sought to be withheld, it is reasonably possible that the requested files contain information that will be used in such a law enforcement action and that disclosure of that information would be prejudicial.

Drumm, 348 Conn. at 601.

17. The respondents contended that the investigation of the 2004 murder of Maria Rojas remains open and active; that there is a “reasonable possibility” of an arrest; and that the release of the case file in its entirety would prejudice the ongoing investigation.<sup>6</sup>

18. It is found that more than twenty years have elapsed since the murder of Maria Rojas.

It found that, as of the time of the hearing on this matter, no arrests have been made.

19. It is found that a \$50,000 reward was and continues to be offered for information leading to a conviction in the murder.<sup>7</sup>

20. It is found that potential witnesses, person(s) of interest or suspect(s)<sup>8</sup> have been identified and information pertaining to such individuals, including their names and addresses, are contained in the case file.

21. It is found that between 2013 and 2018, the respondents received and followed up on

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<sup>6</sup> At the hearing on this matter, Town of New Milford Police Lieutenant Katherine Relyea, Sergeant Robert Guilbeault and Detective Sergeant Vincenzo Parziale testified on behalf of the respondents.

<sup>7</sup> In a news article, dated September 14, 2024, it was reported that Governor Jodi Rell authorized the reward three years after the murder, and that the New Milford Police Department posted about the case on Facebook in 2018. *See* Complainant’s Exhibit A.

<sup>8</sup> It was unclear from the testimony provided at the hearing whether there was more than one person of interest or suspect.

“quite a few” tips, including a playing card<sup>9</sup> jailhouse tip received in 2018. It is found that the jailhouse tip was investigated, but resulted in a false confession.

22. It is found that in 2018-2019, the respondents submitted several pieces of DNA, blood and trace evidence for testing as part of the investigation.

23. It is found that in 2024 additional funding was made available to police departments to reexamine “cold cases”.<sup>10</sup> It is found that there have been advances in forensic testing techniques that were not available in 2004 or utilized in 2018. It is also found that since March 2024, the respondents have been coordinating with the state forensic lab to have all items of seized evidence re-examined.<sup>11</sup>

24. It is found that a New Milford police detective, who was assigned to take over the investigation in July 2024, is actively reexamining the case file “several hours each week”; and is planning to conduct follow up interviews of all witnesses and persons of interest previously interviewed. The respondents also testified that they have identified, at least, one possible new witness.<sup>12</sup>

25. It is found that the respondents have worked with the state’s Cold Case Unit on the investigation.

26. It is found that the respondents have been coordinating with the State’s Attorney’s Office regarding the records request at issue. It is found that, in a March 5, 2025 letter to the respondents regarding the records request and status of the investigation, the State’s Attorney’s Office stated:

To release any information regarding the original investigation or the on going investigation could potentially seriously jeopardize the integrity [sic] of the investigations. Release of information could also seriously jeopardize the prosecution of any future suspects. As such, this office is requesting you not release any information pertaining to the homicide investigation of Maria Rojas.

27. At the hearing on this matter, the respondents testified that they believe that based on the ongoing review of the case file and the additional forensic testing that is currently being undertaken, that there is a “reasonable possibility” of an arrest.

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<sup>9</sup> The Commission notes that the Department of Correction website provides the following information concerning cold case playing cards: “The Connecticut Division of Criminal Justice in partnership with the Connecticut Department of Correction and law enforcement agencies statewide have created a Cold Case playing card deck highlighting 52 unsolved homicides, missing persons, and unidentified remains cases that have occurred throughout the state. These cards are being distributed in an effort to generate information and leads in solving these cold cases”. See <https://portal.ct.gov/doc/miscellaneous/cold-case-cards>.

<sup>10</sup> It is unclear from the administrative record how and by whom the new grant funding was made available.

<sup>11</sup> It is found that the first set of evidence to be reexamined utilizing the advanced forensic testing techniques was submitted to the forensic lab in March 2024; a second set was submitted in November 2024.

<sup>12</sup> The respondents could not testify to the exact number of possible new witnesses.

28. It is found that the respondents expressed several concerns with disclosing the entire case file, including concerns regarding the intimidation and safety of witnesses who may not want to come forward; the tampering with or destruction of evidence; the use of the information contained in such records by a person of interest or suspect to formulate an alibi; the possible fleeing from the country; false leads and even false confessions (e.g., the 2018 jailhouse tip). The respondents also contended that the disclosure of information that is not publicly available, including crime scene photographs and details that are only known by the respondents, will make it more difficult to check the veracity of witnesses and suspects.

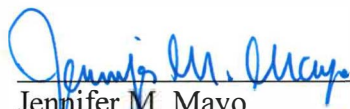
29. Based upon the credible testimony of the respondents' witnesses, and a careful in camera inspection of IC-2024-0615-Record-1 through 14 and IC-2024-0615-16 through 25, it is found that such records are records of a law enforcement agency not otherwise available to the public which were compiled in connection with the detection or investigation of crime. It is also found that, at the time of the hearing in this matter, an arrest was a "reasonable possibility."

30. In addition, based on the facts and circumstances of this case, it is found that the disclosure of IC-2024-0615-Record-1 through 14 and IC-2024-0615-Record-16 through 25, would be prejudicial to a prospective law enforcement action. It is therefore concluded that such records are exempt from disclosure pursuant to §1-210(b)(3)(D), G.S. It is further concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., when they withheld IC-2024-0615-Record-1 through 14 and IC-2024-0615-Record-16 through 25 from disclosure.<sup>13</sup>

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 October 8, 2025.

  
Jennifer M. Mayo  
Acting Clerk of the Commission

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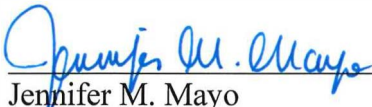
<sup>13</sup> In light of the conclusions in paragraphs 13 and 30, above, the Commission need not address any further claims of exemption with respect to the in camera records.

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:

**NINA SCHUTZMAN**, c/o Attorney Jeffrey J. Mirman and Attorney Alexa T. Millinger,  
Hinckley, Allen & Snyder LLP, 20 Church Street, 18th Floor, Hartford, CT 06103

**CHIEF, POLICE DEPARTMENT, TOWN OF NEW MILFORD; POLICE  
DEPARTMENT, TOWN OF NEW MILFORD; AND TOWN OF NEW MILFORD**, c/o  
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Jennifer M. Mayo  
Acting Clerk of the Commission