

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

John Chacho, Jr.,

Complainant

against

Docket # FIC 2025-0024

Fernando C. Spagnolo, Chief, Police  
Department, City of Waterbury; Police  
Department, City of Waterbury; and City of  
Waterbury,

Respondents

October 8, 2025

The above-captioned matter was heard as a contested case on May 27, 2025, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. The complainant, who is incarcerated, appeared via teleconference, pursuant to the January 2004 memorandum of understanding between the Commission and the Department of Correction. See Docket No. CV 03-0826293, *Anthony Sinchak v. FOIC et al*, Superior Court, J.D. of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.).

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 December 3, 2024, and received on December 12, 2024, the complainant requested that the respondents provide him with copies of all records pertaining to the complainant and case number 2200004876.
3. It is found that by letter dated December 18, 2024, the respondents acknowledged the request described in paragraph 2, above.
4. By complaint filed January 10, 2025, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his December 3, 2024, request for copies of the following records:
  - a. Reports, statements, and forensic supplement reports;
  - b. Footage of interviews conducted pertaining to the arrest of the complainant;

- c. Names and ranks of all officers involved in the complainant's arrest, the investigation, and interviews of witnesses that were conducted.<sup>1</sup>

The complainant also requested that the Commission impose a civil penalty against the respondents.

5. Section 1-200(5), G.S., provides:

"Public 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:

Except 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 ... receive a copy of such records in accordance with the provisions of 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 4, above, to the extent such records 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 by letter dated March 3, 2025, the respondents notified the complainant that they compiled ten pages of responsive records (consisting of reports, supplemental reports, and forensic reports) and photographs, and that such records were provided, in accordance with §1-210(c), G.S., to the Department of Correction FOI Administrator.<sup>2</sup> It is also found that the respondents notified the complainant that the names and ranks of all officers involved were contained in the reports referenced therein.

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<sup>1</sup> The Commission notes that the scope of the records at issue in this matter, as alleged in the complaint, is much narrower than the scope of the records initially requested by the complainant. The Commission may only consider the complainant's allegation that the respondents denied his request for the specific records identified in the complaint, which are described in paragraph 4, above.

<sup>2</sup> Section 1-210(c), G.S., provides in relevant part:

Whenever a public agency receives a request from any person confined in a correctional institution ... for disclosure of any public record under the [FOI] Act, the public agency

10. It is also found that the respondents notified the complainant in the March 3, 2025, letter, that they do not maintain any audio and/or video footage responsive to the request described in paragraph 4, above, and that signed victim and witness statements were withheld pursuant to §1-210(b)(3)(C), G.S.<sup>3</sup>

11. At the hearing on this matter, the respondents contended that they provided the complainant with copies of all non-exempt responsive records that existed and that they maintained. The complainant disputed the respondents' contention, claiming that the respondents maintain additional records responsive to the request described in paragraph 4, above.

12. The respondents' witness, who was the sergeant in charge of the respondents' records division at the of the request, testified about the searches conducted for the records described in paragraph 4, above. It is found that the witness and his staff conducted searches across multiple divisions of the respondent police department wherein responsive records would be maintained, and that the only records that the respondents located were the records described in paragraphs 9 and 10, above.

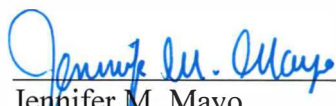
13. It is found, based on the credible testimony of the respondents' witness, that the respondents conducted a reasonable and diligent search for the records described in paragraph 4, above.

14. It is therefore concluded that the respondents did not violate the FOI Act as alleged in the complaint. Accordingly, consideration of the imposition of a civil penalty is not warranted.

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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shall promptly notify the Commissioner of Correction ... of such request, in the manner prescribed by the commissioner, before complying with the request as required by the [FOI] Act. If the commissioner believes the requested record is exempt from disclosure pursuant to [§1-210(b)(18), G.S.], the commissioner may withhold such record from such person when the record is delivered to the person's correctional institution or facility ....

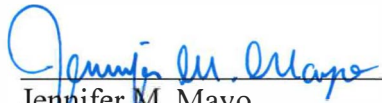
<sup>3</sup> The complainant testified that he did not object to the respondents' withholding copies of the signed victim and witness statements referenced in paragraph 10, above. Therefore, consideration of whether such records are exempt from disclosure is not warranted in this matter and the claim of exemption will not be addressed further herein.

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:

**JOHN CHACHO, JR., #392797**, MacDougall-Walker Correctional Institution, 1153 East Street South, Suffield, CT 06080

**FERNANDO C. SPAGNOLO, CHIEF, POLICE DEPARTMENT, CITY OF WATERBURY; POLICE DEPARTMENT, CITY OF WATERBURY; AND CITY OF WATERBURY**, c/o Attorney Richard J. Scappini, City of Waterbury, Office of Corporation Counsel, 235 Grand Street, 3rd Floor, Waterbury, CT 06702

  
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Jennifer M. Mayo  
Acting Clerk of the Commission