

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Desiree Brown,

Complainant

against

Docket #FIC 2025-0138

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

Respondents

February 25, 2026

The above-captioned matter was heard as a contested case on May 30, 2025, at which time the complainant and respondents appeared 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. This matter stems from the Commission's final decision in Docket #FIC 2023-0638, Desiree Brown v. Chief, Police Department, City of New Haven et. al. (November 20, 2024) ("Brown 1"), wherein the Commission concluded that the respondents had violated the promptness provisions of the Freedom of Information Act. The Commission takes administrative notice of the administrative record and final decision in Brown 1.
3. It is found that the complainant's request in Brown 1 sought audio files of 9-1-1 calls, Computer Aided Dispatch (CAD) reports, and body-camera footage for the following New Haven Police Department case numbers: 23-026888, 23-027037, and 2023-028425.
4. It is found that the Commission, in Brown 1, found that the respondents failed to prove that they acted quickly and without undue delay in processing the complainant's request, thereby violating the promptness provisions of §§1-210(a) and 1-212(a), G.S.¹

¹ In Brown 1, the Commission found that the respondents only provided general testimony about how certain factors made processing requests for body-camera footage more onerous, but did not sufficiently explain how such factors

5. It is found that the Commission's final decision, in Brown 1, ordered the respondents to:

- a. Within seven (7) days of the Notice of Final Decision . . . disclose all body-camera footage concerning case number 23-026888 as requested in the complainant's . . . request, free of charge. [Paragraph 1]²
- b. In complying with paragraph 1 of the order, above, the respondents may redact only those portions of such records that are mandatorily exempt from disclosure under the FOI Act. No redactions may be made to those portions of such records that are permissively exempt from disclosure.
- c. 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 training regarding the requirements of the FOI Act.
- d. The respondents are admonished for failing to comply with multiple orders issued by the Hearing Officer in this matter.
- e. Henceforth, the respondents shall strictly comply with the promptness and disclosure provisions in §§1-210(a) and 1-212(a), G.S.

6. By complaint received and filed on February 28, 2025, the complainant appealed to this Commission alleging that the respondents had failed to comply with the Commission's Order in Brown 1, with respect to the disclosure of the body-camera footage concerning case number 23-026888. The complainant also noted that she was seeking "[d]ouble monetary compensation & to penalize [the respondents]."³

7. It is found that following the issuance of the final decision in Brown 1, the respondents, on December 3, 2024, provided the complainant a link to download the body-camera footage for case 23-026888. It is further found that the copy of the body-camera footage

actually impacted their ability to process the queue ahead of the complainant's request. The respondents were afforded another opportunity to present evidence as to promptness when they were explicitly ordered to provide an affidavit detailing such information as part of the undersigned Hearing Officer's Second Order for Additional Evidence. The respondents never submitted such affidavit. Accordingly, the Commission found that the respondents failed to prove that they acted promptly under the circumstances, and violated the promptness provisions of §§1-210(a) and 1-212(a), G.S.

² The Commission's order focused solely on the body-camera footage for case number 23-026888 because: (i) the respondents had provided copies of the 9-1-1 audio and CAD reports to the complainant; and (ii) by the time of the hearing, the complainant no longer needed the body-camera footage for the other cases.

³ The complainant's use of the phrase "double monetary compensation & to penalize [the respondents]," while technically imprecise, provided the respondents with sufficient notice that the complainant was asking the Commission to consider a civil penalty pursuant to §1-206(b)(2), G.S.

the respondents sent to the complainant via the link was completely redacted (i.e., all audio and video removed).

8. The respondents testified, and it is found, that they misinterpreted the Commission's order in Brown 1, as to permit redactions based on permissive exemptions. It is further found, however, that on April 21, 2025, the respondents became aware of the fact that they had misinterpreted the Commission's order in Brown 1.⁴

9. At the May 30, 2025 hearing in this matter, the undersigned Hearing Officer asked the respondents why, after becoming aware of their misinterpretation of the Commission's order in Brown 1, they had not disclosed an unredacted copy of the requested body-camera footage. The respondents testified that in Brown 1, they did not present evidence as to the nature of the body-camera footage for case number 23-026888 and, if they had, the Commission would not have ordered such records disclosed. The respondents did not present any evidence during the May 30, 2025 hearing, as to whether they were required by law to withhold the body-camera footage for case number 23-026888, in whole or in part. Moreover, the respondents failed to brief the issue despite the undersigned Hearing Officer directing them to do so.

10. It is concluded, that the respondents failed to comply with the Commission's order in Brown 1 by failing to provide an unredacted copy of the body-camera footage for case number 23-026888.

11. The Commission now turns to whether the imposition of a civil penalty against the respondents is warranted based on the facts and circumstances of this case.

12. Section 1-206(b)(2), G.S., provides, in relevant part:

upon a finding that a denial of any right created by the Freedom of Information Act was without reasonable grounds and after the custodian or other official directly responsible for the denial has been given an opportunity to be heard at the hearing conducted in accordance with sections 4-176e to 4-184, inclusive, the commission may, in its discretion, impose against the custodian or other official a civil penalty of not less than twenty dollars nor more than five thousand dollars.

