

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Raymond Grullon,

Complainant

against

Docket # FIC 2024-0664

Chief, Police Department, Borough of
Naugatuck; Police Department, Borough of
Naugatuck; and Borough of Naugatuck,

Respondents

October 22, 2025

The above-captioned matter was heard as a contested case on April 21, 2025, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.¹

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.).

On June 5, 2025, the complainant submitted after-filed exhibits, which have been marked, over the objection of the respondents, as Complainant's Exhibit B (after-filed): Documents attached to Motion to Reconsider Evidence Not Previously Submitted, dated May 23, 2025.

On August 26, 2025, the respondents filed a supplemental post-hearing brief and affidavit, both dated August 26, 2025, which have been marked as Respondents' Exhibit 5 (after-filed): Respondents' Supplemental Post-hearing Brief and Affidavit of Gail Thurston, both dated August 26, 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.

¹ The case caption has been revised to reflect the correct name of the respondents.

2. It is found that, by Application Form dated September 26, 2024, the complainant requested that the respondents provide him with copies of the following records pertaining to a motor vehicle collision incident, NPD Case #17-26218/NVCIT Case #2017-17:

[a] All police/incident reports, including statements, recording[s], documents, obtained during the investigation for the above case numbers, Unredacted.

[b] All written and/or typed written statement[s] given by all eyewitnesses, including the victims and State Trooper Corey, for the above case numbers, Unredacted.

[c] Any and all police officer/detectives notes regarding all interviews with any person(s) who gave statements for the above case numbers, Unredacted.

[d] All 911 calls, originally reported of the incident, including all dispatcher tapes and all recording[s] broadcasted concerning the above case number[s], Unredacted.

[e] Any and all State Police reports/investigation for the above case numbers, Unredacted.

[f] All Motor Vehicle Collision Report[s] from the Naugatuck Vally [sic] Collision Investigation Team, case #2017-17. This to include the post collision vehicle inspection and all imaging of any electronic data stored within said vehicle(s), including the airbag control module, Unredacted.

[g] All affidavit(s) in support of all warrants, including all search and seizure warrants, for the above case numbers, Unredacted.

[h] Any and all inventory of property seized on search and seizure warrants and/or on any consent to search, for the above case numbers, Unredacted.

[i] All photo/images (in color) of the exterior and interior of the vehicles involved in this case – (1) 2014 Audi A4 & (2) 2000 Acura TL. This to include all photo/images (in color) of all items seized from the vehicles as evidence, for the above case numbers.

[j] All list of inventory submitted for forensic analysis that include: DNA swab[s], latent prints, papers, money, hairs, drugs, fibers,

trace evidence, biological evidence and/or any other materials, for the above #'s, Unredacted.²

[k] All reports and supplemental reports from the state forensic laboratory regarding the forensic examination and tests performed on any item seized and submitted for analysis. This to include any and all photographs of all items submitted for analysis, for the above case numbers, Unredacted.

[l] Any & all photo line-ups/photo arrays (in color) arranged by police/ detectives/ sergeants, which were shown to witnesses for the above case #s, Unredacted.

[m] All responding officer's [sic] Body Cam of their interactions on the scene, (full video) for the above case numbers.

[n] All emails, sent and received regarding the investigation of this case by an investigator (police officers, detectives, sergeants or state police officers) for the above case numbers, Unredacted.

[o] Any and all police misconduct reports of all officers involved in the above case numbers, Unredacted.

("September 26th request").

3. It is found that the September 26th request was received by the respondents on October 15, 2024.

4. By letter of complaint received on November 6, 2024, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to comply with the September 26th request described in paragraph 2, above.

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.

² The Commission notes that the copy of the September 26th request admitted into evidence (as complainant's Exhibit A) is missing the phrase "any other materials, for the above #'s, Unredacted", as described in paragraph 2[j], above. However, such phrase is included in the copy of the September 26th request that was submitted by the complainant with his complaint.

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 (1) inspect such records promptly during regular office or business hours ... or (3) 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: “Any 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, 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 on or about January 15, 2025, the respondents sent the complainant an invoice totaling \$136.00 for copies of records provided in response to his September 26th request.

10. It is found that on or about January 31, 2025, the complainant provided a money order in the amount of \$136.00 to the respondents for the records described in paragraph 9, above.

