

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Alika McFarlane,

Complainant

against

Docket #FIC 2025-0246

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

Respondents

April 8, 2026

The above-captioned matter was heard as a contested case on December 9, 2025 and February 3, 2026, at which times the complainant and the respondents appeared 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 the contested case hearings on this matter, by order of the hearing officer, the respondents submitted two after-filed exhibits, which have been admitted into evidence, without objection, and marked as follows: Respondents' Exhibit 4 (after-filed): cover letter and FedEx tracking receipt, dated February 3, 2026; and Respondents' Exhibit 5 (after-filed): affidavit of Attorney Karen Lee Miller, signed February 26, 2026, with attachments.

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 March 18, 2025, the complainant requested copies from the respondents of any and all records related to the following court docket numbers: FBT-CR18-0305268-T; FBT-CR18-030902-T; FBT-CR19-0306846-T; and FBT-CR22-0348670-T.¹

¹ The Commission notes that, during the December 9th hearing on this matter, the complainant withdrew his complaint with respect to all records related to docket number FBT-CR18-0305268-T, and therefore, such records will not be further addressed herein.

3. By letter of complaint, dated April 8, 2025 and filed April 11, 2025, 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. 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.

5. 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.

6. 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.”

7. It is concluded that the requested records, to the extent they exist and are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

8. It is found that, on or around October 8, 2025, in accordance with §1-210(c), G.S.,² the respondents mailed certain responsive records, through the State Department of Correction (“DOC”), to the complainant at the correctional institution where he is housed.

9. The above-captioned matter was scheduled to be heard as a contested case on October 15, 2025. It is found that, by motion received and filed on October 14, 2025, counsel for the respondents, Attorney Karen Lee Miller (“Attorney Miller”), represented that the respondents had produced to the complainant all responsive records in their possession and requested a

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

[w]henever a public agency receives a request from any person confined in a correctional institution or facility ... for disclosure of any public record under the Freedom of Information Act, the public agency 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 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

postponement of the October 15th hearing date because “the witness that Respondent *requires* to testify as to the documents in our possession is out of the office on October 15, 2025, and will not be able to testify.” (Emphasis added.) The hearing officer granted such request, and the hearing on this matter was rescheduled for December 9, 2025.

10. It is found that Attorney Miller appeared at the December 9th hearing on this matter without a witness. It is also found that, upon questioning by the hearing officer, Attorney Miller testified that she had wanted the respondents’ records clerk to testify but such records clerk “still [had] not responded” to her. Attorney Miller also testified that the records clerk indicated that the respondents had provided all responsive records to the complainant.

11. At the December 9th hearing on this matter, the complainant testified, however, that he had not yet received any records responsive to his request described in paragraph 2, above.

12. It is found that, during the December 9th hearing on this matter, the hearing officer ordered the respondents to appear at a continued hearing with a witness to testify as to what records the respondents had in their possession, what records they did not have, why they no longer maintained certain records, and what efforts the respondents undertook to provide responsive records to the complainant.

13. It is found that, on December 10, 2025, the respondents mailed another copy of the records described in paragraph 8, above, to the complainant, through the DOC, in accordance with §1-210(c), G.S.

14. It is found that Attorney Miller, again, appeared at a rescheduled hearing on this matter on February 3, 2026, without a witness. It is also found that Attorney Miller admitted that the respondents possessed additional records, consisting of certain video footage responsive to the complainant’s records request, which had not yet been provided to the complainant. Attorney Miller testified that such video footage had been uploaded to the respondents’ public records portal, but she was aware that because the complainant was incarcerated at the time of the hearings on this matter, he could not access such public records portal. Attorney Miller further testified, and it is found, that she reached out to a representative at DOC to discuss how to provide a copy of the video footage to the complainant, but it was her understanding that the complainant would be unable to review such video footage because he is incarcerated.

15. It is found that, at the time of the contested case hearings on this matter, the respondents had not provided a copy of the responsive video footage, described in paragraph 14, above, to the complainant.³

16. It is also found that the respondents failed to produce a witness to testify regarding the search undertaken by the respondents to locate records responsive to the complainant’s request, described in paragraph 2, above. It is further found that the respondents failed to provide an affidavit or any other evidence detailing such search.

³ It is found that, on February 3, 2026, subsequent to the February 3rd hearing on this matter, the respondents mailed copies of the responsive video footage, described in paragraph 14, above, to both the complainant and his attorney.

