

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Alissa Gatto,

Complainant

against

Docket # FIC 2025-0144

Commissioner, State of Connecticut,
Department of Mental Health and Addiction
Services; and State of Connecticut,
Department of Mental Health and Addiction
Services,

Respondents

January 14, 2026

The above-captioned matter was heard as a contested case on June 24, 2025, 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 January 31, 2025, the complainant requested that the respondents' police department provide a copy of "any and all police reports involving Anthony Dyous, specifically those relating to an alleged incident that occurred on or about May 8, 2023," including all police reports, photographs, witness statements, audio/video recordings, and 911 calls involving Mr. Dyous.
3. It is found that on February 4, 2025, the respondents acknowledged the complainant's request.
4. It is found that, by emails dated February 12, 2025, and February 21, 2025, the complainant inquired about the status of the request.
5. It is found that, by email dated February 21, 2025, the respondents notified the complainant that the records responsive to the request described in paragraph 2, above, had been gathered, and were pending review.
6. By complaint filed February 28, 2025, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying her request for the records described in paragraph 2, above.

7. 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.

8. 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.

9. 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.”

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

11. It is found that, by letter dated June 17, 2025, the respondents notified the complainant that all of the records responsive to the request described in paragraph 2, above, are exempt from disclosure.

12. At the hearing, the respondents contended that all of the records responsive to the request described in paragraph 2, above, pertain to an uncorroborated allegation of criminal conduct that was referred to, and investigated by, the respondents’ police department. Consequently, the respondents contended that all of the responsive records are exempt from disclosure pursuant to § 1-210(b)(3)(H), G.S. The respondents also contended that portions of the records are exempt from disclosure pursuant to §§ 1-210(b)(1), 1-210(b)(2), 1-210(b)(3)(G), 1-210(b)(10), 1-210(b)(18), 52-146e, and 54-86e, G.S., and the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), 42 U.S.C. §1320d, *et seq.*

13. Following the June 24, 2025, hearing in this matter, the respondents submitted the responsive records for in camera inspection.¹ On the Index to Records Submitted for In Camera

¹ The Commission notes that on August 6, 2025, the respondents filed a “partial objection” to the hearing officer’s June 30, 2025, Order to submit unredacted copies of the records at issue in this matter for in camera inspection. Such objection was filed after the respondents sought, and were granted, an extension of time to comply with the June 30, 2025, Order. The respondents sought to file the in camera records with redaction to purported personally identifying

Inspection, the respondents described the records as “DMHAS Public Safety Division (DMHAS Police) Investigation file – Case #M2300023382.” Such records consist of 133 pages of records, and one flash drive containing nine videos. Such records shall hereinafter be described as IC-2025-0144-001 through IC-2025-0144-0142, or the “in camera records.”

14. Section 1-210(b)(3)(H), G.S., provides, in relevant part, that nothing in the FOI Act shall require the disclosure of:

[r]ecords of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of a crime, if the disclosure of said records would not be in the public interest because it would result in the disclosure of ... uncorroborated allegations subject to destruction pursuant to section 1-216.

15. Section 1-216, G.S., which section is read in conjunction with § 1-210(b)(3)(H), G.S., provides as follows:

[e]xcept for records the retention of which is otherwise controlled by law or regulation, records of law enforcement agencies consisting of uncorroborated allegations that an individual has engaged in criminal activity shall be reviewed by the law enforcement agency one year after the creation of such records. If the existence of the alleged criminal activity cannot be corroborated within ninety days of the commencement of such review, the law enforcement agency shall destroy such records.

16. In Docket #FIC 94-291, *Rachel Gottlieb and The Hartford Courant v. State of Connecticut, Department of Public Safety, Division of State Police* (May 24, 1995) (hereinafter, “*Gottlieb*”), the Commission relied on the following definitions of the term “corroborate”: “to strengthen, to add weight or credibility to a thing by additional and confirming facts or evidence” (Black's Law Dictionary, Sixth Edition (1990)); “to state facts tending to produce confidence in the truth of a statement made by another” (Ballentine’s Law Dictionary, Third Edition (1969)); and “to give increased support to; make more sure or evident” (Funk & Wagnall New Standard Dictionary of the English Language (1946)).

17. In *Gottlieb*, the Commission found that “the reports [at issue] contain[ed] similar accounts relayed to the interviewees concerning allegations under investigation.” The Commission went on to find that “the requested reports contained allegations which were corroborated” and concluded that such reports were, therefore, not exempt from disclosure.

and treatment information of individuals in a psychiatric facility, contending that §§ 52-146e and 54-86e, G.S., prohibited them from “disclosing” such portions to the Commission. The hearing officer overruled the respondents’ objection but permitted the respondents to submit the in camera records with redaction to any information that was not at issue before the Commission. On October 1, 2025, the respondents complied with the hearing officer’s second Order to submit the responsive records for in camera inspection.

18. Additionally, in *Bona v. FOI Commission*, 44 Conn. App. 622 (1997), the Appellate Court determined that the entirety of a record containing uncorroborated allegations of criminal activity is exempt from disclosure under § 1-210(b)(3)(H), G.S., and that portions of such records cannot be disclosed.

19. It is found that the alleged incident referenced in paragraph 2, above, concerns a criminal allegation made against Mr. Dyous. It is found that the in camera records, described in paragraph 13, above, consist of the records compiled by the respondents' police department during the course of its investigation of such allegation.

20. It is found that the investigation conducted by the respondents' police department did not result in an arrest, and the investigation was closed.

21. After a careful in camera inspection, it is found that there are no similar accounts of the underlying events as those determined to exist in *Gottlieb*, nor is there any evidence in the in camera records that tends to strengthen, add weight, or support the allegation of criminal conduct described therein.

22. Based upon the foregoing, and a careful in camera inspection, it is found that the in camera records are records of a law enforcement agency, not otherwise available to the public, which records were compiled in connection with the detection or investigation of crime within the meaning of § 1-210(b)(3), G.S. It is further found that the in camera records constitute uncorroborated allegations, subject to destruction, and are permissively exempt from disclosure pursuant to §§ 1-210(b)(3)(H) and 1-216, G.S.

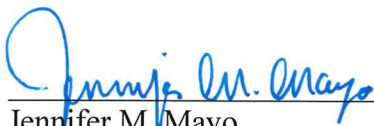
23. Because the Commission finds that the in camera records are permissively exempt from disclosure pursuant to §§ 1-210(b)(3)(H) and 1-216, G.S., the Commission need not address the respondents' remaining claims of exemption.

24. It is therefore concluded that the respondents did not violate the disclosure provisions of §§ 1-210(a) and 1-212(a), G.S., by declining to disclose a copy of the in camera records to the complainant.

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

1. The complaint is hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of January 14, 2026.



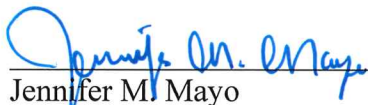
Jennifer M. Mayo
Acting Clerk of the Commission

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:

ALISSA GATTO, Law Offices of Pat Brown, 30 East Main Street, Avon, CT 06001

COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES; AND STATE OF CONNECTICUT, DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES, c/o Attorney Noelle G. Miano, Department of Mental Health and Addiction Services, 410 Capitol Avenue, 4th Floor, Hartford, CT 06134



Jennifer M. Mayo
Acting Clerk of the Commission