11. It is found that on or about February 12, 2025, the respondents sent copies of records responsive to the September 26th Request, including 242 pages of records (with some redactions) and a compact disc containing a body camera video recording, to the Department of Correction’s (DOC’s) FOI Unit.³ In an accompanying letter, the respondents also informed the complainant that they do not maintain 911 calls and radio transmissions beyond a 5-year retention period, nor do they maintain investigation reports from the State Police and the State Forensic Laboratory. In addition, the respondents informed the complainant that no responsive emails regarding the investigation were located and that requests for specific officers’ personnel files could be made

³ Section 1-210(c), G.S., provides:

[w]henver a public agency receives a request from any person confined in a correctional institution or facility or a Whiting Forensic Hospital facility, for disclosure of any public record under the Freedom of Information Act, the public agency shall promptly notify the Commissioner of Correction or the Commissioner of Mental Health and Addiction Services in the case of a person confined in a Whiting Forensic Hospital facility of such request, in the manner prescribed by the commissioner, before complying with the request as required by the Freedom of Information Act. If the commissioner believes the requested record is exempt from disclosure pursuant to subdivision (18) of subsection (b) of this section, the commissioner may withhold such record from such person when the record is delivered to the person's correctional institution or facility or Whiting Forensic Hospital facility.

after he reviewed the records provided. The respondents informed the complainant that the written statements of witnesses summarized in the produced records were redacted pursuant to §1-210(b)(3), G.S.

12. It is found that by letter dated March 6, 2025, the FOI liaison within the DOC's FOI Unit informed the complainant that they were in receipt of the records, described in paragraph 11, above. The complainant was also informed that he was not permitted to have a compact disc in his possession per DOC Administrative Directive 6.10 Inmate Property, but that the FOI Unit could mail the video to a legal representative and/or family member at his request. It is found that by form captioned "Acknowledgement-Receipt of FOI Documents", the complainant acknowledged receipt of the 242 pages of documents.⁴

13. It is found that, on or about April 15, 2025, the respondents emailed an additional 25 pages of responsive records (some with redactions) to the DOC to be provided to the complainant, including emails, a case/incident report, photographs and signed copies of certain report supplements.

14. It is found that by form captioned "Acknowledgement for Receipt of Documents Pursuant to Freedom of Information Act", the complainant acknowledged receipt of the records described in paragraph 13, above.

15. At the hearing and in their post-hearing brief, the respondents contended that the complaint should be dismissed because (i) they did not fail to respond to the complainant's September 26th request, as alleged in the complaint; and (ii) they provided the complainant with all non-exempt responsive records that they maintained at the time such request was received by the respondents on October 15, 2024.

Scope of the Complaint

16. The respondents contend that the complaint in this matter "does not contain any explicit allegations that they violated the FOIA" and "at best implicitly alleges that no response was provided at all."

17. Pursuant to §1-210(a), G.S., the complainant had the right to promptly obtain a complete copy of all public records he requested. Necessarily implicit in that right, is the right to challenge limitations placed on such right, including, the withholding of responsive records.

18. It is found that as of November 6, 2024, the date of the filing of the complaint in this matter, the respondents had not yet provided the complainant with any responsive records, nor informed him that they would be withholding any records.

⁴ It is found that by letter dated March 11, 2025, the DOC's FOI Liaison informed the complainant that the compact disc was forwarded to an individual that had been designated by the complainant. It is found that by form captioned "Acknowledgment for Receipt of Documents Pursuant to Freedom of Information Act", the complainant acknowledged receipt of such March 11, 2025 letter. Such disc is not at issue in this matter and therefore shall not be further addressed herein.

19. It is found that the complainant could not have alleged in his complaint, which was filed on November 6, 2024, that the respondents' production was incomplete or nonresponsive, since the respondents responded to and provided the complainant with records only after the complaint was filed.

20. It is found that the scope of the complaint was not limited to whether the respondents had failed to respond to the request. Consequently, it is found that the Commission has jurisdiction to address the issues concerning the respondents' withholding of responsive records, including their claims of exemptions.⁵

Whether the Respondents Violated the Act

21. At the hearing, the complainant acknowledged that the respondents provided him with copies of responsive records. However, the complainant also contended (at the hearing and in his post-hearing submissions to the Commission) that there were responsive records missing⁶ and challenged the redactions and exemptions claimed.

22. With respect to the records that the complainant claims are missing, the respondents contended that they did a thorough and diligent search and provided the complainant with all nonexempt responsive records that they maintained at the time that they received the September 26th request.

