

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Jamal Sumler,

Complainant

against

Docket #FIC 2025-0631

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

Respondents

July 8, 2026

The above-captioned matter was heard as a contested case on February 19, 2026 and May 29, 2026, at which times the complainant and the respondents appeared, stipulated to certain facts, 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 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 on July 2, 2025, the complainant requested from the respondents copies of DNA reports, witness statements, investigation reports, detective notes, and arrest warrant applications pertaining to case #15-015955. It is found that such request was handwritten by the complainant and mailed to the respondents via regular mail.
3. By complaint filed on July 16, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying his request described in paragraph 2, above.¹

¹ As found in paragraph 36, below, when making his request described in paragraph 2, above, the complainant indicated that if the respondents failed to comply with such request he would file a complaint with the Commission seeking civil penalties.

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 section 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 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.

6. 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.”

7. It is concluded that the records described in paragraph 2, above, 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. The respondents testified that they did not receive the complainant’s request described in paragraph 2, above, until after they received notice of the complaint in the instant matter from the Commission on September 16, 2025.²

9. Section 1-206(a), G.S., provides that:

Any denial of the right to inspect or copy records provided for under section 1-210 shall be made to the person requesting such right ***by the public agency official who has custody or control of the public record, in writing, within four business days of such request. . . .***

(Emphasis added).

10. In City of Bridgeport v. Freedom of Info. Comm’n, 222 Conn. App. 17, 53-55 (2023) (“City of Bridgeport”), the Appellate Court held that “[b]ecause an agency can neither deny nor comply with a request it has not received, construing §1-206(a) as requiring that an agency receive a request before the four day period commences is consistent with the statute’s emphasis

² The Commission’s Notice of Complaint sent to the respondents was dated September 9, 2025, but stamped “received” by the respondents on September 16, 2025.

on the agency's response or lack thereof, to a request for public records." Moreover, with respect to physical mail, the Court noted that "the mailing of a properly addressed letter creates a presumption of timely notice unless contrary evidence is presented." Id., at 55, citing Daniels v. Statewide Grievance Committee, 72 Conn. App. 203, 211 (2002). Accordingly, "an individual is entitled to presume that a properly addressed request for records sent by mail will be received within a few days after it is mailed, and, in the absence of evidence to the contrary, the [C]ommission may presume the same." Id., at 55-56.

11. It is found that the complainant mailed his request described in paragraph 2, above, to the respondents at One Union Avenue, New Haven, CT 06510.

12. The respondents testified, and it is found, that on September 11, 2025, an employee tasked with processing physical mail for the Police Chief discovered the copy of the complainant's request described in paragraph 2, above. It is found that such request was included in a stack of mail on the desk of the then-respondent Police Chief. It is further found that the employee scanned and e-mailed a copy of the request to the respondents' records division.

13. It is found that the e-mail containing the complainant's request went unnoticed by the records division until September 16, 2025, when, after receiving the notice of complaint they reviewed their e-mails and located the scanned version of the complainant's request described in paragraph 12, above.

14. It is found, therefore, that the respondents received the complainant's July 2, 2025 request described in paragraph 2, above, prior to receiving the Commission's notice of the complaint on September 16, 2025. It is further found that the complainant properly addressed and mailed such request to the respondents on July 2, 2025. As explained in paragraph 10, above, the mailing of a properly addressed request creates a presumption that it was received within a few days after mailing unless contrary evidence is presented. While the respondents testified that they were unaware of the request until September 2025, it is found that the request was ultimately discovered among mail that had been delivered to the office of the Chief of Police. Under the facts and circumstances of this case, it is found that the respondents failed to rebut the presumption that the request was received within a few days after it was mailed.

15. Accordingly, it is found that the complainant's request described in paragraph 2, above, was received by the respondents prior to the filing of the complaint on July 16, 2025, but remained among the mail on the desk of the then-respondent Police Chief for approximately two months before being discovered and forwarded to the respondents' records division.

