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# FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106  
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Anthony Lazzari,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2015-518

Chief, Police Department, Town of Newington;  
Police Department, Town of Newington; and  
Town of Newington,  
Respondent(s)

January 13, 2016

### 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, February 10, 2016**. 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 29, 2016**. 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 29, 2016**. **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 **fifteen (15) copies** be filed **ON OR BEFORE January 29, 2016**, 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: Anthony Lazzari  
Peter J. Boorman, Esq.

2016-01-13/FIC# 2015-518/Trans/wrbp/VRP//TCB

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Anthony Lazzari,

Complainant

against

Docket #FIC 2015-518

Chief, Police Department,  
Town of Newington; Police  
Department, Town of Newington; and  
Town of Newington,

Respondents

November 6, 2015

The above-captioned matter was heard as a contested case on November 5, 2015, 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. By letter of complaint filed August 10, 2015, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to comply with his request for certain public records.
3. It is found that the complainant made a July 31, 2015 request to the respondents for copies of all records pertaining to a July 31, 2015 traffic stop that resulted in the issuance of a defective equipment warning ticket by the Newington Police Department. The complainant requested a waiver of the copying fees on the grounds of his alleged indigence.

4. Section 1-200(5), G.S., provides:

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

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

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, (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.

6. It is concluded that the requested records are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

7. It is found that the respondents conducted a diligent search for the requested records.

8. It is found that the respondents provided copies of the warning ticket, records of calls from the officer and dispatch, and records of the officer's name and badge number, on August 21, 2015. It is also found that the respondents mistakenly provided a copy of the computer aided dispatch ("CAD") call information from an apparently unrelated Fire Department EMS incident concerning a gas stove left on in a house.

9. It is found that the respondents also provided audio recordings of the calls between the officer and dispatch, and certified copies of certain of the records provided on August 21, on August 25, 2015.

10. It is found that the respondents provided a copy of the CAD call report pertaining to the traffic stop in October 2015, from which copy the respondents redacted only information obtained from the Connecticut Online Law Enforcement Communication Teleprocessing ("COLLECT") System. The information redacted pertained to requested records of license plate checks, registration checks, and driver's license checks.

11. It is found that the respondents did not challenge the complainant's claim of indigency, and provided all copies free of charge.

12. It is found that the respondents did not withhold any documents from the complainant, and claimed an exemption only for the portion of the CAD call report that contained information obtained from the COLLECT system.

13. The complainant concedes that information in the COLLECT system is not accessible to the public, but maintains that once that information is printed out, copies should be made available to the public.

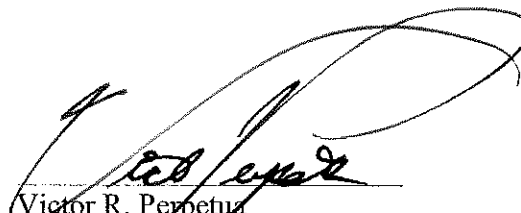
14. It is found that the information redacted from the CAD report was obtained from the national Crime Information Center ("NCIC") computerized database.

15. It is concluded that records obtained from the NCIC computerized data base are exempt from disclosure pursuant to §29-164f, G.S., (The National Crime prevention and Privacy Compact), as well as 42 U.S.C. §14616. *See, Commissioner of Public Safety v. FOIC*, 144 Conn. App. 821, 76 A.3d 185 (2013). *See also Commissioner of Correction v. FOIC; United States of America v. FOIC*, 307 Conn. 53, 52. A3d 636 (2012). *See also* Docket #FIC 2013-562, *Michael Anania v. University of Connecticut et al.*

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

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

1. The complaint is dismissed.



Victor R. Perpetua  
as Hearing Officer