13. As noted in paragraphs 8 and 9, above, the respondents testified that: (i) they originally misinterpreted the Commission's order in Brown 1; and (ii) *had* they presented

⁴ The respondents testified that they became aware of their misinterpretation after speaking with the individual who was assigned by the Commission as the ombudsman. Pursuant to Regs. Conn. State Agencies §1-21j-29 "[N]either the ombudsman nor any party in a contested case shall communicate the contents of any communication made or received in the course of the ombudsman process without express consent of all parties." The respondents testified, however, they were not speaking to the ombudsman in such capacity, but that they routinely call this individual for guidance on the FOI Act, and in this particular instance, they were seeking guidance regarding the distinction between permissive and mandatory exemptions. Thus, by the respondents' own admission, the correspondence was not "in the course of the ombudsman process." Moreover, during the May 30, 2025 hearing in this matter, the undersigned Hearing Officer separately asked when the respondents became aware of their misinterpretation.

evidence as to the nature of the body-camera footage for case number 23-026888, the Commission would not have ordered disclosure.

14. While the Commission understands that the respondents *may have* misinterpreted its order in Brown 1, the respondents admitted that any such misinterpretation was corrected on April 21, 2025, more than one month before the contested case hearing in this matter.

15. It is found that the respondents acted without reasonable grounds by continuing to not comply with the Commission's order in Brown 1 despite being aware that their initial interpretation of such order was erroneous.

16. With respect to the respondents' assertion that the Commission would not have ordered the disclosure of the body-camera footage for case number 23-06888, had evidence regarding the nature of such footage been presented in Brown 1, it is well established that

[t]he act “makes disclosure of public records the statutory norm . . .
[I]t is well established that the general rule under the [act] is disclosure and any exception to that rule will be narrowly construed in light of the general policy of openness expressed in the [act]. . .
[T]hus [t]he burden of proving the applicability of an exception [to disclosure under the act] rests upon the party claiming it.

(Citations omitted; emphasis added). City of Bridgeport v. Freedom of Info. Comm'n, 222 Conn. App. 17, 66 (2023).

17. In Brown 1, the respondents had two opportunities to claim exemptions and prove the applicability of those exemptions. The first opportunity was during the May 20, 2024 *contested case hearing*, and the second opportunity was in response to the undersigned Hearing Officer's Second Order for Additional Evidence issued on October 4, 2024.

18. As noted in the Commission's final decision in Brown 1, by the time of the May 20, 2024 contested case hearing, the respondents had yet to review the body-camera footage as it remained 20th in their queue of requests for body-camera footage. Thus, the respondents failed to assert any claim of exemption or provide any evidence as to the applicability of any exemption.

19. While it is true that the respondents had not yet reached the complainant's request in their queue, “[t]he purpose of any hearing the commission conducts under chapter 54 of the general statutes **shall be to provide to all parties an opportunity to present evidence and argument on all issues to be considered by the commission.**” Regs. Conn. State. Agencies §1-21j-35; see also, §4-166, G.S. (“Contested case” means a proceeding . . . in which the legal rights, duties or privileges of a party are required by state statute or regulation to be determined by an agency after an **opportunity for a hearing** or in which a hearing is in fact held”)

20. The contested case hearing in Brown 1 *was* the respondents' opportunity to present evidence and argument with respect to the issues in that matter, including whether all records were provided to the complainant and, if not, whether there was an applicable exemption. The respondents failed to utilize that opportunity.

21. The respondents were afforded a second opportunity to assert claims of exemption and provide evidence to support such claims as part of the undersigned Hearing Officer's Second Order for Additional Evidence issued in Brown 1. Such order explicitly required the respondents to conduct a search for the body-camera footage and, among other things, provide an affidavit outlining the legal basis for any claimed exemption, along with facts relevant to support such claims. The respondents never submitted such affidavit.

22. It is found that the respondents were afforded ample opportunity to present evidence and argument as to their compliance with the complainant's request in Brown 1. It is further found that they failed to do so, ignoring multiple orders for additional evidence from the undersigned Hearing Officer.

23. It is found that the respondents exhibited similar conduct in the instant matter wherein they were afforded an opportunity to brief the issue of whether any federal law or state statute *required* them to withhold, in whole or in part, the requested body-camera footage. As noted in paragraph 9, above, the respondents never submitted such brief.

24. It is found that the respondents, throughout Brown 1, and in the instant matter, have shown a clear disregard for the orders of this Commission and the rights afforded to the public under the FOI Act. It is further found that such disregard constitutes a denial of the right to prompt access to public records, without reasonable grounds, within the meaning of §1-206(b)(2), G.S.

25. Accordingly, it is concluded that a civil penalty is warranted in this matter.


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 a copy of the body-camera footage ordered disclosed by this Commission in Brown 1, free of charge. The respondents shall not withhold any portion of such body-camera footage, unless doing so is explicitly required by federal law or state statute, as set forth in §1-210(a), G.S. If the respondents so withhold any portion of the body-camera footage, they shall submit an affidavit sworn to or attested by a person with the requisite knowledge identifying: (i) which portion(s) of the body-camera footage were withheld; and (ii) the basis in law requiring such withholding. Such affidavit shall be submitted to the Commission, with copy to the complainant, via email at foi@ct.gov, within fourteen (14) days of the Notice of Final Decision in this matter.

2. The respondent Karl Jacobson, as the official directly responsible for the denial herein, shall remit to the Commission, within thirty (30) days of the Notice of Final Decision in this matter, a civil penalty in the amount of one thousand two hundred and fifty dollars (\$1,250).

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

Approved by Order of the Freedom of Information Commission at its regular meeting of February 25, 2026.




Molly Steffes
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:

DESIREE BROWN, 625 Elm Street, Suite 1R, New Haven, CT 06511

KARL JACOBSON, CHIEF, POLICE DEPARTMENT, CITY OF NEW HAVEN; POLICE DEPARTMENT, CITY OF NEW HAVEN, 1 Union Avenue, 3rd Floor, New Haven, CT 06519; **AND CITY OF NEW HAVEN**, 165 Church Street, New Haven, CT 06510



Molly Steffes
Acting Clerk of the Commission