16. It is found that, on September 16, 2025, after locating the scanned copy of the complainant's request described in paragraph 13, above, the respondents' records division processed such request. It is further found that, on September 17, 2025, the respondents sent records responsive to the complainant's request to the facility where he is incarcerated.³

17. While the respondents made several redactions to the records referenced in paragraph 16, above, at the May 29, 2026 continued hearing in this matter, the complainant testified that

³ It is found that the complainant actually received the records from the correctional facility on October 10, 2025.

such redactions were not at issue. Rather, the complainant alleged that the respondents did not provide all detective notes and arrest warrant applications as requested.

18. It is found that in their response accompanying the disclosure described in paragraph 16, above, the respondents indicated that they had “no responsive records” for the portions of the complainant’s request seeking detective notes and arrest warrant applications.

19. It is found that the respondents’ search for records responsive to the complainant’s request described in paragraph 2, above, consisted of searching: (i) their electronic records management system (“ERMS”) for all records connected to the case #15-015955; and (ii) for a physical binder that would have been customarily created by the detective if a case was going to be prosecuted (“prosecution binder”).

20. It is found that the respondents provided the complainant with all records associated with case #15-015955 contained in their ERMS. It is also found that because case #15-015955 was not prosecuted, it was unlikely that a prosecution binder for the case had been created. It is further found that the respondents searched for, but did not locate, any such binder.

21. The respondents testified, and it is found, that any detective notes would have been scanned and added to their ERMS and/or retained in a prosecution binder. Accordingly, it is found that the respondents conducted a reasonably thorough and diligent search for detective notes, but found no responsive records.

22. With respect to the requested arrest warrant applications, it is found that the respondents conducted the same search as described in paragraph 19, above, but could not locate any such records.

23. It is found, however, that the respondents did submit an arrest warrant application for case #15-015955 to the State’s Attorney’s Office on October 17, 2016. It is found that in their September 17, 2025 response accompanying the disclosure of records to the complainant described in paragraph 16, above, the respondents indicated that the “[t]he Clerk’s Office of the State’s Attorney is the Keeper of Records for any arrest warrants. Complete a FOIA request to their office for more information on [arrest warrant applications].”

24. This Commission has consistently held that public agencies cannot avoid disclosure of certain public records merely by avoiding physical possession of such records. First Selectman, Town of Columbia v. Freedom of Info. Comm’n, No. CV000501055, 2000 WL 1862558 (Conn. Super. Ct. Nov. 28, 2000).

25. Moreover, as outlined in paragraph 4, above, “[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. . . .” (Emphasis added). It is found that the respondents prepared the arrest warrant application described in paragraph 23, above. It is further found that the respondents submitted such arrest warrant application to the State’s Attorney as part of their normal course of business. It is found, therefore, that any copy of the arrest warrant application retained by the State’s Attorney would be “maintained” by the respondents within the meaning of §1-210(a), G.S.

26. It is found, however, that the respondents did not contact the State's Attorney's Office to inquire as to whether they still retained a copy of the arrest warrant application.

27. It is found that the respondents failed to conduct a reasonably thorough and diligent search for the arrest warrant applications requested by the complainant. It is found, therefore, that the respondents failed to prove that they provided the complainant with all records responsive to his request described in paragraph 2, above.

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

29. With respect to promptness, the Commission has held that the meaning of the word "promptly" is a particularly fact-based question. In Advisory Opinion #51, In the Matter of a Request for Declaratory Ruling, Third Taxing District of the City of Norwalk, Applicant (Notice of Final Decision dated January 11, 1982), the Commission advised that the word "promptly," as used in §1-210(a), G.S., means quickly and without undue delay, taking into consideration all of the factors presented by a particular request.

30. The advisory opinion goes on to describe some of the factors that should be considered in weighing a request for records against other priorities: the volume of records requested; the time and personnel required to comply with a request; the time by which the person requesting records needs them; 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 the loss of the personnel time involved in complying with the request. In addition, common sense and good will ought to be the guiding principles.

31. It is found that, once the request was identified on September 11, 2025, the respondents provided the complainant with a significant portion of the records responsive to his request described in paragraph 2, above, within four business days.

32. Nevertheless, as found in paragraph 15, above, the complainant's request was not processed for over two months because it was among the mail on the desk of the then-respondent Police Chief. It is found that in this regard, the respondents did not act quickly and without undue delay with respect to the complainant's request.

