

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Terrance Burton,

Complainant

against

Docket #FIC 2025-0208

Fernando Spagnuolo, Chief, Police
Department, City of Waterbury; Police
Department, City of Waterbury; and
City of Waterbury,

Respondents

March 25, 2026

The above-captioned matter was heard as a contested case on July 17, 2025, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint. The complainant, who was incarcerated at the time of the hearing¹, 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 March 13, 2025, the complainant requested from the respondents video footage: (i) depicting him in “police lockup” (i.e., police custody) from January 3 through 6, 2025; and (ii) from police body cameras of those officers who responded to incidents on January 1, 3, and 4, 2025.
3. It is found that the complainant mailed a physical copy of the request described in paragraph 2, above, to the respondents, and that the respondents received such request on March 21, 2025.
4. It is found that the respondents acknowledged receipt of the complainant’s March 13 request on March 27, 2025.

¹On August 15, 2025, the complainant informed Commission staff that he was no longer incarcerated.

5. By complaint received and filed March 28, 2025, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to disclose the video footage described in paragraph 2, above. The complainant also requested that this Commission consider the imposition of a civil penalty against the respondent Chief of Police.

6. 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.

7. 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.

8. 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.”

9. 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.

10. It is found that on May 14, 2025, the respondents sent to the Department of Correction a USB flash drive containing 17 videos responsive to the complainant’s records request described in paragraph 2, above. Specifically, the USB flash drive contained six videos pertaining to events occurring on January 1, 2025, nine videos for events occurring between January 3 through 4, 2025, and two videos for events occurring on January 5, 2025.

11. It is found that on May 19, 2025, a FOI Liaison with the Department of Correction informed the complainant that: (i) they had received the USB flash drive described in paragraph 10, above, from the respondents; (ii) pursuant to Administrative Directive 6.10, the complainant was not permitted to have the USB flash drive because he did not have a means to access the information on the drive; and (iii) arrangements could be made to mail the USB flash drive to a legal representative and/or family member.

12. It is found that on May 20, 2025, the complainant wrote to the respondents inquiring about the video files for the portion of his March 13 request pertaining to January 6, 2025. It is also found that on May 30, 2025, the respondents informed the complainant that the USB flash drive provided to the Department of Correction contained all records responsive to such request and that they did not maintain additional video files (body-worn camera or otherwise).

13. At the July 17, 2025, hearing in this matter, the respondents testified, and it is found, that the video footage depicting the complainant in police custody on January 6, 2025, was automatically overwritten 30-days after the date of the recording. It is found that as the request in this matter was not received by the respondents until March 21, 2025, the respondents did not maintain a copy of the requested video files for January 6, 2025 at the time of the complainant's request.²

14. It is concluded, therefore, that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., with respect to the video files requested for January 6, 2025, as they did not maintain such records at the time of the complainant's request, described in paragraph 2, above.

15. With respect to the records the respondents provided to the Department of Correction, as described in paragraph 10, above, it is found that the respondents redacted approximately 20 seconds (i.e., timestamps 17:45 through 18:05) of a single video file, named "49OD_@_100_Catherine_Ave." Pursuant to the undersigned Hearing Officer's February 23, 2026 Order to Submit In Camera Records, the respondents submitted an unredacted version of "49OD_@_100_Catherine_Ave" to the Commission for in camera inspection (hereinafter, IC-2025-0208-01).

16. It is found that IC-2025-0208-01 consists of police officer body-worn camera footage captured when responding to a medical emergency involving the complainant. It is found that the nature of the medical emergency involved the complainant's drug overdose and required his transportation to a hospital.

17. It is found that IC-2025-0208-01 includes approximately 20 seconds of muted audio during which time an individual who witnessed the incident was speaking with a police officer and provided the officer with her name, phone number, and date of birth.

18. On the In Camera Index, the respondents claimed that the redacted portions of IC-2025-0208-01 were exempt from disclosure pursuant to §§1-210(b)(2) and 1-210(b)(3)(A), G.S.

