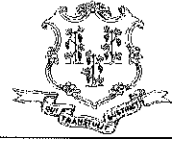


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FREEDOM OF INFORMATION



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Andre Gill,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2014-177

Dora B. Schriro, Commissioner, State of Connecticut,
Department of Emergency Services and Public
Protection; and State of Connecticut, Department of
Emergency Services and Public Protection,
Respondent(s)

January 2, 2015

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, January 28, 2015**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE January 14, 2015**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE January 14, 2015**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fourteen (14) copies** be filed **ON OR BEFORE January 14, 2015**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of
Information Commission

W. Paradis
Acting Clerk of the Commission

Notice to: Andre Gill
Assistant Attorney General Steven M. Barry
cc: Craig Washington

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Andre Gill,

Complainant

Docket # FIC 2014-177

against

Dora B. Schriro, Commissioner,
State of Connecticut, Department of Emergency
Services and Public Protection; and
State of Connecticut, Department of Emergency
Services and Public Protection,

Respondents

October 16, 2014

The above-captioned matter was heard as a contested case on September 25, 2014, at which time the complainant and respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. For purposes of hearing, the above-captioned matter was consolidated with Docket # FIC 2014-129; Andre Gill v. Chief, Police Department, City of Hartford; Police Department, City of Hartford; and City of Hartford. 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, et al., 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, by letter dated March 10, 2014, the complainant made a request to the respondents for the following records:

[a] ... all warrants applied for that were/weren't approved and executed by judge(s) signature[;]

[b] any and all written, video recorded, and audio recorded statements made by any and all witnesses pertaining to the above referenced case #11-40296[;]

[c] any and all criminal investigation reports of case #11-40296[;]

[d] any and all medical examiner's reports, forensic reports, DNA reports, ballistics reports and gunshot residue reports of case #11-40296[;]

[e] any and all crime scene photos and autopsy [sic] reports and photos of case #11-40296[;]

[f] an itemized list detailing everything that's in the case file #11-40296[;]

[g] any and all AMR and/or EMS reports: Ambulance records, on November 18, 2011 of victim Fred Pines, D.O.B. 9/1/82 brought to Saint Francis Medical Center, Hartford, CT[; and]

[h] any and all records that pertain to case file #11-40296.

3. It is found that, by letter dated March 24, 2014, the respondents' legal affairs unit informed the complainant that his request had been forwarded to their unit for review. In addition, it is found that the legal affairs unit advised the complainant that a search for records had been completed and they were unable to locate any records that were responsive to the complainant's March 10th request, described in paragraph 2, above. They also suggested that the complainant contact the Hartford Police Department to obtain a copy of the records that he sought.

4. By letter dated March 25, 2014, and filed on March 31, 2014, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide him with copies of the records, described in paragraph 2, above. The complainant also requested the imposition of civil penalties against the respondents.

5. Section 1-200(5), G.S., defines "public records or files" as:

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

6. Section 1-210(a), G.S., provides in relevant part that:

Except 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 . . . (3) receive a copy of such records in accordance with section 1-212.

7. 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.”

8. It is found that, by letter dated July 15, 2014, the respondents’ legal affairs unit informed the complainant that as of July 15th, they had conducted a second search and did not locate any records that were responsive to his March 10th request. In addition, it is found that the legal affairs unit again suggested that the complainant contact the Hartford Police Department to obtain a copy of the records that he sought as the Hartford Police Department was the arresting agency.


9. At the hearing, the respondents testified, and it is found, that both of the respondents’ searches consisted of a search of the respondents’ crime analysis and law enforcement databases using the complainant’s name and date of birth, case number and victim’s name. It is found that the respondents did not locate any records responsive to the complainant’s request.

10. It is found that the respondents do not maintain or keep any records on file that are responsive to the complainant’s request.

11. It is concluded, therefore, that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., as alleged by 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.


Paula S. Pearlman
as Hearing Officer