

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Michael Mourning,

Complainant

Docket # FIC 2024-0658

against

Chief, Police Department,
City of Danbury; Police Department,
City of Danbury; and City of Danbury,

Respondents

October 22, 2025

The above-captioned matter was heard as a contested case on April 29, 2025, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

The complainant submitted an after-filed exhibit, which has been marked for identification purposes only as Complainant's Exhibit B (after-filed): 3-page document, date stamped November 4, 2024. The respondents submitted an after-filed exhibit, which has been marked as Respondents' Exhibit 4 (after-filed): 3-page affidavit of Christian Carroccio, dated June 12, 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 letter dated October 30, 2024, the complainant requested from the respondents a copy of the "911 tape, along with the body cam information," related to an incident that occurred at Rogers Park School between 8:00 and 9:00a.m. on October 29, 2024 (the "requested records").
3. It is found that, by emails dated November 19, 2024, and December 16, 2024, the respondents denied the complainant's request on the ground that the requested records are exempt from disclosure pursuant to §17a-101k, G.S., and the Appellate Court's decision in Groton Police Department v. Freedom of Information Commission, 104 Conn. App. 150 (2007).
4. It is further found that, by email dated December 18, 2024, the respondents again denied the complainant's request on the same grounds as previously claimed in their November 19, 2024 email. In addition, the respondents claimed that the requested records are also exempt

from disclosure pursuant to §§1-216 and 1-210(b)(3)(H), G.S.,¹ and the Appellate Court's decision in Bona v. Freedom of Information Commission, 44 Conn. App. 622 (1997) (hereinafter, "Bona").

5. By letter dated and filed December 19, 2024, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying the request, described in paragraph 2, above.

6. 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.

7. 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.

8. 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."

9. 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.

10. Prior to the hearing in this matter, the respondents submitted the records at issue to the Commission for in camera inspection (the "in camera records"). The in camera records are fairly described as follows: 6 videos of police officer body worn camera footage and a 911 call. On the in camera index accompanying the in camera records, the respondents claimed that such records were exempt from disclosure pursuant to §§17a-101k(a), 1-216 and 1-210(b)(3)(H), G.S.

¹ The email referenced in paragraph 4, above, inadvertently cites §1-210(b)(H), G.S., rather than §1-210(b)(3)(H), G.S.

11. With respect to the respondents' claim that the records described in paragraph 2, above, contain "uncorroborated allegations," §1-210(b)(3)(H), G.S., provides in relevant part 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 of a crime, if the disclosure of said records would not be in the public interest because it would result in the disclosure of . . . uncorroborated allegations subject to destruction pursuant to section 1-216.

12. Section 1-216, G.S., provides, in relevant part, that:

...records of law enforcement agencies consisting of uncorroborated allegations that an individual has engaged in criminal activity shall be reviewed by the law enforcement agency one year after the creation of such records. If the existence of the alleged criminal activity cannot be corroborated within ninety days of the commencement of such review, the law enforcement agency shall destroy such records.

13. In Docket #FIC 94-291, Rachel Gottlieb and The Hartford Courant v. State of Correction, Department of Public Safety, Division of State Police (May 24, 1995), (hereinafter, "Gottlieb"), the Commission determined that Black's Law Dictionary, Sixth Edition (1990), defines "corroborate" as "to strengthen, to add weight or credibility to a thing by additional and confirming facts or evidence." In addition, the Commission determined that Ballentine's Law Dictionary, Third Edition (1969) defines "corroborate" as "to state facts tending to produce confidence in the truth of a statement made by another," and that Funk & Wagnall New Standard Dictionary of English Language (1946) defines "corroborate" as "to give increased support to make more sure or evident."

14. In Gottlieb, the Commission found that "the reports [at issue] contain[ed] similar accounts relayed to the interviewees concerning allegations under investigation." The Commission went on to find that "the requested reports contained allegations which were corroborated[.]" and concluded that such reports were, therefore, not exempt from disclosure.

15. After careful inspection, it is found that there are no similar accounts of the underlying events like those determined to exist in Gottlieb, nor is there any evidence in the requested records that tends to strengthen, add weight, or support the allegations contained in the in camera records.

16. Further, the Appellate Court in Bona determined that the entirety of a record containing uncorroborated allegations of criminal activity is exempt from disclosure under §1-210(b)(3)(H), G.S., and that portions of such records cannot be disclosed.

17. Upon careful in camera inspection, it is found that the requested in camera records are records of a law enforcement agency, not otherwise available to the public, which records

were compiled in connection with the detection or investigation of crime within the meaning of §1-210(b)(3), G.S.

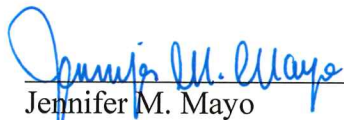
18. It is further found that the in camera records constitute uncorroborated allegations, subject to destruction, and are permissively exempt from disclosure pursuant to §§1-210(b)(3)(H) and 1-216, G.S..²

19. It is therefore concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by withholding the requested records.

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 October 22, 2025.



Jennifer M. Mayo
Acting Clerk of the Commission

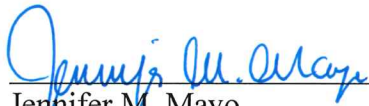
² Because the Commission finds that the in camera records are permissively exempt from disclosure pursuant to §§1-210(b)(3)(H) and 1-216, G.S., the Commission will not address the respondents' claim that the in camera records are exempt pursuant to §17a-101k, G.S., and the Appellate Court's decision in Groton Police Department v. Freedom of Information Commission, 104 Conn. App. 150 (2007).

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:

MICHAEL MOURNING, 55 Wildman Street, #109, Danbury, CT 06810

CHIEF, POLICE DEPARTMENT, CITY OF DANBURY; POLICE DEPARTMENT, CITY OF DANBURY; AND CITY OF DANBURY, c/o Attorney Dianne Rosemark, Rosemark Law, 83 Wooster Heights Road, Suite 125, Danbury, CT 06810 and Attorney Tracy L. Norris, Assistant Corporation Counsel, 155 Deer Hill Avenue, Danbury, CT 06810



Jennifer M. Mayo
Acting Clerk of the Commission