33. It is concluded, therefore, that the respondents violated the promptness provisions of §§1-210(a) and 1-212(a), G.S.

34. 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.

35. 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.

36. It is found that as part of his request described in paragraph 2, above, the complainant notified the respondents that he would request a civil penalty in the event they failed to comply with his request. It is found that such request was included with the complaint described in paragraph 3, above, as well as in the Commission's Notice of Complaint received by the respondents on September 16, 2025.

37. Accordingly, it is found that the respondents were properly notified of the Commission's consideration of a civil penalty in this matter.

38. It is found that the fact that the complainant's request described in paragraph 2, above, was not processed for over two months because it remained on the desk of the then-respondent Police Chief constitutes a denial of the public's right to receive prompt access to records without reasonable grounds and is sufficient to warrant the imposition of a civil penalty.

39. Nevertheless, at the May 29, 2026 continued hearing on the instant matter, the respondents acknowledged several deficiencies in their current procedure for processing records requests. The respondents testified that the delay in processing the complainant's request in the instant matter was attributable to the policies (or lack thereof) and practices of the former Police Chief with respect to ensuring that mail received by him was processed in a timely manner.

40. It is found that since September 2025 a new Police Chief has been appointed for the respondents. The respondents testified, and it is found, that they have discussed the importance of processing mail in a timely fashion to avoid situations such as those described herein from recurring.

41. It is further found that the respondents are in the "early-to-middle" stages of implementing a number of other remedial measures with respect to their FOI procedures. Such other measures include utilizing the City of New Haven's portal for records requests, reviewing and updating their operating procedures, and assessing the adequacy of staffing levels.

42. It is found that although a civil penalty is warranted in this matter, in light of the factors outlined in paragraphs 39 through 41, above, the Commission declines to impose a civil penalty in this instant 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 date of the Notice of Final Decision in this matter, the respondents shall conduct a search for arrest warrant applications pertaining to case #15-015955. Such search shall include contacting the State's Attorney's Office for the Judicial District of New Haven and requesting a copy of any such arrest warrant application.

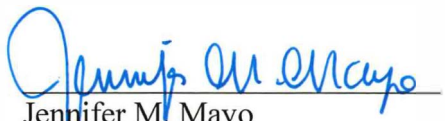
2. Within forty-five (45) days of conducting the search described in paragraph 1 of this order, above, the respondents shall provide to the complainant a copy of any arrest warrant application pertaining to case #15-015955 located or obtained as a result of such search, free of charge. The respondents shall not withhold any portion of such records unless doing so is explicitly required by federal law or state statute, as set forth in §1-210(a), G.S. If the respondents withhold any portion of such records, they shall submit an affidavit sworn to or attested by a person with the requisite knowledge identifying: (i) which portion(s) of such records 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 forty-five days (45) days of contacting the Office of the State's Attorney as described in paragraph 1 of this order, above.

3. If the respondents are unable to locate or obtain any arrest warrant application pertaining to case #15-015955 as a result of the search described in paragraph 1 of this order, above, they shall submit an affidavit sworn to or attested by a person with the requisite knowledge explaining the search conducted and the respondents' inability to locate or obtain such records.

4. 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. Such training shall be mandatory for the respondent Police Chief.

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

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

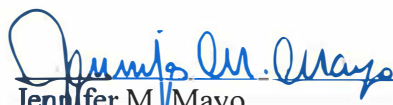

Jennifer M. Mayo
Acting Clerk of the Commission

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:

JAMAL SUMLER, #359208, MacDougall-Walker Correctional Institution, 1153 East Street, South, Suffield, CT 06080

KARL JACOBSON, CHIEF, POLICE DEPARTMENT, CITY OF NEW HAVEN; POLICE DEPARTMENT, CITY OF NEW HAVEN; AND CITY OF NEW HAVEN, c/o Attorney Catherine E. LaMarr, Office of the Corporation Counsel, City Hall, 165 Church Street, 4th Floor, New Haven, CT 06510


Jennifer M. Mayo
Acting Clerk of the Commission

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