23. At the hearing, the respondents' witness testified, and it is found, that she searched electronic and physical files, including the respondents' electronic computer systems and accident reconstruction book. In an affidavit, dated August 26, 2025, the same individual also attested, and it is found, that the police department converted to a new electronic records system (i.e., NextGen) between 2017 and 2018; that many of the records sought by the complainant were initially created in the old system and later transferred to the new system; and that the respondents used the old system to print out many of the responsive electronic records that were not maintained in physical hardcopy.

24. Based upon a review of the administrative record, it is found that the respondents

⁵ See *City of Bridgeport v. FOI Commission*, 222 Conn. App. 17, 42 (2023), where the Appellate Court held that the complainant "had no obligation to amend his complaint to allege that the plaintiffs violated the act by redacting portions of the responsive records, as such a claim is encompassed within the allegation that the plaintiffs failed to comply with his request for *all* responsive records. Furthermore, because the plaintiffs bore the burden of proof as to any claimed exemption, they were not prejudiced by the commission's consideration of those exemptions as part of its consideration of Daley's complaint. This is particularly true in the present case, in which the hearing officer continued the hearing to another date to give the plaintiffs an opportunity to present evidence in support of their claimed exemptions." *Bridgeport v. FOIC*, at 29.

⁶ At the hearing and/or in his Motion to Reconsider Evidence Not Previously Submitted, dated May 23, 2025, the complainant claimed that, among the records missing, were witness statements, fax "communications status reports" (i.e., fax receipt confirmation page), a page from an AutoZone affidavit and application, incident reports, his arrest warrant, dates and time stamps for photographs provided, an email regarding a request for bar code information, and a report regarding the value of a car.

provided to the complainant all nonexempt responsive records that they maintained at the time that they received his September 26th request.

25. At the hearing and/or in their post-hearing submissions to the Commission, the respondents also claimed that certain responsive records were exempt from disclosure, and on May 5, 2025, pursuant to an order of the hearing officer, they submitted unredacted copies of such records for in camera inspection, along with an in camera index. Such records were marked as IC-2024-0664-1 through IC-2024-0664-22. On the in camera index, the respondents claimed that such records, or portions thereof, are exempt pursuant to §§1-210(b)(3)(C), 1-210(b)(3)(F), 1-210(b)(3)(H) and 54-142a, G.S.⁷

§1-210(b)(3), G.S.

26. Section 1-210(b)(3), G.S., provides, in relevant part, that:

Nothing in the Freedom of Information Act shall be construed to require disclosure of... Records 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... (C) signed or sworn statements of witnesses⁸... (F) arrest records of a juvenile, which shall also include any investigatory files, concerning the arrest of such juvenile, compiled for law enforcement purposes...or (H) uncorroborated allegations subject to destruction pursuant to section 1-216.

27. Further, §1-216, G.S., provides:

[e]xcept for records the retention of which is otherwise controlled by law or regulation, 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

⁷ The Commission notes that, on the in camera index, the respondents indicate that IC-2024-0664-9 (lines 8-9) and IC-2024-0664-10 (lines 8-9) are “Withdrawn-inadvertently redacted; unredacted copy provided to complainant.” The Commission also notes that lines 9-17 of IC-2024-0664-8 appear to missing some language; however, upon the inspection of Respondents’ Exhibit 2, it appears that such record was previously provided to the complainant with the language included.

⁸ Public Act 24-56, §1, *An Act Exempting Certain Law Enforcement Records from Disclosure Under the Freedom of Information Act*, expanded §1-210(b)(3)(C), G.S., to include “sworn” statements of witnesses.

corroborated within ninety days of the commencement of such review, the law enforcement agency shall destroy such records.

28. It is found that the requested records are “records of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime.”

29. The respondents claimed that the following in camera records are exempt from disclosure pursuant to §1-210(b)(3)(C), G.S.: IC-2024-0664-1 (lines 20-44); IC-2024-0664-2 (lines 3-6 and 10-24); IC-2024-0664-11 (lines 3-6); IC-2024-0664-12 (lines 10-18, 22-25); IC-2024-0664-13 (lines 2-5, 10-18, 21-26); IC-2024-0664-14 (lines 2-13); IC-2024-0664-18 (lines 8-16, 20-23); IC-2024-0664-19 (lines 2-6, 11-20, 23-24); and IC-2024-0664-20 (lines 1-17).

