

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Karla Leon,

Complainant

against

Docket #FIC 2025-0870

Chief, Police Department, Town of
Manchester; Police Department, Town
of Manchester; and Town of Manchester,

Respondents

August 26, 2026

The above-captioned matter was heard as a contested case on April 20, 2026, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

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 September 27, 2025, the complainant requested that the respondents provide her with a copy of the footage from two Manchester police officers' body-worn cameras concerning an arrest that occurred at her residence on August 6, 2025.
3. It is found that, by letter dated October 1, 2025, the respondents acknowledged the complainant's request but denied such request because the requested footage related to a "pending criminal prosecution."
4. By email dated and filed October 3, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide her with a copy of the requested footage.
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 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 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 . . . (3) receive a copy of such records in accordance with 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 requested by the complainant are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

9. It is found that, on or about October 6, 2025, the respondents informed the complainant more specifically that her request was denied pursuant to the provisions of §1-210(b)(3)(G), G.S.

10. It is found that, prior to the hearing on this matter, the respondents provided the complainant with a one-page inter-office memorandum and a four-page inter-office memorandum, both of which concerned the underlying arrest and detailed certain remedial training that was provided to one of the officers involved in the underlying arrest after his superiors had reviewed the footage at issue in this case.

11. At the hearing on this matter, the complainant contended that, while the respondents sent her links that were supposed to contain both the audio and video components of the requested footage, the links only played the audio of the underlying arrest; the video components did not work.

12. In this regard, it is found that, by email dated January 14, 2026, the respondents provided the complainant with the links to the requested footage from the two body-worn cameras. It is found that the footage from both body-worn cameras was approximately thirty minutes long. The respondents contended that it was their intention to provide the complainant with both the audio and the video components of both body-worn cameras, except for the first three minutes of video footage from both cameras, which they redacted pursuant to §29-6d(g)(2)(B)(i), G.S.

13. It is found that, on January 14, 2026, the complainant informed the respondents that the links they provided to her played the audio from both cameras, but the video function did not work for either link.

14. It is found that, after troubleshooting the links to ensure that both the audio and the video functioned as intended, on January 15, 2026, the respondents re-sent the links to the complainant.

15. The complainant represented at the hearing that she received the respondents' January 15, 2026 email containing the links, but once again only the audio component worked for the links; the videos did not play. It does not appear that the complainant contacted the respondents to report that the video component for the links she received on January 15, 2026 again failed to work.

16. Regarding the three minutes of video footage that the respondents redacted, §29-6d(g)(2), G.S., provides, in relevant part, that:

No record created using body-worn recording equipment or a dashboard camera of...(B) a scene of an incident that involves (i) a victim of domestic or sexual abuse, ...shall be subject to disclosure under the [FOI] Act....

17. Based upon the testimony of the respondents' witness, it is found that the first three minutes of the footage from both body-worn cameras is mandatorily exempt from disclosure pursuant to the provisions of §29-6d(g)(2)(B)(i), G.S.

18. The complainant did not challenge the redaction of the first three minutes of footage from either camera pursuant to §29-6d(g)(2)(B)(i), G.S. She contended, however, that she was still waiting to receive the remainder of the video footage from both cameras.

19. At the conclusion of the hearing, the hearing officer ordered the respondents to troubleshoot the links again to ensure that both the video and the audio components from the footage contained in the links work properly and, within one week, re-send the links to the complainant, with a copy to the hearing officer. The hearing officer further ordered that, by reply email, the complainant acknowledge receipt of the video links from the respondents and indicate whether the links functioned properly, with a copy to the hearing officer.

20. It is found that, on April 20, 2026, the respondents troubleshooted the links and re-sent them to the complainant. It is further found that, on this same date, the complainant indicated that she received the links from the respondents and that both the audio and video components functioned properly.

21. Finally, the complainant contended that the respondents did not provide her with the requested records promptly.

22. With regard to whether the respondents have acted promptly in responding to the instant request, this Commission has previously opined that the word "promptly" in §1-210, G.S., means "quickly and without undue delay, taking into account all of the factors presented by a particular request . . . [including] the volume of records requested; the amount of personnel time necessary to comply with the request; the time by which the requester needs the information contained in the records; the time constraints under which the agency must complete its other

work; the importance of the records to the requester, if ascertainable; and the importance to the public of completing the other agency business without loss of the personnel time involved in complying with the request." *See* FOI Commission Advisory Opinion #51 (Jan. 11, 1982). The Commission also recommended in Advisory Opinion #51 that, if immediate compliance is not possible, the agency should explain the circumstances to the requester.

23. In response, the respondents contended that there *may* have been FOI requests in the queue that preceded the receipt of the instant request; that there *usually is* lag time between parties' communications; that the respondents "tend to takes their lead from the Office of the State's Attorney;" and that there *may* have been an instruction to the respondents' Records Division Supervisor from someone at the Office of State's Attorney that the complainant was required to request a copy of the footage at issue in this case through the court due to the fact that a prosecution was still pending.

24. Regarding the possible instruction from the Office of the State's Attorney referred to in paragraph 23, above, the Commission notes that if such instruction was provided to the respondents, it was provided in error. Section 1-215, G.S., which details the records that must be disclosed during the pendency of a criminal prosecution, specifically describes the process that must occur concerning requests for copies of records that document or depict an individual's arrest and/or custody:

(c) ...any other public record of a law enforcement agency [other than the 'record of arrest' defined in subsection (a), above,] that documents or depicts the arrest or custody of a person during the period in which the prosecution of such person is pending **shall be disclosed** in accordance with the provisions of subsection (a) of section 1-210 and section 1-212, unless such record is subject to any applicable exemption from disclosure contained in any provision of the general statutes.

(d) Any law enforcement agency receiving a request for a record described in subsection (c) of this section shall promptly provide written notice of such request to the office of the state's attorney for the appropriate judicial district where the arrest occurred. The state's attorney for such district **shall be afforded the opportunity to intervene in any proceeding before the [FOI] Commission concerning such request.**

(Emphasis added.)

25. Accordingly, while the respondents are required to provide notice to the Office of the State's Attorney that a request for a copy of records documenting or depicting an individual's arrest or custody has been made, any concerns about disclosure of such records—either by the respondents or a State's Attorney—must be brought forward to the Commission. Most importantly, the statutory scheme governing disclosure contains no requirement that, during the

pendency of a criminal prosecution, a citizen must make a request for a copy of such records from the Judicial Branch.

26. In addition, even taking the respondents' additional reasons for the delay into consideration, it is found that the respondents failed to provide a copy of the requested records to the complainant promptly.

27. Accordingly, it is concluded that the respondents violated the promptness provisions of §§1-210(a) and 1-212(a), G.S.

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

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

2. Within fourteen (14) days of the date of the Notice of Final Decision in this matter, the respondents shall contact the Commission's Public Education Officer to schedule a training session regarding the requirements of the FOI Act.

Approved by Order of the Freedom of Information Commission at its regular meeting of August 26, 2026.

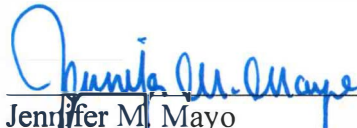

Jennifer M. Mayo
Acting Clerk of the Commission

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:

KARLA LEON, 334 Center Street, Manchester, CT 06040

POLICE DEPARTMENT, TOWN OF MANCHESTER; CHIEF, POLICE DEPARTMENT, TOWN OF MANCHESTER; AND TOWN OF MANCHESTER, c/o Attorney Grace Richards, Town of Manchester, 41 Center Street, Manchester, CT 06045



Jennifer M. Mayo
Acting Clerk of the Commission