17. Based upon the foregoing, it is found that the respondents failed to prove that they conducted a diligent and thorough search for the records described in paragraph 2, above.

18. Accordingly it is concluded that, at the time of the contested case hearings on this matter, the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by failing provide the video footage described in paragraph 14, above, and by failing to prove that they had provided all other responsive records, to the complainant.

19. Furthermore, at the February 3rd hearing on this matter, Attorney Miller testified, and it is found, that, prior to receiving the complainant's records request, the respondent police department had provided the State's Attorney's Office with the underlying case files pertaining to docket numbers FBT-CR18-030902-T, FBT-CR19-0306846-T, and FBT-CR22-0348670-T. Attorney Miller also testified, and it is found, that the respondents did not physically retain a copy of any records they had provided to the State's Attorney's Office.

20. It is found that, on February 17, 2026, pursuant to an order of the hearing officer, the respondents requested that the State's Attorney's Office provide the respondents with copies of their own underlying case files, which could then be provided to the complainant.

21. It is found that, by letter dated February 23, 2026, the State's Attorney's Office denied the respondents' request for copies of the records described in paragraphs 19 and 20, above, arguing, *inter alia*, that once such records were transferred to the State's Attorney's Office, they were "surrendered" to such office and became records of the Division of Criminal Justice, which is not a public agency for purposes of the FOI Act, except with respect to administrative functions.⁴

22. Due to the time restrictions associated with this matter, the Commission declines to consider the question of whether the records described in paragraphs 19 through 21, above, are still the respondents' records; however, the Commission reserves the right to do so, under a similar set of facts, in the future.

23. The Commission, however, notes that it is concerned by the respondent police department's failure to retain copies of its own records, as described in paragraph 19, above. The respondents are strongly urged to make copies of their case files in the future, prior to sending such records to the State's Attorney's Office, since the failure to do so leads to problematic outcomes, such as the one at issue here.

24. The Commission is also concerned by the respondents' failure to produce witnesses to testify on three separate occasions, as described in paragraphs 8, 9, and 14, above. The respondents are cautioned that such failure in the future will warrant consideration of the imposition of a civil penalty against the respondents.

⁴ See §1-201, G.S., which provides that, "[f]or the purposes of subdivision (1) of section 1-200, the Division of Criminal Justice shall not be deemed a public agency except in respect to its administrative functions."

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. Forthwith, the respondents shall undertake a diligent and thorough search for records responsive to the request described in paragraph 2 of the findings, above, and, if such search produces records that have not been provided to the complainant, the respondents shall provide a copy of such records, free of charge, to the complainant within fourteen (14) days of the date of the Notice of Final Decision in this matter.

2. Within fourteen (14) days of the date of the Notice of Final Decision in this matter, the respondents shall provide the complainant with an affidavit from someone with direct knowledge of the search described in paragraph 1 of the order, above, detailing how such search was conducted and by whom. The affidavit shall also attest to whether any additional records were located during such search and what, if any, exemptions are being claimed by the respondents.

3. If the respondents fail to comply with any order set forth in paragraphs 1 through 2, above, the complainant may file an appeal with the Commission, and such appeal may be afforded expedited treatment.

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

5. The respondents are cautioned that their failure to produce witnesses to testify in the Commission's proceedings in the future will warrant the consideration of a civil penalty.

6. Within fourteen (14) days of the date of the Notice of Final Decision in this matter, the respondent Chief of Police for the police department for the City of Bridgeport is ordered to submit an affidavit to the complainant and the Commission attesting as to the fact that the entire case files responsive to the requests at issue in this matter were handed over to the State's Attorney's Office and that the respondent police department does not maintain a copy of such records.

Approved by Order of the Freedom of Information Commission at its regular meeting of April 8, 2026.

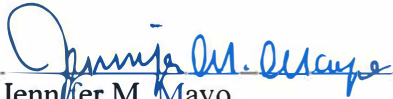

Jennifer M. Mayo
Acting Clerk of the Commission

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:

ALIKA MCFARLANE, #357299, MacDougall-Walker Correctional Institution, 1153 East Street, South, Suffield, CT 06080

CHIEF, POLICE DEPARTMENT, CITY OF BRIDGEPORT; POLICE DEPARTMENT, CITY OF BRIDGEPORT; AND CITY OF BRIDGEPORT, c/o Attorney Karen L. Miller, Bridgeport City Attorney Office, 999 Broad Street, Bridgeport, CT 06604


Jennifer M. Mayo
Acting Clerk of the Commission