30. Based upon a careful review of the administrative record and inspection of the in camera records, it is found that the following records are “sworn statements of witnesses” and are therefore exempt from disclosure pursuant to §1-210(b)(3)(C), G.S.: IC-2024-0664-1 (lines 20-44); IC-2024-0664-2 (lines 3-6); IC-2024-0664-11 (lines 3-6); IC-2024-0664-12 (lines 10-18, 22-25); IC-2024-0664-13 (lines 2-5, 21-26); IC-2024-0664-14 (lines 2-13); IC-2024-0664-18 (lines 8-16, 20-23); IC-2024-0664-19 (lines 2-6); and IC-2024-0664-20 (lines 1-17). It is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., by withholding such records from the complainant.⁹

31. Based upon a careful review of the administrative record and inspection of the in camera records, however, it is found that the respondents failed to prove that the following records are “signed or sworn statements of witnesses” within the meaning of §1-210(b)(3)(C), G.S.: IC-2024-0664-2 (lines 10-24); IC-2024-0664-13 (lines 10-18); and IC-2024-0664-19 (lines 11-20, 23-24). It is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S., by withholding such records from the complainant.

32. The respondents claimed that IC-2024-0664-22 (lines 10-11) is exempt from disclosure pursuant to §1-210(b)(3)(F), G.S.

33. Upon a careful in camera inspection, it is found that IC-2024-0664-22 (lines 10-11) is

⁹ The Commission notes that nearly identical signed statements of witnesses were admitted as part of Complainant’s Exhibit B (after-filed), which substantiates the respondents’ claim with respect to IC-2024-0664 -1 (lines 20-44); IC-2024-0664-2 (lines 3-6); IC-2024-0664-12 (lines 22-25); IC-2024-0664-13 (lines 2-5, 21-26); IC-2024-0664-14 (lines 2-13); IC-2024-0664-18 (lines 20-23); IC-2024-0664-19 (lines 2-6, 23-24); and IC-2024-0664-20 (lines 1-17). It is unclear from the administrative record whether additional signed statements of witnesses existed at the time of the complainant’s September 26th request and whether the complainant had possession of such statements, if any.

an investigatory file concerning the arrest of a juvenile, compiled for law enforcement purposes, and is therefore exempt from disclosure pursuant to §1-210(b)(3)(F), G.S.¹⁰ It is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., by withholding such record from the complainant.

§54-142a, G.S.

34. On the in camera index, the respondents claimed that the following in camera records are exempt from disclosure because they are subject to erasure pursuant to §54-142a, G.S.: IC-2024-0664-3 (lines 21-25, 29-31, 33-34); IC-2024-0664-4 (lines 31-37); IC-2024-0664-5 (lines 12-14); IC-2024-0664-6 (line 20); IC-2024-0664-7 (lines 13-14); IC-2024-0664-8 (lines 19-20); IC-2024-0664-15 (lines 9-12, 13-14, 16-17); IC-2024-0664-16 (lines 5-7, 13-14); IC-2024-0664-17 (lines 23-24); and IC-2024-0664-21 (lines 9-12, 13, 16-17).

35. Section 54-142a, G.S., provides, in relevant part, that:

(a) Whenever in any criminal case, on or after October 1, 1969, the accused, by a final judgment, is found not guilty of the charge or the charge is dismissed, all police and court records and records of any state's attorney pertaining to such charge shall be erased upon the expiration of the time to file a writ of error or take an appeal, if an appeal is not taken, or upon final determination of the appeal sustaining a finding of not guilty or a dismissal, if an appeal is taken. Nothing in this subsection shall require the erasure of any record pertaining to a charge for which the defendant was found not guilty by reason of mental disease or defect or guilty but not criminally responsible by reason of mental disease or defect....

