

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Natalie Levitt,

Complainant

against

Docket #FIC 2025-0059

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

Respondents

January 14, 2026

The above-captioned matter was heard as a contested case on May 23, 2025, and November 6, 2025¹, at which times the complainant and respondents appeared and presented testimony, exhibits and argument on the complaint.

Pursuant to the undersigned Hearing Officer's November 24, 2025 Notice of Order for Additional Evidence and Third Party Correspondence, the parties submitted the following after-filed exhibits:

Complainant's Exhibit D (after-filed): 18-page packet of documents received and filed on December 2, 2025; and

Respondents' Exhibit 6 (after-filed): Affidavit of Burt Rosenberg, Assistant Corporation Counsel (with exhibits) dated December 4, 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.
2. It is found that in May 2023, the complainant submitted a records request seeking body-worn camera footage for Stamford Police case # 2304110022 (regarding an April 2023 incident during which the complainant was arrested) (the "incident resulting in the complainant's arrest"). At the time, the respondents denied the records request asserting that such records were

¹ Although Attorney Burt Rosenberg initially appeared on behalf of the respondents in this matter, he appeared as a witness for the respondents at the continued hearing on November 6, 2025. Due to Attorney Rosenberg's extenuating medical circumstances, the Commission authorized his remote participation as a witness via teleconference for the continued hearing.

exempt from disclosure pursuant to §1-210(b)(3)(D), G.S. (i.e., the prospective law enforcement action exemption).

3. It is found that on November 21, 2024, the complainant's criminal case stemming from the incident resulting in the complainant's arrest was *dismissed*.²

4. It is found that on December 3, 2024, the complainant submitted another request for the same records described in paragraph 2, above.

5. It is found that on that same day, the respondents replied to the complainant denying her request, described in paragraph 4, above, asserting that the records she sought were subject to erasure pursuant to §54-142a, G.S., and were also exempt pursuant to §1-210(b)(3)(H), G.S. (i.e., uncorroborated allegations exemption).

6. It is found that the parties continued to correspond after the respondents' denial of the complainant's request, and the complainant renewed her request on January 21, 2025.

7. It is found that on January 22, 2025, the respondents reiterated their denial described in paragraph 5, above, and indicated that they did not "intend to engage in further discourse . . . regarding this matter."

8. By complaint received and filed on January 27, 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 records described in paragraphs 2 and 4, above.

9. 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-

² The parties dispute whether the complainant's criminal charges were dismissed or nolle. The precise disposition of those charges is material to determining the Commission's jurisdiction over the records at issue. Pursuant to the undersigned Hearing Officer's November 24, 2025 Order, the parties submitted conflicting after-filed evidence regarding the disposition of the complainant's criminal charges.

Complainant's Exhibit D (after-filed) consists of a printout dated December 11, 2024, reflecting the case history of the complainant's criminal matter and indicating that the case was dismissed on November 21, 2024. Respondents' Exhibit 6 (after-filed) consists of the affidavit of Burt Rosenberg, Assistant Corporation Counsel, which includes an internal email exchange stating that the complainant's criminal charges were nolle.

The printout contained in Complainant's Exhibit D (after-filed) appears to be a complete reproduction of the case details from the Judicial Branch's electronic criminal/motor vehicle system. By contrast, the information referenced in Respondents' Exhibit 6 (after-filed) is presented through an internal email and is not accompanied by a corresponding copy of the underlying Judicial Branch record. Accordingly, solely for purposes of this decision, the Commission affords greater weight to the evidence contained in Complainant's Exhibit D (after-filed) with respect to the disposition of the complainant's criminal charges.

recorded, videotaped, printed, photostated, photographed or recorded by any other method.

10. 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 (1) inspect such records promptly during regular office or business hours, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212.

11. 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.”

12. It is concluded, therefore, that the records described in paragraphs 2 and 4, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

13. It is found that on March 11, 2025, the respondents provided the complainant with all body-worn camera footage responsive to her request described in paragraphs 2 and 4, above.

14. The complainant alleges that although the respondents ultimately provided her with the requested body-worn camera footage, they acted in bad faith by delaying the production of such records.

15. As found in paragraph 3, above, however, the complainant’s criminal case stemming from the incident of arrest was dismissed on November 21, 2024, one month before renewing her request for the body-worn camera footage on January 21, 2025.

16. Section 54-142a, G.S., known as “the erasure statute,” generally requires nondisclosure of all police, court, and prosecutorial records “pertaining to a criminal charge” whenever a person charged with a crime is acquitted or pardoned, or the charge is dismissed or nolle.

17. In Comm’r, State of Connecticut Dept. of Emergency Services and Public Protection v. Freedom of Info Comm’n, 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. The court analyzed the phrase “pertaining to [an erased] charge” and concluded that §54-142a, G.S., prohibits disclosure of transcripts, police reports, charging documents and records that disclose “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)).

18. It is found that the requested body-worn camera footage are records subject to erasure pursuant to §54-142a, G.S.

19. The Commission acknowledges that the erasure statute prohibits the disclosure of erased records to anyone except the subject of such records (as the complainant herein is). However, it is clear that the right of a person who is a subject of an erased record to access such record is pursuant to an individual right to access such information. See §54-142a(g)(1), G.S. (only permitting disclosure to such person upon submission of satisfactory proof of the subject's identity.)

20. The courts and this Commission have recognized that the FOI Act only vindicates the public's right to access public records, and not a private right specific to any individual. See Groton Police Dept. v. Freedom of Info. Comm'n, 104 Conn. App. 150, 165-66 (2007) ("It is clear. . . that [the requestor's] status as the parent of the alleged victim is immaterial to the request for the police records under the act. . . .By *invoking the act to request the records, [the requestor] is not seeking the records as a parent but, rather, as a member of the public.*" (Emphasis added); see also, Docket #FIC 2022-0069, Michael Jezzi v. John Sullivan, Chief, Police Dept., Town of Hamden et al (January 13, 2023) ("[i]t is concluded, therefore, that this Commission lacks jurisdiction to enforce a private right of access to the requested records, should one exist.")

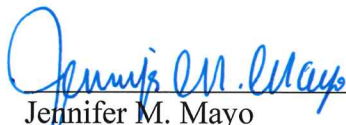
21. It is found that, while the complainant, as the subject of the erased records, has an individual statutory right to access such records, that right is a private right beyond the scope of the FOI Act and the authority of this Commission.

22. Accordingly, the issue of whether, and to what extent, the respondents unduly delayed the production of the requested body-worn camera footage is not connected to any right afforded under the FOI Act and is therefore beyond the scope of this Commission's review.

The following order is 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 January 14, 2026.



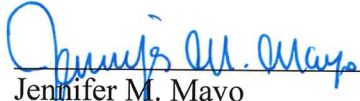
Jennifer M. Mayo
Acting Clerk of the Commission

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:

NATALIE LEVITT, 602 Fairfield Avenue, Stamford, CT 06902

CHIEF, POLICE DEPARTMENT, CITY OF STAMFORD; POLICE DEPARTMENT, CITY OF STAMFORD; AND CITY OF STAMFORD, c/o Attorney Burt Rosenberg, Office of Corporation Counsel, 888 Washington Blvd., PO Box 10152, Stamford, CT 06904 and Attorney Nicholas R. Bamonte, Berchem Moses PC, 1221 Post Road East, Westport, CT 06880


Jennifer M. Mayo
Acting Clerk of the Commission