

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Michael Holmes,

Complainant

against

Docket #FIC 2024-0811

Chief, Police Department, City of New
Haven; Police Department, City of New
Haven; and City of New Haven,

Respondents

September 25, 2025

The above-captioned matter was heard as a contested case on August 13, 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, 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 November 15, 2024, the complainant requested copies of the following records related to criminal case #19043266:
 - (a) any and all records, including all documents, police reports, notes, interviews, videos, recordings, statements, affidavits, and coroner reports;
 - (b) any and all reports of misconduct concerning the police officers involved in such case; and
 - (c) any and all police records of the defendant and all witnesses.
3. By letter of complaint, dated November 29, 2024 and received and filed on December 6, 2024, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide the records, described in paragraph 2, above.

4. It is found that, by email dated May 30, 2025, the respondents, through the State Department of Correction, acknowledged the complainant's records request and provided the complainant with a responsive arrest warrant application, with certain redactions.¹

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 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:

[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: “[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 are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

9. It is found that, on December 20, 2024, the complainant's request, described in paragraph 2, above, was processed and uploaded to the respondents' internal FOI request tracking system (“tracking system”).

10. At the hearing on this matter, the respondents' witness testified, and it is found, that he did not have personal knowledge of when the respondents received the complainant's request, described in paragraph 2, above. The respondents' witness further testified, however, and it is found, that the respondents normally upload FOI requests to the tracking system on the same day that such FOI requests are received. The respondents' witness also testified, and it is found, that although the respondents sometimes experience technical issues with the tracking system, when

¹ The Commission notes that the respondents credibly testified that the complainant was only provided with a copy of the responsive arrest warrant application, described in paragraph 3, above, because, at the time of the complainant's request and the hearing on this matter, there was a pending prosecution against the complainant, and the remaining records were being withheld from disclosure pursuant to §1-210(b)(3)(D), G.S.

they arise, such issues only delay uploading an FOI request to the tracking system by one or two days.

11. The complainant argued that he previously sent FOI requests to the respondents and never received a response. The respondents' witness testified, however, and it is found, that such witness conducted a diligent and thorough search for FOI requests submitted by the complainant and only located the request described in paragraph 2, above.

12. It is found that, between November 15, 2024 and December 20, 2024, the respondents received and processed FOI requests every day. It is also found that Respondents' Exhibit 6 displays in the "Date Received" column that the complainant's request, described in paragraph 2, above, was received on December 20, 2024.

13. It is therefore found, based upon the evidence presented, that the earliest date on which the respondents could have received the complainant's request, described in paragraph 2, above, was December 18, 2024, which is twelve days after the complainant's appeal on this matter was received and filed with the Commission.

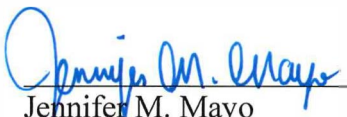
14. It is therefore found that, as of the date of the complaint, there was no denial of the complainant's rights under the FOI Act.

15. Accordingly, it is concluded that the Commission lacks jurisdiction over this complaint.

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 September 25, 2025.

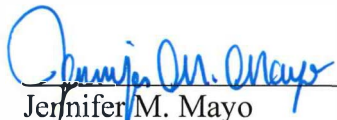

Jennifer M. Mayo
Acting Clerk of the Commission

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:

MICHAEL HOLMES, #339464, Cheshire Correctional Institution, 900 Highland Avenue, Cheshire, CT 06410

CHIEF, POLICE DEPARTMENT, CITY OF NEW HAVEN; POLICE DEPARTMENT, CITY OF NEW HAVEN; AND CITY OF NEW HAVEN, c/o Attorney Joseph M. Merly, New Haven Corporation Counsel, 165 Church Street, New Haven, CT 06510



Jennifer M. Mayo
Acting Clerk of the Commission