(c)(1) Whenever any charge in a criminal case has been nolle in the Superior Court, or in the Court of Common Pleas, if at least thirteen months have elapsed since such nolle, all police and court records and records of the state's or prosecuting attorney or the prosecuting grand juror pertaining to such charge shall be erased, except that in cases of nolle entered in the Superior Court, Court of Common Pleas, Circuit Court, municipal court or by a justice of the peace prior to April 1, 1972, such records shall be deemed erased by operation of law and the clerk or the person charged with the retention and control of such records shall not disclose to anyone their existence or any information pertaining to any charge so erased, provided nothing in this subsection shall prohibit the arrested person or any one of his heirs from filing a petition to the court or to the records center of the Judicial Department, as the

¹⁰ The respondents also claim that IC-2024-0664-22 (lines 10-11) is exempt from disclosure pursuant to §1-210(b)(3)(H), G.S. However, in light of the conclusion in paragraph 33, above, no further claims of exemption with respect to such record will be addressed herein.

case may be, to have such records erased, in which case such records shall be erased....

(e)(1) The clerk of the court or any person charged with retention and control of such records in the records center of the Judicial Department or any law enforcement agency having information contained in such erased records shall not disclose to anyone, except the subject of the record, upon submission pursuant to guidelines prescribed by the Office of the Chief Court Administrator of satisfactory proof of the subject's identity, information pertaining to any charge erased under any provision of this section and such clerk or person charged with the retention and control of such records shall forward a notice of such erasure to any law enforcement agency to which he knows information concerning the arrest has been disseminated and such disseminated information shall be erased from the records of such law enforcement agency. Such clerk or such person, as the case may be, shall provide adequate security measures to safeguard against unauthorized access to or dissemination of such records or upon the request of the accused cause the actual physical destruction of such records, except that such clerk or such person shall not cause the actual physical destruction of such records until three years have elapsed from the date of the final disposition of the criminal case to which such records pertain.

36. In Commissioner, State of Connecticut Department of Emergency Services and Public Protection v. Freedom of Information Commission (hereinafter Commissioner v. Freedom of Information Commission), HHB-CV14-602708-S, 2019 WL 4201551, (Aug. 20, 2019), the court concluded that, when a charge is subject to erasure pursuant to §54-142a, G.S., that does not necessarily mean that all law enforcement records from the underlying incident or investigation are barred from disclosure. Instead, only records “pertaining to [a] charge” that results in a dismissal, nolle, or acquittal are deemed erased pursuant to §§54-142a(a) and (c), G.S. Similarly, pursuant to §54-142a(e)(1), G.S., law enforcement agencies are only prohibited from disclosing “information pertaining to any charge erased under any provision of [§54-142a].” (Emphasis added.) In Commissioner v. Freedom of Information Commission, the court analyzed the phrase “pertaining to [an erased] charge” and concluded that §54-142a, G.S. prohibits disclosure of “‘descriptive information’ that discloses ‘when or where a person was arrested, the nature of or circumstances surrounding the crime charged or the names of witnesses from whom further information may be obtained.’” (quoting State v. West, 192 Conn. 488, 496 (1984)).

37. At the hearing, the respondents testified that certain records requested are records of, or pertain to, dismissed and/or nolle charges of an identified individual.

38. Based on a careful review of the administrative record and inspection of the in

camera records, it is found that the records described in paragraph 34, above, pertain to charges that were dismissed or nolle. With respect to the charges referenced in such records that were nolle, it is further found that more than thirteen months have elapsed since such nolle. Accordingly, it is concluded that such records were erased pursuant to §54-142a, G.S.

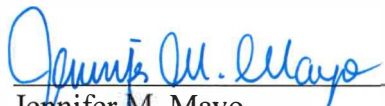
39. It is further concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., by withholding the records described in paragraph 31, above, from the complainant.

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 Final Decision in this matter, the respondents shall provide the complainant with copies of the records identified in paragraph 31 of the findings, above.

2. Henceforth, the respondents shall strictly comply with §§1-210(a) and 1-212(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of October 22, 2025.

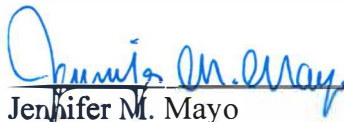

Jennifer M. Mayo
Acting Clerk of the Commission

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:

RAYMOND GRULLON, #289320, Cheshire Correctional Institution, 900 Highland Avenue, Cheshire, CT 06410

CHIEF, POLICE DEPARTMENT, BOROUGH OF NAUGATUCK; POLICE DEPARTMENT, BOROUGH OF NAUGATUCK; AND BOROUGH OF NAUGATUCK, c/o Attorney Kyle A. McClain, Zangari Cohn Cuthbertson Duhl & Grello P.C., 750 Main Street, Suite 902, Hartford, CT 06103



Jennifer M. Mayo
Acting Clerk of the Commission