19. Section 1-210(b)(2), G.S., provides that nothing in the FOI Act shall be construed to require the disclosure of "[p]ersonnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy."

² The complainant alleged that he had submitted two prior requests for the same records at issue herein – one on January 8, 2025, and the other on February 19, 2025. However, the complainant was not able to produce any evidence as to the January 8, 2025 request. Moreover, to the extent the complainant had made a request for such records on February 19, 2025, more than 30-days would have elapsed since January 6, 2025, and the records would have still been automatically overwritten before the request was received by the respondents.

20. It is found that while IC-2025-0208-01 does depict a medical emergency of the complainant, the only portions thereof redacted by the respondents are those pertaining to the personally identifiable information of the individual described in paragraph 17, above.

21. It is found that the name, phone number, and date of birth of the individual described in paragraph 17, above, does not constitute “personnel or medical files and similar files” within the meaning of §1-210(b)(2), G.S., and are not exempt from disclosure pursuant thereto. See e.g., Docket #FIC 2023-0479, Joseph McNellis et al., v. Eric Amado, Personnel Director, Office of the Civil Service Commission, City of Bridgeport et al. (September 11, 2024) (finding that the disclosure of birthdates, phone numbers, and email addresses would not constitute an invasion of personal privacy under §1-210(b)(2), G.S.).

22. Section 1-210(b)(3)(A), G.S., provides in relevant part that

Nothing in the [FOI] Act shall be construed to require the disclosure of:

...

(3) Records of law enforcement agencies not otherwise available to the public which were ***compiled in connection with the detection or investigation of crime*** if the disclosure of such records would not be in the public interest because it would result in the disclosure of (A) . . . the identity of witnesses not otherwise known whose safety would be endangered or who would be subject to threat or intimidation if their identity was made known. . . .

(Emphasis added).

23. While the use of a controlled substance other than cannabis is a class C misdemeanor, pursuant to §21-a-267(a), G.S., subsection (d) thereof provides, in relevant part, that:

The provisions of subsection (a) of this section shall not apply to any person . . . (2) for whom another person, in good faith seeks medical assistance, reasonably believing such person is experiencing an overdose from the ingestion, inhalation or injection of intoxicating liquor or any drug or substance.

24. It is found that the only evidence in the administrative record as to the January 1, 2025 incident, was that the police were responding to the complainant’s medical emergency, described in paragraph 16, above. As the basis for that medical emergency does not constitute a

crime, the provisions of §1-210(b)(3), G.S., would not apply to any portion of the body-worn camera footage for IC-2025-0208-01.³

25. Accordingly, it is concluded that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by redacting the audio from timestamp 17:45 through 18:05 of IC-2025-0208-01.

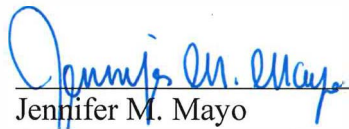
26. Notwithstanding the foregoing findings and conclusions, the Commission declines to consider the imposition of a civil penalty against the respondents in this matter.

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 with copies of all records responsive to his request described in paragraph 2, of the findings, above. Such records shall be provided unredacted and free of charge.

2. Henceforth, the respondents shall strictly comply with the 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 March 25, 2026.


Jennifer M. Mayo
Acting Clerk of the Commission

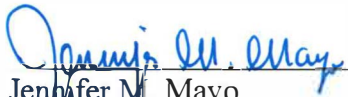
³ While the complainant was later arrested on January 3, 2025, for disorderly conduct, that was a separate incident, and nothing in the administrative record suggests that the redacted portion of the body-camera footage for January 1, 2025 was a law enforcement record “compiled in connection with the detection or investigation of a crime.” §1-210(b)(3), G.S.

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:

TERRANCE BURTON, 130 Pearl Harbor Street, Bridgeport, CT 06601

**FERNANDO SPAGNUOLO, CHIEF, POLICE DEPARTMENT, CITY OF WATERBURY;
POLICE DEPARTMENT, CITY OF WATERBURY; AND CITY OF WATERBURY**, c/o
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Jennifer M. Mayo
Acting Clerk of the Commission